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No. 123

## House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
September 21, 1999.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

### MESSAGE FROM THE SENATE

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

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2084) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. INOUE, to be the conferees on the part of the Senate.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of Janu-

ary 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

### ELIMINATION OF MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, I have the privilege of representing a very diverse district. I represent the south side of Chicago, south suburbs, and Cook and Will counties, industrial communities like Joliet, a lot of corn fields and farm towns too.

When one represents such a diverse constituency, cities, suburbs, and country, one learns to listen and listen for those common concerns and common questions that are brought forward, whether by suburbanites or city dwellers or our farm folk.

I find that in the district that I have the privilege of representing in Illinois that the common concerns are pretty simple, that folks want us to work together, they want us to solve our challenges, they want us to find solutions, and they want us to change how Washington works.

As I look back over the last 5 years, I am pleased that we have worked to find those solutions, solutions to the challenges today of balancing the budget, of cutting taxes, and reforming our welfare system and we did change how Washington works.

As I look back over the last 5 years, I am proud to say that we balanced the budget for the first time in 28 years, 3 years ago. We are now working on our third balanced budget in a row. We did

such a great job that now we have all this extra money of three trillion surplus dollars projected over the next 10 years.

We cut taxes for the middle class for the first time in 16 years, and three million Illinois children are going to benefit from the \$500 per child tax credit. We reformed welfare for the first time in a generation.

I am proud to say that in Illinois the welfare roles have been cut in half. In my home county of Grundy, our welfare roles have dropped by 84 percent. We also tamed the tax collector, shifting the burden of proof off the backs of the taxpayer and onto the IRS. Those are fundamental changes, balancing the budget, cutting taxes, reforming our welfare system, and taming the tax collector.

People often say, well, what is next? What other solutions is Congress going to find to the challenges that we face? Our agenda is simple. We want to strengthen our local schools. We want to lower the tax burden and make it fair for working families. We want to strengthen Social Security and Medicare. And we also want to pay down the national debt that was run up over 30 years of deficit spending.

I often hear common questions in the district I represent, whether at a union hall or the VFW or the Chamber of Commerce or a coffee shop or a grain elevator. People often say, when are you folks in Washington going to stop raiding the Social Security Trust Fund?

I am proud to say this Republican Congress is putting a stop to that. In fact, this year we are walling off the Social Security Trust Fund, setting aside a hundred percent of Social Security for the first time in 30 years for Social Security only.

The President says he wants to set aside 62 percent. We believe in a hundred percent of Social Security for Social Security. That means \$200 billion

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

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



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more to strengthen Social Security and Medicare.

I am often asked, people never also talk about that huge national debt that was built up over the 30 years of deficit spending beginning in the 1960s. I am proud to say that, under the Republican balanced budget, we pay down \$2.2 trillion of the national debt, the public debt, over the next few years; and that is about \$200 billion more than the President would under his proposal.

The question that I am also often asked is when are we going to do something about the tax code. People of course are fed up that 40 percent of the average family's income goes to Washington and the State capital and the county courthouse and the local government, and that tax burden is the highest in peacetime history. But they are also frustrated about the complexity of our tax code and the unfairness of our tax code.

Over the last couple of years I have often asked this question in the well of the House, and that is, is it right, is it fair that under our tax code married working couples pay more in taxes? A husband and wife who are both in the workforce pay more in taxes than an identical couple that live outside of the marriage. Is it right, is it fair that under our tax code that 21 million married, working couples pay on average \$1,400 more in higher taxes just because they are married? Of course not. It is wrong that under our tax code that 21 million married, working couples pay \$1,400 more just because they are married.

I have a photo here of a young couple in Joliet, Illinois, one of the communities that I represent, Michelle and Shad Hallihan. They are public school teachers in the Joliet public school system. They just had a baby. They are celebrating the birth of a child. They suffer the marriage tax penalty because they are both in the workforce. And under our tax code this young couple who just had a baby, who is just starting their life together as a family, pays higher taxes just because they chose to get married.

Now, had they chose to live together outside of marriage they would not pay those higher taxes. I am proud to say the House and Senate passed legislation which will eliminate the marriage tax penalty for the majority of those who suffer it. It is a key part; it is an essential part of the Financial Freedom Act, legislation that will lower the tax burden as well as simplify the tax code and bring fairness to the tax code.

The question of the day is, Mr. President, are you going to join with us in eliminating the marriage tax penalty to help hard-working, young Americans, actually Americans of every age, because seniors suffer the marriage tax penalty, but people like Michelle and Shad Hallihan who suffer the marriage tax penalty?

Our legislation eliminates the marriage tax penalty for a majority of

those who suffer it. It should be a bipartisan effort. We ask the President to join with us, sign the tax cut, sign the Financial Freedom Act, and eliminate the marriage tax penalty.

#### INS REIMBURSEMENT TO GUAM AND COMPACT-IMPACT AID FUNDING

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

Mr. UNDERWOOD. Mr. Speaker, today I want to talk about a couple of issues that are vitally important to the people of Guam and as we face the prospect of trying to deal with the remaining appropriations measures and face the possibility of some protracted negotiations between the leaders of both the House and Senate and the Administration, and these two issues pertain to the reimbursement for costs that have been incurred in Guam as a result of unrestricted immigration as well as recent experience, in particular this year with the onset of the arrival of many illegal immigrants coming from the People's Republic of China.

Since the beginning of this year, Guam has been marked by some of the smugglers inside the People's Republic of China as the newest target for Chinese criminal organizations smuggling human cargo from the PRC.

In the past 4 months alone, Guam has been the recipient of more than 700 illegal aliens seeking political asylum in the United States. These figures have already surpassed the total of 1998 of over 600. It is further suspected that many more undocumented arrivals have hit Guam that have not been counted.

As the U.S.'s westernmost border, Guam is perhaps the most attractive destination to enter the United States from the PRC. Guam is the closest American jurisdiction to China. The full application of the INA, the Immigration and Nationality Act, applies to Guam. Because of this, what has happened is that these people come to Guam and apply for some form of political asylum and then they are allowed to move on.

Through very protracted negotiations involving the White House and particularly the National Security Council, as well as INS officials, we have been able to slow down this process by using the Northern Marianas as the place where they could also be taken. Interestingly, in the Northern Marianas, the full weight of the INS does not apply so, as a consequence, they were more easily repatriated back to the PRC.

Guam is a very small place, only 212 small miles and a small population of 150,000. The real problem here for the people of Guam is that despite all of the guarantees of the Federal Government, the cost of housing these people

has fallen on the Government of Guam. As a matter of fact, leading up until last month, the total cost is well over \$7 million this year alone. And there continues to be over 500 of these individuals remaining in Guam facilities, in Guam Department of Correction facilities; and the prospect is that they may be there another year or 2 years at the rate of approximately \$50,000 a day.

Now, we had hoped that this reimbursement would come through in the process of the appropriations as the administration has asked for that, but it has not come to pass.

Last week, however, our neighbors to the north, who have a much smaller bill presented to the Federal Government, the INS surprisingly announced that they were satisfying that bill from the Northern Marianas to the amount of \$750,000.

So today, certainly I call upon the INS to get moving on this issue to try to find the resources to reimburse the people of Guam and to reimburse the local coffers for this cost, which is not our doing and which was entered into as a result of good-faith negotiations between the Government of Guam and federal officials.

Secondarily, there is also the issue of compact-impact assistance. This is as a result of the unrestricted migration of citizens from the newly independent states, the so-called freely associated states, primarily the federated states of Micronesia.

This has been a continuing source of debate. There is a federal law which says that any social and educational costs as a result of this unrestricted migration, they are the only independent countries in the world that have no quotas, no visa requirements; they can freely migrate into any part of the United States, that as a result of any social or educational costs, the Federal Government will reimburse the territories.

Well, because Guam is near these areas, these people have gone to Guam and continue to utilize social and educational resources, which we estimate amount to anywhere between \$15 million and \$20 million a year.

As I speak today, in 1996, we were able to get an amendment to the Interior Appropriations Act to get a stream of roughly \$4.5 million to Guam every year since then. But we certainly look forward to balancing those books a little bit more.

The President's request put in \$10 million for the upcoming year. And certainly it is my hope that as we continue the process of vetting the appropriations measures that these two important items, obligations of the Federal Government will be met.

#### WHY WE NEED TO MAKE AED'S MORE AVAILABLE

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

Mr. STEARNS. Mr. Speaker, today I want to share with my colleagues why I believe passage of the cardiac arrest survival act is so important to this country.

If this bill becomes law, it would have the potential of saving thousands and thousands of lives each year. Passage of this act would go a long way towards making the goal of saving the lives of people who suffer sudden cardiac arrest possible. It would ensure that what the American Heart Association refers to as a "cardiac chain of survival" could go into effect.

While defibrillation, which is number three on the list, is the most effective mechanism to revive a heart that has stopped, it is also the least accessed tool we have available to treat victims suffering from heart failure.

Let me tell my colleagues about an experience about a Navy commander, John Hearing's experience. He is a cardiac arrest survivor. On October 9, 1997, stationed in Fallon, Nevada, Navy Commander John Hearing was swimming as part of a semi-annual physical readiness test when he suddenly felt ill. He went to the base clinic and collapsed inside, where Corpsmen immediately started CPR.

Although there was a hospital defibrillator available in the clinic, the emergency medical technicians were not trained to use it. So, of course, they called for help. A doctor arrived and defibrillated him.

After 8 months of limited duty, he was cleared to return to active duty and is currently assigned to the Office of Secretary of Defense.

Commander Hearing's outcome could have been tragic if the doctor had not been available. If the doctor had not been available, the EMTs, who were not equipped with an automated external defibrillator, AED, would have likely watched Commander Hearing die.

Commander Hearing knows how lucky he is today. His experience stands in contrast to another incident at the Pentagon in March of 1998.

□ 1245

Army Colonel Mike Moake was exercising in the Pentagon Athletic Club early one morning when he experienced a sudden cardiac arrest. Paramedics were called, and bystanders performed CPR on Colonel Moake. Medics arrived more than 20 minutes after his collapse and defibrillated him. They started his heart, but by that time Colonel Moake had suffered irreversible brain damage. Unfortunately, he died 2 weeks later.

If an automated external defibrillator had been available in this case, Colonel Moake's chances of survival would have improved immeasurably. Partly as a result of Colonel Moake's tragic death, the Pentagon is procuring and installing several AEDs. After Commander Hearing's experience in Fallon, Nevada, the Navy procured AEDs for the clinic and ambulances at several other military bases.

The American Heart Association and American Red Cross objective is to advance legislation like the Cardiac Arrest Survival Act so others do not have to die or barely escape death before AEDs are made accessible to them.

Bob Adams also had a dramatic experience that I also would like to share, Mr. Speaker, with my colleagues. This occurred on July 3, 1997. Bob Adams was walking through Grand Central Station in New York City when his heart suddenly stopped and he collapsed. He was 42 years old, a lawyer in a firm of 450 people, a husband, and a father of three young children. He was in perfect health and always had been. From the time he played collegiate basketball at Colgate College up to his current avocation as a NCAA basketball referee, health was a nonissue to him.

Nevertheless, without warning, without any history of heart disease, he went into cardiac arrest the day before a holiday weekend, in a location through which half a million people pass every day.

For Bob, timing was everything. On July 2, the day before he collapsed, the automated external defibrillator that the Metro North Commuter Railroad had ordered for use in Grand Central Station had arrived and the staff had been trained in its use.

Bob's heart was stopped for approximately 5 minutes while the AED was put in place. It was unpacked from its shipping box and everyone hoped it had come with charged batteries. Thanks to the trained staff at the station and an EMT who happened to be present, his life was saved.

Doctors have never discovered what happened to his heart. It simply stopped. Whatever it was, he and his wife Sue, along with their three children, Kimberly, Ryan and Kyle, are very glad there was an AED at Grand Central Station.

Please join with me in cosponsoring H.R. 2498, the Cardiac Arrest Survival Act, and help save lives.

#### TWO FLOODS AND YOU ARE OUT

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

Mr. BLUMENAUER. Mr. Speaker, the goal of livable communities is to make our families safe, healthy, and economically secure. Witnessing the devastation that has occurred this last week in the southeastern United States is painful to watch. Thirty-five known dead; others still unaccounted for. Imagine the suffering and disruption of lives and business. It has shown us once again how vulnerable millions of Americans are to natural disaster. The worst floods in years, unforgettable images of disaster, entire families wiped out. We need to help those who are suffering now, but we also need to take steps to

prevent suffering like this in the future because it will happen again.

Hurricane experts suggest we are emerging from a relatively calm weather period to a more active destructive one. Increasing development pressures are resulting in building homes in flood plains around rivers, lakes, and on our coasts. One does not have to believe in global warming to know we have a problem, and it is getting worse.

We have to begin to deal with this in a sensible fashion. We need to look at where we build on coasts and developments in wetlands. We need to look at how we build. Even now there is a battle raging in North Carolina, ironically, about their building codes, arguing over, for instance, whether there should be protections for windows—like storm shutters.

When we have already built, we need to look at how we can best protect property and lives from the devastating impact of natural disaster. Government, in fact, bears some responsibility for allowing and indeed facilitating homes in harm's way by subsidizing repeated flood losses through the National Flood Insurance Program.

Along with the gentleman from Nebraska (Mr. BEREUTER), I have proposed legislation to provide significant new assistance for those who are most at risk to provide \$400 million additional from the years 2001 to 2004 to help flood-proof or relocate people who are facing the greatest risk from repetitive flood loss, the people most in harm's way.

If an offer of mitigation or relocation would be refused under our proposal, then at least the residents who decide to stay in harm's way would be at least required to pay the full cost of their flood insurance, as those who already live in homes that were built or substantially improved starting in 1975 already do. The intent here is not to punish but is to take away the incentive that people are given by the Federal Government to continue to live in hazardous circumstances.

The bill's name, Two Floods and You Are Out—of the Taxpayers' Pocket, might be a bit provocative but the issue goes far beyond money. The goal of the two floods bill is not to eliminate the flood insurance but, rather, the goal is to protect the lives of Americans who live in the path of frequent flooding, to protect the flood insurance program for the 4 million current policyholders, and to protect the American taxpayer.

The flood insurance program cannot continue as it is now. There is a deficit right at this moment of almost three-quarters of a billion dollars and it is climbing. Two percent of the policyholders have claimed 40 percent of all flood insurance payments since 1978. Many of them have chosen to live, sadly, in these areas of greatest conflict.

There is a home in Texas that has received over \$806,000 of flood insurance

in 16 different events in less than 20 years, and the home is worth only \$114,000.

The question then becomes, should the Federal Government be in the business of providing an incentive for a small number of people to stop and continuously risk not just their property but their lives and those of their families and their neighbors.

Nicholas Sparks in this Sunday's New York Times Magazine suggests that, well, maybe the answer is yes. He plans to rebuild in a hurricane devastated sand dune on the Carolina coast.

I think that the majority of Americans would disagree. If there is a compassionate way to provide an incentive for people to move out of harm's way, that is what we should consider. If there is a way to provide that incentive while also protecting the flood insurance program and the American taxpayer, then that approach should be implemented as soon as possible.

There are ways to protect lives: The flood insurance program and the taxpayer. The Two Floods bill would provide assistance to those who are most in danger to help them move to higher ground or to flood-proof their home. The money spent to move them from harm's way protects the lives of families that live by them and protects the health of the flood insurance program by ending the danger of repeated damage claims.

Putting people, their families, and their neighbors who try to save them at risk does them no favor. Encouraging people we know to suffer repeated loss and threat is a waste of more than taxpayers' money. The loss of property, business, and human life is a tragedy we can help prevent. I urge my colleagues to support reform of the national flood insurance program.

#### TRIBUTE TO FELIX TRINIDAD, A NATIVE SON OF PUERTO RICO

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I would like to take this opportunity to congratulate Felix "Tito" Trinidad, a native son of Puerto Rico, on his tremendous victory in the world welterweight title fight this past Saturday, September 18. Tito's victory over his talented and worthy opponent, Oscar De La Hoya, has touched off one of the largest and most passionate celebrations in the long and storied history of sports in Puerto Rico.

Both fighters brought impressive credentials to this bout. Each one was undefeated, with Trinidad having won 35 straight matches and De La Hoya 31 straight victories. Public interest for a bout between these two ran high and once the match was set, anticipation reached a fevered pitch; and the fans

who watched this clash on Saturday night were treated to a tremendous spectacle.

De La Hoya fought confidently and appeared to have a lead midway through the fight, but Tito showed the heart of a champion by coming back to win the later rounds and, with them, the bout. His perseverance against a great opponent and the tenacity he showed in overcoming the deficit he faced was an inspiration for all of us.

Nowhere is Tito's victory appreciated more than in Puerto Rico. We are intensely proud of our native son who has brought us great honor. Even before his victory on Saturday, Tito was recognized as one of the heroes of the long and storied history of sports in Puerto Rico.

Of course, Puerto Rico's sports history focuses heavily on America's national pastime, baseball, a game that Puerto Ricans have embraced with an unrivaled passion. Our heroes include the legendary Roberto Clemente, known as much for his acts of humanitarian compassion as for his baseball skills, and such current stars as Juan Gonzalez, Ivan Rodriguez, Roberto and Sandy Alomar, Edgar Martinez, and Bernie Williams, to name a few.

Tito's victory on Saturday night adds another significant chapter to the great history of Puerto Ricans distinguishing themselves in the world of sports.

I hope other Members of this body will join me in congratulating Felix Trinidad on his great victory over his outstanding opponent, Oscar De La Hoya, on Saturday night. All of Puerto Rico is proud of you, Tito, and so are your fellow American citizens who saw your outstanding display of courage and tenacity. You show the true mettle of a champion, the stuff heroes are made of. You are an example to our youth in Puerto Rico and to all the youth across the Nation.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 56 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

#### PRAYER

The Reverend David N. Morrell, St. Martin's Lutheran Church, Houston, Texas, offered the following prayer:

Let us pray. Gracious and eternal God, as these men and women who have been elected by the people of this Nation to represent them gather today, we ask Your blessing upon them. Grant that they be open to Your divine will

and the guidance of Your Holy Spirit as they discuss, debate, and decide the issues before them.

On this new day, guide the leadership, the Members, and their staff that their efforts for equality, justice, mercy, and compassion will bear fruit in this Nation and in Your world.

In faith and hope we pray, in the name of Jesus Christ our Lord. Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

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

Mr. CALVERT 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.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, September 20, 1999.

Hon. J. DENNIS HASTERT,

The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 16, 1999 at 3:10 p.m. and said to contain a message from the President whereby he transmits to the Congress proposed legislation entitled, the "Cyberspace Electronic Security Act of 1999."

With best wishes, I am  
Sincerely,

JEFF TRANDAHLL.

#### CYBERSPACE ELECTRONIC SECURITY ACT OF 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-123)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary and the Committee on Government Reform and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your early consideration and speedy enactment a legislative proposal entitled the "Cyberspace Electronic Security Act of 1999" (CESA). Also transmitted herewith is a section-by-section analysis.

There is little question that continuing advances in technology are changing forever the way in which people live, the way they communicate with each other, and the manner in which they work and conduct commerce. In just a few years, the Internet has shown the world a glimpse of what is attainable in the information age. As a result, the demand for more and better access to information and electronic commerce continues to grow—among not just individuals and consumers, but also among financial, medical, and educational institutions, manufacturers and merchants, and State and local governments. This increased reliance on information and communications raises important privacy issues because Americans want assurance that their sensitive personal and business information is protected from unauthorized access as it resides on and traverses national and international communications networks. For Americans to trust this new electronic environment, and for the promise of electronic commerce and the global information infrastructure to be fully realized, information systems must provide methods to protect the data and communications of legitimate users. Encryption can address this need because encryption can be used to protect the confidentiality of both stored data and communications. Therefore, my Administration continues to support the development, adoption, and use of robust encryption by legitimate users.

At the same time, however, the same encryption products that help facilitate confidential communications between law-abiding citizens also pose a significant and undeniable public safety risk when used to facilitate and mask illegal and criminal activity. Although cryptography has many legitimate and important uses, it is also increasingly used as a means to promote criminal activity, such as drug trafficking, terrorism, white collar crime, and the distribution of child pornography.

The advent and eventual widespread use of encryption poses significant and heretofore unseen challenges to law enforcement and public safety. Under existing statutory and constitutional law, law enforcement is provided with different means to collect evidence of illegal activity in such forms as communications or stored data on computers. These means are rendered wholly insufficient when encryption is utilized to scramble the information in such a manner that law enforcement, acting pursuant to lawful authority, cannot decipher the evidence in a timely manner, if at all. In the context of law enforcement operations, time is of the essence and may mean the difference between success and catastrophic failure.

A sound and effective public policy must support the development and use of encryption for legitimate purposes but allow access to plain text by law

enforcement when encryption is utilized by criminals. This requires an approach that properly balances critical privacy interests with the need to preserve public safety. As is explained more fully in the sectional analysis that accompanies this proposed legislation, the CESA provides such a balance by simultaneously creating significant new privacy protections for lawful users of encryption, while assisting law enforcement's efforts to preserve existing and constitutionally supported means of responding to criminal activity.

The CESA establishes limitations on government use and disclosure of decryption keys obtained by court process and provides special protections for decryption keys stored with third party "recovery agents." CESA authorizes a recovery agent to disclose stored recovery information to the government, or to use stored recovery information on behalf of the government, in a narrow range of circumstances (e.g., pursuant to a search warrant or in accordance with a court order under the Act). In addition, CESA would authorize appropriations for the Technical Support Center in the Federal Bureau of Investigation, which will serve as a centralized technical resource for Federal, State, and local law enforcement in responding to the increasing use of encryption by criminals.

I look forward to working with the Congress on this important national issue.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 16, 1999.

SALUTE TO GERARD GAUTHIER, EDWIN KUHLMANN, AND ROBERT STUMPF UPON RECEIPT OF POW MEDALS AT NELLIS AIR FORCE BASE

(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, today I rise in honor of three POWs, and I recall the words of President John F. Kennedy who once said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility. I welcome it."

Mr. Speaker, I can think of no better words to describe three former World War II POWs from Nevada who were honored with POW Medals at Nellis Air Force Base last Friday.

Gerard Gauthier, Edwin Kuhlmann, and Robert Stumpf did not shrink from their responsibilities, indeed they welcomed them, ultimately enduring the greatest test of fighting men and women, as captives of our enemies.

Just as the Soldiers' Code of Conduct now says, these men never forgot that they were American fighting men, responsible for their actions and dedicated to the principles which made our country free.

I stand here to honor these men, men of one of the greatest generations for providing the fighting men and women that followed in their footsteps the bedrock for returning with honor. As a veteran of two of our Nation's wars, I salute their sacrifices and services. They are our heroes. They are our Nation's heroes. I thank them for their patriotism, their courage, and their inspiration.

#### SPIES FROM RUSSIA

(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, first it was China, and now it is Russia. The FBI said Russia is spying on America. If that is not enough to tax one's vodka.

The FBI says that 50 percent of all Russian diplomats in America are likely to be spies. Unbelievable. The White House gives billions of dollars to Boris. Boris uses our money to spy on us.

Now, Mr. Speaker, I thought we always gave billions of dollars to Russia because they were so poor they could not even afford toilet paper. I say it is time to put Boris on a cash diet. Maybe when he runs out of toilet paper, he will stop spying on us.

Mr. Speaker, I yield back the Charmin.

#### REPUBLICAN TAX CUT IS FAIR, PRUDENT AND BALANCED

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

Mr. STEARNS. Mr. Speaker, let us set the record straight this afternoon about the Democrat accusations that the Republican tax relief package is huge, massive, gigantic, irresponsible.

It starts very slowly, as a matter of fact, and it only goes forward if we have surpluses.

Here are some figures that my colleagues will not hear from the Democrats: The tax cut for the first year, the fiscal year 2000, it is \$5.3 billion. Now, out of an \$8 trillion economy, that is not massive.

The next year, 2001, it is \$1.1 billion. Now, that is not huge. In the year 2002, it is \$34.7 billion. In the year 2003, it is \$53.1 billion. In the year 2004, it is \$61.7 billion.

So, Mr. Speaker, over the next 5 years, the tax cuts will total about \$156 billion. That is not risky. That is not irresponsible. These are the numbers, and these are the facts.

This approach by the Republicans is balanced, fair, prudent, and a great tax cut for the American people.

#### CALL FOR LIBERALS TO EXPLAIN WHY TAX RELIEF PROPOSAL IS SO OFFENSIVE

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

Mr. HEFLEY. Mr. Speaker, liberal Democrats do an awful lot of railing against the Republican tax proposal that the President has promised to veto. The funny thing is they never tell us exactly what parts of the tax proposal they find so offensive.

Are they against the part that would make it easier for parents to save for their children's education? Are they against the part that would make it easier for workers to obtain health insurance? Are they against reducing the marriage penalty? Are they against doing away with the death tax? Or are they against the part which reduces the tax on capital gains, the part of the tax code which has perhaps the greatest impact on whether the American economy is a job-producing machine.

Who will come forth and explain what part of the Republican tax proposal offends liberal sensibilities? Let me tell my colleagues I think all of it offends them because they want every penny they can get for more government and bigger government.

I am not surprised that a liberal President wants to veto this true tax relief package.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

#### VETERANS' MILLENNIUM HEALTH CARE ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 2116

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Millennium Health Care Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references to title 38, United States Code.

#### TITLE I—ACCESS TO CARE

Sec. 101. Extended care services.

Sec. 102. Reimbursement for emergency treatment.

Sec. 103. Eligibility for care of combat-injured veterans.

Sec. 104. Access to care for military retirees.

Sec. 105. Benefits for persons disabled by participation in compensated work therapy program.

Sec. 106. Pilot program of medical care for certain dependents of enrolled veterans.

Sec. 107. Enhanced services program at designated medical centers.

Sec. 108. Counseling and treatment for veterans who have experienced sexual trauma.

#### TITLE II—PROGRAM ADMINISTRATION

Sec. 201. Medical care collections.

Sec. 202. Health Services Improvement Fund.

Sec. 203. Veterans Tobacco Trust Fund.

Sec. 204. Authority to accept funds for education and training.

Sec. 205. Extension and revision of certain authorities.

Sec. 206. State Home grant program.

Sec. 207. Expansion of enhanced-use lease authority.

Sec. 208. Ineligibility for employment by Veterans Health Administration of health care professionals who have lost license to practice in one jurisdiction while still licensed in another jurisdiction.

#### TITLE III—MISCELLANEOUS

Sec. 301. Review of proposed changes to operation of medical facilities.

Sec. 302. Patient services at Department facilities.

Sec. 303. Report on assisted living services.

Sec. 304. Chiropractic treatment.

Sec. 305. Designation of hospital bed replacement building at Ioannis A. Lougaris Department of Veterans Affairs Medical Center, Reno, Nevada.

#### TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

Sec. 401. Authorization of major medical facility projects.

Sec. 402. Authorization of major medical facility leases.

Sec. 403. Authorization of appropriations.

(c) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### TITLE I—ACCESS TO CARE

##### SEC. 101. EXTENDED CARE SERVICES.

(a) REQUIREMENT TO PROVIDE EXTENDED CARE SERVICES.—(1) Chapter 17 is amended by inserting after section 1710 the following new section:

##### "§ 1710A. Extended care services

"(a) The Secretary (subject to section 1710(a)(4) of this title and subsection (c) of this section) shall operate and maintain a program to provide extended care services to eligible veterans in accordance with this section. Such services shall include the following:

"(1) Geriatric evaluation.

"(2) Nursing home care (A) in facilities operated by the Secretary, and (B) in community-based facilities through contracts under section 1720 of this title.

"(3) Domiciliary services under section 1710(b) of this title.

"(4) Adult day health care under section 1720(f) of this title.

"(5) Such other noninstitutional alternatives to nursing home care, including

those described in section 1720C of this title, as the Secretary considers reasonable and appropriate.

"(6) Respite care under section 1720B of this title.

"(b)(1) In carrying out subsection (a), the Secretary shall provide extended care services which the Secretary determines are needed (A) to any veteran in need of such care for a service-connected disability, and (B) to any veteran who is in need of such care and who has a service-connected disability rated at 50 percent or more.

"(2) The Secretary, in making placements for nursing home care in Department facilities, shall give highest priority to veterans (A) who are in need of such care for a service-connected disability, or (B) who have a service-connected disability rated at 50 percent or more. The Secretary shall ensure that a veteran described in this subsection who continues to need nursing home care shall not after placement in a Department nursing home be transferred from the facility without the consent of the veteran, or, in the event the veteran cannot provide informed consent, the representative of the veteran.

"(c)(1) The Secretary, in carrying out subsection (a), shall prescribe regulations governing the priorities for the provision of nursing home care in Department facilities so as to ensure that priority for such care is given (A) for patient rehabilitation, (B) for clinically complex patient populations, and (C) for patients for whom there are not other suitable placement options.

"(2) The Secretary may not furnish extended care services for a non-service-connected disability other than in the case of a veteran who has a service-connected disability rated at 50 percent or more unless the veteran agrees to pay to the United States a copayment for extended care services of more than 21 days in any year.

"(d)(1) A veteran who is furnished extended care services under this chapter and who is required under subsection (c)(2) to pay an amount to the United States in order to be furnished such services shall be liable to the United States for that amount.

"(2) In implementing subsection (c)(2), the Secretary shall develop a methodology for establishing the amount of the copayment for which a veteran described in subsection (c) is liable. That methodology shall provide for—

"(A) establishing a maximum monthly copayment (based on all income and assets of the veteran and the spouse of such veteran);

"(B) protecting the spouse of a veteran from financial hardship by not counting all of the income and assets of the veteran and spouse (in the case of a spouse who resides in the community) as available for determining the copayment obligation; and

"(C) allowing the veteran to retain a monthly personal allowance.

"(e)(1) There is established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Extended Care Fund (hereinafter in this section referred to as the "fund"). Amounts in the fund shall be available, without fiscal year limitation and without further appropriation, exclusively for the purpose of providing extended care services under subsection (a).

"(2) All amounts received by the Department under this section shall be deposited in or credited to the fund."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1710 the following new item:

"1710A. Requirement to provide extended care."

(b) REQUIREMENT TO INCREASE EXTENDED CARE SERVICES.—(1) Not later than January

1, 2000, the Secretary of Veterans Affairs shall develop and begin to implement a plan for carrying out the recommendation of the Federal Advisory Committee on the Future of Long-Term Care to increase, above the level of extended care services which were provided as of September 30, 1998—

(A) the options and services for home and community-based care for eligible veterans; and

(B) the percentage of the Department of Veterans Affairs medical care budget dedicated to such care.

(2) The Secretary shall ensure that the staffing and level of extended care services provided by the Secretary nationally in facilities operated by the Secretary during any fiscal year is not less than the level of such services provided nationally in facilities operated by the Secretary during fiscal year 1998.

(c) ADULT DAY HEALTH CARE.—Section 1720(f)(1)(A) is amended to read as follows:

“(f)(1)(A) The Secretary may furnish adult day health care services to a veteran enrolled under section 1705(a) of this title who would otherwise require nursing home care.”

(d) RESPITE CARE PROGRAM.—Section 1720B is amended—

(1) in subsection (a), by striking “eligible” and inserting “enrolled”;

(2) in subsection (b)—

(A) by striking “the term ‘respite care’ means hospital or nursing home care” and inserting “the term ‘respite care services’ means care and services”;

(B) by striking “is” at the beginning of each of paragraphs (1), (2), and (3) and inserting “are”; and

(C) by striking “in a Department facility” in paragraph (2); and

(3) by adding at the end the following new subsection:

“(c) In furnishing respite care services, the Secretary may enter into contract arrangements.”

(e) CONFORMING AMENDMENTS.—Section 1710 is amended—

(1) in subsection (a)(1), by striking “may furnish nursing home care,”; and

(2) in subsection (a)(4), by inserting “, and the requirement in section 1710A of this title that the Secretary provide a program of extended care services,” after “medical services”.

(f) STATE HOMES.—Section 1741(a)(2) is amended by striking “adult day health care in a State home” and inserting “extended care services described in any of paragraphs (4) through (6) of section 1710A(a) of this title under a program administered by a State home”.

(g) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Subsection (c)(2) of section 1710A(a) of title 38, United States Code (as added by subsection (a)), shall take effect on the effective date of regulations prescribed by the Secretary of Veterans Affairs under subsections (c)(2) and (d) of such section. The Secretary shall publish the effective date of such regulations in the Federal Register.

(3) The provisions of section 1710(f) of title 38, United States Code, shall not apply to any day of nursing home care on or after the effective date of regulations under paragraph (2).

#### SEC. 102. REIMBURSEMENT FOR EMERGENCY TREATMENT.

(a) AUTHORITY TO PROVIDE REIMBURSEMENT.—Chapter 17 is amended by inserting after section 1724 the following new section:

##### “§ 1725. Reimbursement for emergency treatment

“(a) GENERAL AUTHORITY.—(1) Subject to subsections (c) and (d), the Secretary may

reimburse a veteran described in subsection (b) for the reasonable value of emergency treatment furnished the veteran in a non-Department facility.

“(2) In any case in which reimbursement is authorized under subsection (a)(1), the Secretary, in the Secretary’s discretion, may, in lieu of reimbursing the veteran, make payment of the reasonable value of the furnished emergency treatment directly—

“(A) to a hospital or other health care provider that furnished the treatment; or

“(B) to the person or organization that paid for such treatment on behalf of such veteran.

“(b) ELIGIBILITY.—(1) A veteran referred to in subsection (a)(1) is an individual who is an active Department health-care participant who is personally liable for emergency treatment furnished the veteran in a non-Department facility.

“(2) A veteran is an active Department health-care participant if the veteran—

“(A) is described in any of paragraphs (1) through (6) of section 1705(a) of this title;

“(B) is enrolled in the health care system established under such section; and

“(C) received care under this chapter within the 12-month period preceding the furnishing of such emergency treatment.

“(3) A veteran is personally liable for emergency treatment furnished the veteran in a non-Department facility if the veteran—

“(A) is financially liable to the provider of emergency treatment for that treatment;

“(B) has no entitlement to care or services under a health-plan contract;

“(C) has no other contractual or legal recourse against a third party that would, in whole or in part, extinguish such liability to the provider; and

“(D) is not eligible for reimbursement for medical care or services under section 1728 of this title.

“(c) LIMITATIONS ON REIMBURSEMENT.—(1) The Secretary, in accordance with regulations prescribed by the Secretary, shall—

“(A) establish the maximum amount payable under subsection (a);

“(B) delineate the circumstances under which such payments may be made, to include such requirements on requesting reimbursement as the Secretary shall establish; and

“(C) provide that in no event may a payment under that subsection include any amount for which the veteran is not personally liable.

“(2) Subject to paragraph (1), the Secretary may provide reimbursement under this section only after the veteran or the provider of emergency treatment has exhausted without success all claims and remedies reasonably available to the veteran or provider against a third party for payment of such treatment.

“(3) Payment by the Secretary under this section, on behalf of a veteran described in subsection (b), to a provider of emergency treatment, shall, unless rejected and refunded by the provider within 30 days of receipt, extinguish any liability on the part of the veteran for that treatment. Neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirement in the preceding sentence.

“(d) INDEPENDENT RIGHT OF RECOVERY.—(1) In accordance with regulations prescribed by the Secretary, the United States shall have the independent right to recover any amount paid under this section when, and to the extent that, a third party subsequently makes a payment for the same emergency treatment.

“(2) Any amount paid by the United States to the veteran (or the veteran’s personal rep-

resentative, successor, dependents, or survivors) or to any other person or organization paying for such treatment shall constitute a lien in favor of the United States against any recovery the payee subsequently receives from a third party for the same treatment.

“(3) Any amount paid by the United States to the provider that furnished the veteran’s emergency treatment shall constitute a lien against any subsequent amount the provider receives from a third party for the same emergency treatment for which the United States made payment.

“(4) The veteran (or the veteran’s personal representative, successor, dependents, or survivors) shall ensure that the Secretary is promptly notified of any payment received from any third party for emergency treatment furnished to the veteran. The veteran (or the veteran’s personal representative, successor, dependents, or survivors) shall immediately forward all documents relating to such payment, cooperate with the Secretary in the investigation of such payment, and assist the Secretary in enforcing the United States right to recover any payment made under subsection (c)(3).

“(e) WAIVER.—The Secretary, in the Secretary’s discretion, may waive recovery of a payment made to a veteran under this section that is otherwise required by subsection (d)(1) when the Secretary determines that such waiver would be in the best interest of the United States, as defined by regulations prescribed by the Secretary.

“(f) DEFINITIONS.—For purposes of this section:

“(1) The term ‘emergency treatment’ means medical care or services furnished, in the judgment of the Secretary—

“(A) when Department or other Federal facilities are not feasibly available and an attempt to use them beforehand would not be reasonable;

“(B) when such care or services are rendered in a medical emergency of such nature that delay would be hazardous to life or health; and

“(C) until such time as the veteran can be transferred safely to a Department facility or other Federal facility.

“(2) The term ‘health-plan contract’ includes any of the following:

“(A) An insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement under which health services for individuals are provided or the expenses of such services are paid.

“(B) An insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of such Act (42 U.S.C. 1395j).

“(C) A State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.).

“(D) A workers’ compensation law or plan described in section 1729(a)(2)(A) of this title.

“(E) A law of a State or political subdivision described in section 1729(a)(2)(B) of this title.

“(3) The term ‘third party’ means any of the following:

“(A) A Federal entity.

“(B) A State or political subdivision of a State.

“(C) An employer or an employer’s insurance carrier.

“(D) An automobile accident reparations insurance carrier.

“(E) A person or entity obligated to provide, or to pay the expenses of, health services under a health-plan contract.”

(b) CONFORMING AMENDMENTS.—(1) Section 1729A(b) is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

“(6) Section 1725 of this title.”

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1724 the following new item:

“1725. Reimbursement for emergency treatment.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION REPORTS.—The Secretary of Veterans Affairs shall include with the budget justification materials submitted to Congress in support of the Department of Veterans Affairs budget for fiscal year 2002 and for fiscal year 2003 a report on the implementation of section 1725 of title 38, United States Code, as added by subsection (a). Each such report shall include information on the experience of the Department under that section and the costs incurred, and expected to be incurred, under that section.

**SEC. 103. ELIGIBILITY FOR CARE OF COMBAT-INJURED VETERANS.**

(a) PRIORITY OF CARE.—Chapter 17 is amended—

(1) in section 1710(a)(2)(D), by inserting “or who was injured in combat” after “former prisoner of war”; and

(2) in section 1705(a)(3), by inserting “or who were injured in combat” after “former prisoners of war”.

(b) DEFINITION OF INJURED IN COMBAT.—Section 1701 is amended by adding at the end the following new paragraph:

“(10) The term ‘injured in combat’ means wounded in action as the result of an act of an enemy of the United States or otherwise wounded in action by weapon fire while directly engaged in armed conflict (other than as the result of willful misconduct by the wounded individual).”

**SEC. 104. ACCESS TO CARE FOR MILITARY RETIREES.**

(a) IMPROVED ACCESS.—(1) Section 1710(a)(2) is amended—

(A) by striking “or” at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(H) who has retired from active military, naval, or air service in the Army, Navy, Air Force, or Marine Corps, is eligible for care under the TRICARE program established by the Secretary of Defense, and is not otherwise described in paragraph (1) or in this paragraph.”

(2) Section 1705(a) is amended—

(A) by redesignating paragraph (7) as paragraph (8);

(B) by inserting after paragraph (6) the following new paragraph (7):

“(7) Veterans who are eligible for hospital care, medical services, and nursing home care under section 1710(a)(2)(H) of this title.”; and

(C) in paragraph (6), by inserting “(other than subparagraph (H) of such section)” before the period at the end.

(b) INTERAGENCY AGREEMENT.—(1) The Secretary of Defense shall enter into an agreement (characterized as a memorandum of understanding or otherwise) with the Secretary of Veterans Affairs with respect to the provision of medical care by the Secretary of Veterans Affairs to eligible military retirees in accordance with the amendments made by subsection (a). That agreement shall include provisions for reimbursement of the Secretary of Veterans Affairs by the Secretary of Defense for medical care provided by the Secretary of Veterans Af-

fairs to an eligible military retiree and may include such other provisions with respect to the terms and conditions of such care as may be agreed upon by the two Secretaries.

(2) Reimbursement under that agreement shall be in accordance with rates agreed upon by the Secretary of Defense and the Secretary of Veterans Affairs. Such reimbursement may be made by the Secretary of Defense or by the appropriate TRICARE Managed Care Support contractor, as determined in accordance with that agreement.

(3) In entering into the agreement under paragraph (1), particularly with respect to determination of the rates of reimbursement under paragraph (2), the Secretary of Defense shall consult with TRICARE Managed Care Support contractors.

(4) The Secretary of Veterans Affairs may not enter into an agreement under paragraph (1) for the provision of care in accordance with the amendments made by subsection (a) with respect to any geographic service area, or a part of any such area, of the Veterans Health Administration unless—

(A) in the judgment of that Secretary, the Department of Veterans Affairs will recover the costs of providing such care to eligible military retirees; and

(B) that Secretary has certified and documented, with respect to any geographic service area in which the Secretary proposes to provide care in accordance with the amendments made by subsection (a), that such geographic service area, or designated part of any such area, has adequate capacity (consistent with the requirements in section 1705(b)(1) of title 38, United States Code, that care to enrollees shall be timely and acceptable in quality) to provide such care.

(5) The agreement under paragraph (1) shall be entered into by the Secretaries not later than nine months after the date of the enactment of this Act. If the Secretaries are unable to reach agreement, they shall jointly report, by that date or within 30 days thereafter, to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and House of Representatives on the reasons for their inability to reach an agreement and their mutually agreed plan for removing any impediments to final agreement.

(c) DEPOSITING OF REIMBURSEMENTS.—Amounts received by the Secretary of Veterans Affairs under the agreement under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38, United States Code, as added by section 202.

(d) PHASED IMPLEMENTATION.—(1) The Secretary of Defense shall include in each TRICARE contract entered into after the date of the enactment of this Act provisions to implement the agreement under subsection (b).

(2) The amendments made by subsection (a) and the provisions of the agreement under subsection (b)(2) shall apply to the furnishing of medical care by the Secretary of Veterans Affairs in any area of the United States only if that area is covered by a TRICARE contract that was entered into after the date of the enactment of this Act.

(e) ELIGIBLE MILITARY RETIREES.—For purposes of subsection (b), an eligible military retiree is a member of the Army, Navy, Air Force, or Marine Corps who—

(1) has retired from active military, naval, or air service;

(2) is eligible for care under the TRICARE program established by the Secretary of Defense;

(3) has enrolled for care under section 1705 of title 38, United States Code; and

(4) is not described in paragraph (1) or (2) of section 1710(a) of such title (other than sub-

paragraph (H) of such paragraph (2)), as amended by subsection (a).

**SEC. 105. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.**

Section 1151(a)(2) is amended—

(1) by inserting “(A)” after “proximately caused”; and

(2) by inserting before the period at the end the following: “, or (B) by participation in a program (known as a ‘compensated work therapy program’) under section 1718 of this title”.

**SEC. 106. PILOT PROGRAM OF MEDICAL CARE FOR CERTAIN DEPENDENTS OF ENROLLED VETERANS.**

(a) IN GENERAL.—(1) Chapter 17 is amended by inserting after section 1713 the following new section:

**“§ 1713A. Medical care for certain dependents of enrolled veterans: pilot program**

“(a) The Secretary may, during the program period, carry out a pilot program to provide primary health care services for eligible dependents of veterans in accordance with this section.

“(b) For purposes of this section:

“(1) The term ‘program period’ means the period beginning on the first day of the first month beginning more than 180 days after the date of the enactment of this section and ending three years after that day.

“(2) The term ‘eligible dependent’ means an individual who—

“(A) is the spouse or child of a veteran who is enrolled in the system of patient enrollment established by the Secretary under section 1705 of this title; and

“(B) is determined by the Secretary to have the ability to pay for such care or services either directly or through reimbursement or indemnification from a third party.

“(c) The Secretary may furnish health care services to an eligible dependent under this section only if the dependent (or, in the case of a minor, the parent or guardian of the dependent) agrees—

“(1) to pay to the United States an amount representing the reasonable charges for the care or services furnished (as determined by the Secretary); and

“(2) to cooperate with and provide the Secretary an appropriate assignment of benefits, authorization to release medical records, and any other executed documents, information, or evidence reasonably needed by the Secretary to recover the Department's charges for the care or services furnished by the Secretary.

“(d)(1) The health care services provided under the pilot program under this section may consist of such primary hospital care services and such primary medical services as may be authorized by the Secretary. The Secretary may furnish those services directly through a Department medical facility or, subject to paragraphs (2) and (3), pursuant to a contract or other agreement with a non-Department facility (including a health-care provider, as defined in section 8152(2) of this title).

“(2) The Secretary may enter into a contract or agreement to furnish primary health care services under this section in a non-Department facility on the same basis as provided under subsections (a) and (b) of section 1703 of this title or may include such care in an existing or new agreement under section 8153 of this title when the Secretary determines it to be in the best interest of the prevailing standards of the Department medical care program.

“(3) Primary health care services may not be authorized to be furnished under this section at any medical facility if the furnishing of those services would result in the denial of, or a delay in providing, access to care for any enrolled veteran at that facility.

“(e)(1) In the case of an eligible dependent who is furnished primary health care services under this section and who has coverage under a health-plan contract, as defined in section 1729(i)(1) of this title, the United States shall have the right to recover or collect the reasonable charges for such care or services from such health-plan contract to the extent that the individual or the provider of the care or services would be eligible to receive payment for such care or services from such health-plan contract if the care or services had not been furnished by a department or agency of the United States.

“(2) The right of the United States to recover under paragraph (1) shall be enforceable with respect to an eligible dependent in the same manner as applies under subsections (a)(3), (b), (c)(1), (c)(2), (d), (f), (h), and (i) of section 1729 of this title with respect to a veteran.

“(f)(1) Subject to paragraphs (2) and (3), the pilot program under this section shall be carried out during the program period in not more than four veterans integrated service networks, as designated by the Secretary. In designating networks under the preceding sentence, the Secretary shall favor designation of networks that are suited to serve dependents of veterans because of—

“(A) the capability of one or more medical facilities within the network to furnish primary health care services to eligible dependents while assuring that veterans continue to receive priority for care and services;

“(B) the demonstrated success of such medical facilities in billings and collections;

“(C) support for initiating such a pilot program among veterans in the network; and

“(D) such other criteria as the Secretary considers appropriate.

“(2) In implementing the pilot program, the Secretary may not provide health care services for dependents who are children—

“(A) in more than one of the participating networks during the first year of the program period; and

“(B) in more than two of the participating networks during the second year of the program period.

“(3) In implementing the pilot program, the Secretary shall give priority to facilities which operate women veterans' clinics.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1713 the following new item:

“1713A. Medical care for certain dependents and enrolled veterans: pilot program.”

(b) GAO REVIEW AND RECOMMENDATIONS.—(1) Beginning six months after the commencement of the pilot program, the Comptroller General, in consultation with the Under Secretary for Health of the Department of Veterans Affairs, shall monitor the conduct of the pilot program.

(2) Not later than 14 months after the commencement of the pilot program, the Comptroller General shall submit to the Secretary of Veterans Affairs a report setting forth the Comptroller General's findings and recommendations with respect to the first 12 months of operation of the pilot program.

(3)(A) The report under paragraph (2) shall include the findings of the Comptroller General regarding—

(i) whether the collection of reasonable charges for the care or services provided reasonably covers the costs of providing such care and services; and

(ii) whether the Secretary, in carrying out the program, is in compliance with the limitation in subsection (d)(3) of section 1713A of title 38, United States Code, as added by subsection (a).

(B) The report shall include the recommendations of the Comptroller General

regarding any remedial steps that the Secretary should take in the conduct of the program or in the billing and collection of charges under the program.

(4) The Secretary, in consultation with, and following receipt of the report of, the Comptroller General, shall take such steps as may be needed to ensure that any recommendations of the Comptroller General in the report under paragraph (2) with respect to billings and collections, and with respect to compliance with the limitation in subsection (d)(3) of such section, are carried out.

(5) For purposes of this subsection, the term “commencement of the pilot program” means the date on which the Secretary of Veterans Affairs begins to furnish services to eligible dependents under the pilot program under section 1713A of title 38, United States Code, as added by subsection (a).

#### SEC. 107. ENHANCED SERVICES PROGRAM AT DESIGNATED MEDICAL CENTERS.

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

(1) Historically, health care facilities under the jurisdiction of the Department of Veterans Affairs have not consistently been located in proximity to veteran population concentrations.

(2) Hospital occupancy rates at numbers of Department medical centers are at levels substantially below a level needed for efficient operation and optimal quality of care.

(3) The costs of maintaining highly inefficient medical centers, which were designed and constructed decades ago to standards no longer considered acceptable, substantially diminish the availability of resources which could be devoted to the provision of needed direct care services.

(4) Freeing resources currently devoted to highly inefficient provision of hospital care could, through contracting for acute hospital care and establishing new facilities for provision of outpatient care, yield improved access and service to veterans.

(b) ENHANCED SERVICES PROGRAM AT DESIGNATED MEDICAL CENTERS.—The Secretary of Veterans Affairs, in carrying out the responsibilities of the Secretary to furnish hospital care and medical services through network-based planning, shall establish an enhanced service program at Department medical centers (hereinafter in this section referred to as “designated centers”) that are designated by the Secretary for the purposes of this section. Medical centers shall be designated to improve access, and quality of service provided, to veterans served by those medical centers. The Secretary may designate a medical center for the program only if the Secretary determines, on the basis of a market and data analysis (which shall include a study of the cost-effectiveness of the care provided at such center), that the medical center—

(1) can, in whole or in part, no longer be operated in a manner that provides hospital or other care efficiently and at optimal quality because of such factors as—

(A) the current and projected need for hospital or other care capacity at such center;

(B) the extent to which the facility is functionally obsolete; and

(C) the cost of operation and maintenance of the physical plant; and

(2) is located in proximity (A) to one or more community hospitals which have the capacity to provide primary and secondary hospital care of appropriate quality to veterans under contract arrangements with the Secretary which the Secretary determines are advantageous to the Department, or (B) to another Department medical center which is capable of absorbing some or all of the patient workload of such medical center.

(c) MEDICAL CENTER PLAN.—The Secretary shall, with respect to each designated center,

develop a plan aimed at improving the accessibility and quality of service provided to veterans. Each plan shall be developed in accordance with the requirements for strategic network-based planning described in section 8107 of title 38, United States Code. In the plan for a designated center, the Secretary shall describe a program which, if implemented, would allow the Secretary to do any of the following:

(1) Provide for a Department facility described in subsection (b)(2)(B) to absorb some or all of the patient workload of the designated center.

(2) Contract, under such arrangements as the Secretary determines appropriate, for needed primary and secondary hospital care for veterans—

(A) who reside in the catchment area of each designated center;

(B) who are described in paragraphs (1) through (6) of section 1705(a) of title 38, United States Code; and

(C) whom the Secretary has enrolled for care pursuant to section 1705 of title 38, United States Code.

(3) Cease to provide hospital care, or hospital care and other medical services, at such center.

(4) If practicable, lease, under subchapter V of chapter 81 of title 38, United States Code, land and improvements which had been dedicated to providing care described in paragraph (3).

(5) Establish, through reallocation of operational funds and through appropriate lease arrangements or renovations, facilities for—

(A) delivery of outpatient care; and

(B) services which would obviate a need for nursing home care or other long-term institutional care.

(d) EMPLOYEE PROTECTIONS.—(1) In entering into any contract or lease under subsection (c), the Secretary shall attempt to ensure that employees of the Secretary who would be displaced under this section be given priority in hiring by such contractor, lessee, or other entity.

(2) In carrying out subsection (c)(5), the Secretary shall give preference to providing services through employee-based delivery models.

(e) REQUIRED CONSULTATION.—In developing a plan under subsection (c), the Secretary shall obtain the views of veterans organizations, exclusive employee representatives, and other interested parties and provide for such organizations and parties to participate in the development of the plan.

(f) SUBMISSION OF PLAN TO CONGRESS.—The Secretary may not implement a plan described in subsection (c) with respect to a medical center unless the Secretary has first submitted a report containing a detailed plan and justification to the appropriate committees of Congress. No action to carry out such plan may be taken after the submission of such report until the end of a 45-day period following the date of the submission of the report, not less than 30 days of which shall be days during which Congress shall have been in continuous session. For purposes of the preceding sentence, continuity of a session of Congress is broken only by adjournment sine die, and there shall be excluded from the computation of any period of continuity of session any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

(g) IMPLEMENTATION OF PLAN.—In carrying out the plan described in subsection (c), or a modification to that plan following the submission of such plan to the appropriate committees of Congress, the Secretary—

(1) may, without regard to any limitation under section 1703 of title 38, United States Code, contract for hospital care for veterans who are—

(A) described in paragraphs (1) through (6) of section 1705(a) of title 38, United States Code; and

(B) enrolled under subsection (a) of such section 1705;

(2) may enter into any contract under section 8153 of title 38, United States Code;

(3) shall, in exercising the authority of the Secretary under this section to contract for hospital care, provide for ongoing oversight and management, by employees of the Department, of the hospital care furnished such veterans; and

(4) shall, in the case of a designated center which ceases to provide services under the program—

(A) ensure a reallocation of funds as provided in subsection (h); and

(B) provide reemployment assistance to employees.

(h) FUNDS ALLOCATION.—In carrying out subsection (g)(4), the Secretary shall ensure that not less than 90 percent of the funds that would have been made available to a designated center to support the provision of services, but for such mission change, shall be made available to the appropriate health care region of the Veterans Health Administration to ensure that the implementation of the plan under subsection (g) will result in demonstrable improvement in the accessibility, and quality of service provided, to veterans in the catchment area of such center.

(i) SPECIALIZED SERVICES.—The provisions of this section do not diminish the obligations of the Secretary under section 1706(b) of title 38, United States Code.

(j) REPORT.—Not later than 12 months after implementation of any plan under subsection (b), the Secretary shall submit to Congress a report on the implementation of the enhanced service program.

(k) RESIDUAL AUTHORITY.—Nothing in this section may be construed to diminish the authority of the Secretary to—

(1) consolidate, eliminate, abolish, or redistribute the functions or missions of facilities in the Department;

(2) revise the functions or missions of any such facility or activity; or

(3) create new facilities or activities in the Department.

#### SEC. 108. COUNSELING AND TREATMENT FOR VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) EXTENSION OF PERIOD OF PROGRAM.—Subsection (a) of section 1720D is amended—

(1) in paragraph (1), by striking “December 31, 2001” and inserting “December 31, 2002”; and

(2) in paragraph (3), by striking “December 31, 2001” and inserting “December 31, 2002”.

(b) MANDATORY NATURE OF PROGRAM.—(1) Subsection (a)(1) of such section is further amended by striking “may provide counseling to a veteran who the Secretary determines requires such counseling” and inserting “shall operate a program under which the Secretary provides counseling and appropriate care and services to veterans who the Secretary determines require such counseling and care and services”.

(2) Subsection (a) of such section is further amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as amended by subsection (a)(2) as paragraph (2).

(c) OUTREACH EFFORTS.—Subsection (c) of such section is amended—

(1) by inserting “and treatment” in the first sentence and in paragraph (2) after “counseling”;

(2) by striking “and” at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph (2):

“(2) shall ensure that information about the counseling and treatment available to veterans under this section—

“(A) is revised and updated as appropriate;

“(B) is made available and visibly posted at appropriate facilities of the Department; and

“(C) is made available through appropriate public information services; and”.

(d) REPORT ON IMPLEMENTATION OF OUTREACH ACTIVITIES.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of paragraph (2) of section 1720D(c) of title 38, United States Code, as added by subsection (c). Such report shall include examples of the documents and other means of communication developed for compliance with that paragraph.

(e) STUDY OF EXPANDING ELIGIBILITY FOR COUNSELING AND TREATMENT.—(1) The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall conduct a study to determine—

(A) the extent to which former members of the reserve components of the Armed Forces experienced physical assault of a sexual nature or battery of a sexual nature while serving on active duty for training;

(B) the extent to which such former members have sought counseling from the Department of Veterans Affairs relating to those incidents; and

(C) the additional resources that, in the judgment of the Secretary, would be required to meet the projected need of those former members for such counseling.

(2) Not later than 16 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(f) OVERSIGHT OF OUTREACH ACTIVITIES.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall submit to the appropriate congressional committees a joint report describing in detail the collaborative efforts of the Department of Veterans Affairs and the Department of Defense to ensure that members of the Armed Forces, upon separation from active military, naval, or air service, are provided appropriate and current information about programs of the Department of Veterans Affairs to provide counseling and treatment for sexual trauma that may have been experienced by those members while in the active military, naval, or air service, including information about eligibility requirements for, and procedures for applying for, such counseling and treatment. The report shall include proposed recommendations from both the Secretary of Veterans Affairs and the Secretary of Defense for the improvement of their collaborative efforts to provide such information.

(g) REPORT ON IMPLEMENTATION OF SEXUAL TRAUMA TREATMENT PROGRAM.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use made of the authority provided under section 1720D of title 38, United States Code, as amended by this section. The report shall include the following with respect to activities under that section since the enactment of this Act:

(1) The number of veterans who have received counseling under that section.

(2) The number of veterans who have been referred to non-Department mental health facilities and providers in connection with sexual trauma counseling and treatment.

#### TITLE II—PROGRAM ADMINISTRATION

##### SEC. 201. MEDICAL CARE COLLECTIONS.

(a) LIMITED AUTHORITY TO SET COPAYMENTS.—(1) Section 1722A is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(B) by inserting after subsection (a) the following new subsection (b):

“(b) The Secretary, pursuant to regulations which the Secretary shall prescribe, may—

“(1) increase the copayment amount in effect under subsection (a);

“(2) establish a maximum annual pharmaceutical copayment amount under subsection (a) for veterans who have multiple outpatient prescriptions; and

“(3) require a veteran, other than a veteran described in subsection (a)(3), to pay to the United States a reasonable copayment for sensory-neural aids, electronic equipment, and any other costly item or equipment furnished the veteran for a nonservice-connected condition, other than a wheelchair or artificial limb.”; and

(C) in subsection (c), as redesignated by subparagraph (A)—

(i) by striking “this section” and inserting “subsection (a)”;

(ii) by adding at the end the following new sentence: “Amounts collected through use of the authority under subsection (b) shall be deposited in Department of Veterans Affairs Health Services Improvement Fund.”.

(2)(A) The heading of such section is amended to read as follows:

“§1722A. Copayments for medications and certain costly items and equipment”.

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

“1722A. Copayments for medications and certain costly items and equipment.”.

(b) OUTPATIENT TREATMENT OF CATEGORY C VETERANS.—(1) Section 1710(g) is amended—

(A) in paragraph (1), by striking “the amount under paragraph (2) of this subsection” and inserting “in the case of each outpatient visit the applicable amount or amounts established by the Secretary by regulation”; and

(B) in paragraph (2), by striking all after “for an amount” and inserting “which the Secretary shall establish by regulation.”.

##### SEC. 202. HEALTH SERVICES IMPROVEMENT FUND.

(a) ESTABLISHMENT OF FUND.—Chapter 17 is amended by inserting after section 1729A the following new section:

#### “§1729B. Health Services Improvement Fund

“(a) There is established in the Treasury of the United States a fund to be known as the ‘Department of Veterans Affairs Health Services Improvement Fund’.

“(b) Amounts received or collected after the date of the enactment of this section under any of the following provisions of law shall be deposited in the fund:

“(1) Section 1713A of this title.

“(2) Section 1722A(b) of this title.

“(3) Section 8165(a) of this title.

“(4) Section 104(c) of the Veterans' Millennium Health Care Act.

“(c) Amounts in the fund are hereby available, without fiscal year limitation, to the Secretary for the purposes stated in subparagraphs (A) and (B) of section 1729A(c)(1) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 1729A the following new item:

“1729B. Health Services Improvement Fund.”.

**SEC. 203. VETERANS TOBACCO TRUST FUND.**

(a) FINDINGS.—Congress finds the following:

(1) Smoking related illnesses, including cancer, heart disease, and emphysema, are highly prevalent among the more than 3,000,000 veterans who use the Department of Veterans Affairs health care system annually.

(2) The Department of Veterans Affairs estimates that it spent \$3,600,000,000 in 1997 to treat smoking-related illnesses and that over the next five years it will spend \$20,000,000,000 on such care.

(3) Congress established the Department of Veterans Affairs in furtherance of its constitutional power to provide for the national defense in order to provide benefits and services to veterans of the uniformed services.

(4) There is in the Department of Veterans Affairs a health care system which has as its primary function to provide a complete medical and hospital service for the medical care and treatment of such veterans as can be served through available appropriations.

(5) The Federal Government, including the Department of Veterans Affairs, has lacked the means to prevent the onset of smoking-related illnesses among veterans and has had no authority to deny needed treatment to any veteran on the basis that an illness is or might be smoking-related.

(6) With some 20 percent of its health care budget absorbed in treating smoking-related illnesses, the Department of Veterans Affairs health care system has lacked resources to provide needed nursing home care, home care, community-based ambulatory care, and other services to tens of thousands of other veterans.

(7) The network of academically affiliated medical centers of the Department of Veterans Affairs provides a unique system within which outstanding medical research is conducted and which has the potential to expand significantly ongoing research on tobacco-related illnesses.

(b) ESTABLISHMENT OF TRUST FUND.—(1) Chapter 17 is amended by inserting after section 1729B, as added by section 202(a), the following new section:

**“§ 1729C. Veterans Tobacco Trust Fund**

“(a) There is established in the Treasury of the United States a trust fund to be known as the ‘Veterans Tobacco Trust Fund’, consisting of such amounts as may be appropriated, credited, or donated to the trust fund.

“(b) If the United States pursues recovery (other than a recovery authorized under this title) from a party or parties specifically for health care costs incurred or to be incurred by the United States that are attributable to tobacco-related illnesses, there shall be credited to the trust fund from the amount of any such recovery by the United States, without further appropriation, the amount that bears the same ratio to the amount recovered as the amount of the Department’s costs for health care attributable to tobacco-related illnesses for which recovery is sought bears to the total amount sought by the United States.

“(c) After September 30, 2004, amounts in the trust fund shall be available, without fiscal year limitation, to the Secretary for the following purposes:

“(1) Furnishing medical care and services under this chapter, to be available during any fiscal year for the same purposes and subject to the same limitations (other than with respect to the period of availability for obligation) as apply to amounts appropriated

from the general fund of the Treasury for that fiscal year for medical care.

“(2) Conducting medical research, rehabilitation research, and health systems research, with particular emphasis on research relating to prevention and treatment of, and rehabilitation from, tobacco addiction and diseases associated with tobacco use.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1729B, as added by section 202(b), the following new item: “1729C. Veterans Tobacco Trust Fund.”.

**SEC. 204. AUTHORITY TO ACCEPT FUNDS FOR EDUCATION AND TRAINING.**

(a) ESTABLISHMENT OF NONPROFIT CORPORATIONS AT MEDICAL CENTERS.—Section 7361(a) is amended—

(1) by inserting “and education” after “research”; and

(2) by adding at the end the following: “Such a corporation may be established to facilitate either research or education or both research and education.”.

(b) PURPOSE OF CORPORATIONS.—Section 7362 is amended—

(1) in the first sentence, by inserting “and education and training as described in sections 7302, 7471, 8154, and 1701(6)(B) of this title” after “of this title”; and

(2) in the second sentence—

(A) by inserting “or education” after “research”; and

(B) by striking “that purpose” and inserting “these purposes”.

(c) BOARD OF DIRECTORS.—Section 7363(a) is amended—

(1) in subsection (a)(1), by striking all after “medical center, and” and inserting “as appropriate, the assistant chief of staff for research for the medical center and the associate chief of staff for education for the medical center, or, in the case of a facility at which such positions do not exist, those officials who are responsible for carrying out the responsibilities of the medical center director, chief of staff, and, as appropriate, the assistant chief of staff for research and the assistant chief of staff for education; and”;

(2) in subsection (a)(2), by inserting “or education, as appropriate” after “research”; and

(3) in subsection (c), by inserting “or education” after “research”.

(d) APPROVAL OF EXPENDITURES.—Section 7364 is amended by adding at the end the following new subsection:

“(c)(1) A corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

“(2) The Under Secretary for Health shall prescribe policies and procedures to guide the expenditure of funds by corporations under paragraph (1) consistent with the purpose of such corporations as flexible funding mechanisms.”.

**SEC. 205. EXTENSION AND REVISION OF CERTAIN AUTHORITIES.**

(a) READJUSTMENT COUNSELING PROGRAM.—Section 1712A(a)(1)(B)(ii) is amended by striking “2000” and inserting “2003”.

(b) COMMITTEE ON MENTALLY ILL VETERANS.—Section 7321(d)(2) is amended by striking “three” and inserting “five”.

(c) COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.—Section 110 of Public Law 98-528 (38 U.S.C. 1712A note) is amended—

(1) in subsection (e)(1), by striking “March 1, 1985” and inserting “March 1, 2000”; and

(2) in subsection (e)(2), by striking “February 1, 1986” and inserting “February 1, 2001”.

(d) EXTENSION OF AUTHORITY TO MAKE GRANTS.—Section 3(a)(2) of the Homeless Veterans Comprehensive Service Programs

Act of 1992 (38 U.S.C. 7721 note) is amended by striking “September 30, 1999” and inserting “September 30, 2002”.

(e) AUTHORITY TO MAKE GRANTS FOR HOMELESS VETERANS.—Section 3(b)(2) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking “and no more than 20 programs which incorporate the procurement of vans as described in paragraph (1)”.

**SEC. 206. STATE HOME GRANT PROGRAM.**

(a) GENERAL REGULATIONS.—Section 8134 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking the matter in subsection (a) preceding paragraph (2) and inserting the following:

“(a)(1) The Secretary shall prescribe regulations for the purposes of this subchapter.

“(2) In those regulations, the Secretary shall prescribe for each State the number of nursing home and domiciliary beds for which assistance under this subchapter may be furnished. Such regulations shall be based on projected demand for such care 10 years after the date of the enactment of the Veterans’ Millennium Health Care Act by veterans who at such time are 65 years of age or older and who reside in that State. In determining such projected demand, the Secretary shall take into account travel distances for veterans and their families.

“(3)(A) In those regulations, the Secretary shall establish criteria under which the Secretary shall determine, with respect to an application for assistance under this subchapter for a project described in subparagraph (B) which is from a State that has a need for additional beds as determined under subsections (a)(2) and (d)(1), whether the need for such beds is most aptly characterized as great, significant, or limited. Such criteria shall take into account the availability of beds already operated by the Secretary and other providers which appropriately serve the needs which the State proposes to meet with its application.

“(B) This paragraph applies to a project for the construction or acquisition of a new State home facility, to a project to increase the number of beds available at a State home facility, and a project to replace beds at a State home facility.

“(4) The Secretary shall review and, as necessary, revise regulations prescribed under paragraphs (2) and (3) not less often than every four years.

“(b) The Secretary shall prescribe the following by regulation:”;

(3) by redesignating paragraphs (2) and (3) of subsection (b), as designated by paragraph (2), as paragraphs (1) and (2);

(4) in subsection (c), as redesignated by paragraph (1), by striking “subsection (a)(3)” and inserting “subsection (b)(2)”; and

(5) by adding at the end the following new subsection:

“(d)(1) In prescribing regulations to carry out this subchapter, the Secretary shall provide that in the case of a State that seeks assistance under this subchapter for a project described in subsection (a)(3)(B), the determination of the unmet need for beds for State homes in that State shall be reduced by the number of beds in all previous applications submitted by that State under this subchapter, including beds which have not been recognized by the Secretary under section 1741 of this title.

“(2)(A) Financial assistance under this subchapter for a renovation project may only be provided for a project for which the total cost of construction is in excess of \$400,000 (as adjusted from time to time in such regulations to reflect changes in costs of construction).

“(B) For purposes of this paragraph, a renovation project is a project to remodel or alter existing buildings for which financial assistance under this subchapter may be provided and does not include maintenance and repair work which is the responsibility of the State.”

(b) APPLICATIONS WITH RESPECT TO PROJECTS.—Section 8135 is amended—

(1) in subsection (a)—

(A) by striking “set forth—” in the matter preceding paragraph (1) and inserting “set forth the following:”;

(B) by capitalizing the first letter of the first word in each of paragraphs (1) through (9);

(C) by striking the comma at the end of each of paragraphs (1) through (7) and inserting a period; and

(D) by striking “, and” at the end of paragraph (8) and inserting a period;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Any State seeking to receive assistance under this subchapter for a project that would involve construction or acquisition of either nursing home or domiciliary facilities shall include with its application under subsection (a) the following:

“(A) Documentation (i) that the site for the project is in reasonable proximity to a sufficient concentration and population of veterans who are 65 years of age and older, and (ii) that there is a reasonable basis to conclude that the facilities when complete will be fully occupied.

“(B) A financial plan for the first three years of operation of such facilities.

“(C) A five-year capital plan for the State home program for that State.

“(2) Failure to provide adequate documentation under paragraph (1)(A) or to provide an adequate financial plan under paragraph (1)(B) shall be a basis for disapproving the application.”; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “for a grant under subsection (a) of this section” in the matter preceding subparagraph (A) and inserting “under subsection (a) for financial assistance under this subchapter”;

(B) in paragraph (2)—

(i) by striking “the construction or acquisition of” in subparagraph (A); and

(ii) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) An application from a State for a project at an existing facility to remedy a condition or conditions that have been cited by an accrediting institution, by the Secretary, or by a local licensing or approving body of the State as being threatening to the lives or safety of the patients in the facility.

“(C) An application from a State that has not previously applied for award of a grant under this subchapter for construction or acquisition of a State nursing home.

“(D) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a great need for the beds to be established at such home or facility.

“(E) An application from a State for renovations to a State home facility other than renovations described in subparagraph (B).

“(F) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a significant need for the beds to be established at such home or facility.

“(G) An application that meets other criteria as the Secretary determines appropriate and has established in regulations.

“(H) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a limited need for the beds to be established at such home or facility.”; and

(C) in paragraph (3), by striking subparagraph (A) and inserting the following:

“(A) may not accord any priority to a project for the construction or acquisition of a hospital; and”.

(c) TRANSITION.—The provisions of sections 8134 and 8135 of title 38, United States Code, as in effect on June 1, 1999, shall continue in effect after such date with respect to applications described in section 8135(b)(2)(A) of such title, as in effect on that date, that are identified on the list that (1) is described in section 8135(b)(4) of such title, as in effect on that date, and (2) was established by the Secretary of Veterans Affairs on October 29, 1998.

(d) EFFECTIVE DATE FOR INITIAL REGULATIONS.—The Secretary of Veterans Affairs shall prescribe the initial regulations under subsection (a) of section 8134 of title 38, United States Code, as added by subsection (a), not later than April 30, 2000.

#### SEC. 207. EXPANSION OF ENHANCED-USE LEASE AUTHORITY.

(a) AUTHORITY.—Section 8162(a)(2) is amended—

(1) by striking “only if the Secretary” and inserting “only if—

“(A) the Secretary”;

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and realigning those clauses so as to be four ems from the left margin;

(3) by striking the period at the end of clause (iii), as so redesignated, and inserting “; or”;

(4) by adding at the end the following:

“(B) the Secretary determines that the implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(b) TERM OF ENHANCED-USE LEASE.—Section 8162(b) is amended—

(1) in paragraph (2), by striking “may not exceed—” and all that follows and inserting “may not exceed 75 years.”; and

(2) by striking paragraph (4) and inserting the following:

“(4) The terms of an enhanced-use lease may provide for the Secretary to—

“(A) obtain facilities, space, or services on the leased property; and

“(B) use minor construction funds for capital contribution payments.”.

(c) DESIGNATION OF PROPERTY PROPOSED TO BE LEASED.—(1) Subsection (b) of section 8163 is amended—

(A) by striking “include—” and inserting “include the following:”;

(B) by capitalizing the first letter of the first word of each of paragraphs (1), (2), (3), (4), and (5);

(C) by striking the semicolon at the end of paragraphs (1), (2), and (3) and inserting a period; and

(D) by striking subparagraphs (A), (B), and (C) of paragraph (4) and inserting the following:

“(A) would—

“(i) contribute in a cost-effective manner to the mission of the Department;

“(ii) not be inconsistent with the mission of the Department;

“(iii) not adversely affect the mission of the Department; and

“(iv) affect services to veterans; or

“(B) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(2) Subparagraph (E) of subsection (c)(1) of that section is amended by striking clauses (i), (ii), and (iii) and inserting the following:

“(i) would—

“(I) contribute in a cost-effective manner to the mission of the Department;

“(II) not be inconsistent with the mission of the Department;

“(III) not adversely affect the mission of the Department; and

“(IV) affect services to veterans; or

“(ii) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(d) USE OF PROCEEDS.—Section 8165(a) is amended—

(1) by striking paragraph (1) and inserting the following:

“(a)(1) Funds received by the Department under an enhanced-use lease and remaining after any deduction from those funds under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title. The Secretary shall make available to the designated health care region of the Veterans Health Administration within which the leased property is located not less than 75 percent of the amount deposited in the fund attributable to that lease.”; and

(2) by adding at the end the following new paragraph:

“(3) For the purposes of paragraph (1), the term ‘designated health care region of the Veterans Health Administration’ means a geographic area designated by the Secretary for the purposes of the management of, and allocation of resources for, health care services provided by the Veterans Health Administration.”.

(e) REPEAL OF TERMINATION PROVISION.—(1) Section 8169 is repealed.

(2) The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8169.

(f) REPEAL OF OBSOLETE PROVISIONS.—Section 8162 is amended—

(1) by striking the last sentence of subsection (a)(1); and

(2) by striking subsection (c).

#### SEC. 208. INELIGIBILITY FOR EMPLOYMENT BY VETERANS HEALTH ADMINISTRATION OF HEALTH CARE PROFESSIONALS WHO HAVE LOST LICENSE TO PRACTICE IN ONE JURISDICTION WHILE STILL LICENSED IN ANOTHER JURISDICTION.

Section 7402 is amended by adding at the end the following new subsection:

“(f) A person may not be employed in a position under subsection (b) (other than under paragraph (4) of that subsection) if—

“(1) the person is or has been licensed, registered, or certified (as applicable to such position) in more than one State; and

“(2) either—

“(A) any of those States has terminated such license, registration, or certification for cause; or

“(B) the person has voluntarily relinquished such license, registration, or certification in any of those States after being notified in writing by that State of potential termination for cause.”.

#### TITLE III—MISCELLANEOUS

#### SEC. 301. REVIEW OF PROPOSED CHANGES TO OPERATION OF MEDICAL FACILITIES.

Section 8110 is amended by adding at the end the following new subsections:

“(d) The Secretary may not in any fiscal year close more than 50 percent of the beds within a bed section (of 20 or more beds) of a Department medical center unless the Secretary first submits to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report providing a justification for the closure. No action to carry out such closure may be taken after the submission of such report until the end of the 21-day period beginning on the date of the submission of the report.

“(e) The Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives, not later than January 20 of each year, a report documenting by network for the preceding fiscal year the following:

“(1) The number of medical service and surgical service beds, respectively, that were closed during that fiscal year and, for each such closure, a description of the changes in delivery of services that allowed such closure to occur.

“(2) The number of nursing home beds that were the subject of a mission change during that fiscal year and the nature of each such mission change.

“(f) For purposes of this section:

“(1) The term ‘closure’, with respect to beds in a medical center, means ceasing to provide staffing for, and to operate, those beds. Such term includes converting the provision of such bed care from care in a Department facility to care under contract arrangements.

“(2) The term ‘bed section’, with respect to a medical center, means psychiatric beds (including beds for treatment of substance abuse and post-traumatic stress disorder), intermediate, neurology, and rehabilitation medicine beds, extended care (other than nursing home) beds, and domiciliary beds.

“(3) The term ‘justification’, with respect to closure of beds, means a written report that includes the following:

“(A) An explanation of the reasons for the determination that the closure is appropriate and advisable.

“(B) A description of the changes in the functions to be carried out and the means by which such care and services would continue to be provided to eligible veterans.

“(C) A description of the anticipated effects of the closure on veterans and on their access to care.”.

#### SEC. 302. PATIENT SERVICES AT DEPARTMENT FACILITIES.

(a) SCOPE OF SERVICES.—Section 7803 is amended—

(1) in subsection (a)—

(A) by striking “(a)” before “The can- teens”; and

(B) by striking “in this subsection;” and all that follows through “the premises” and inserting “in this section”; and

(2) by striking subsection (b).

(b) TECHNICAL AMENDMENTS.—(1) Paragraphs (1) and (11) of section 7802 are each amended by striking “hospitals and homes” and inserting “medical facilities”.

(2) Section 7803, as amended by subsection (a), is amended—

(A) by striking “hospitals and homes” each place it appears and inserting “medical facilities”; and

(B) by striking “hospital or home” and inserting “medical facility”.

#### SEC. 303. REPORT ON ASSISTED LIVING SERVICES.

Not later than April 1, 2000, the Secretary of Veterans Affairs shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the feasibility of establishing a pilot program to assist veterans in receiving needed assisted living services. The Secretary shall include in such report recommendations on—

(1) the services and staffing that should be provided to a veteran receiving assisted living services under such a pilot program;

(2) the appropriate design of such a pilot program; and

(3) the issues that such a pilot program should be designed to address.

#### SEC. 304. CHIROPRACTIC TREATMENT.

(a) ESTABLISHMENT OF PROGRAM.—Within 120 days after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs, after consultation with chiropractors, shall establish a policy for the Veterans Health Administration regarding the role of chiropractic treatment in the care of veterans under chapter 17 of title 38, United States Code.

(b) DEFINITIONS.—For purposes of this section:

(1) The term “chiropractic treatment” means the manual manipulation of the spine performed by a chiropractor for the treatment of such musculo-skeletal conditions as the Secretary considers appropriate.

(2) The term “chiropractor” means an individual who—

(A) is licensed to practice chiropractic in the State in which the individual performs chiropractic services; and

(B) holds the degree of doctor of chiropractic from a chiropractic college accredited by the Council on Chiropractic Education.

#### SEC. 305. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT IOANNIS A. LOUGARIS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the “Jack Streeter Building”. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

#### TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

##### SEC. 401. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Renovation to provide a domiciliary at Orlando, Florida, in a total amount not to exceed \$2,400,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation.

(2) Surgical addition at the Kansas City, Missouri, Department of Veterans Affairs medical center, in an amount not to exceed \$13,000,000.

##### SEC. 402. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an outpatient clinic, Lubbock, Texas, in an amount not to exceed \$1,112,000.

(2) Lease of a research building, San Diego, California, in an amount not to exceed \$1,066,500.

##### SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 and for fiscal year 2001—

(1) for the Construction, Major Projects, account \$13,000,000 for the project authorized in section 401(2); and

(2) for the Medical Care account, \$2,178,500 for the leases authorized in section 402.

(b) LIMITATION.—The project authorized in section 401(2) may only be carried out using—

(1) funds appropriated for fiscal year 2000 or fiscal year 2001 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Texas (Mr. REYES) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

#### GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2116.

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

There was no objection.

Mr. STUMP. Mr. Speaker, I yield such time as I may consume.

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

Mr. STUMP. Mr. Speaker, H.R. 2116, the Veterans’ Millennium Health Care Act, is an important bill that is strongly supported by veterans and their service organizations.

This bill would improve access to long-term health care for our most severely disabled veterans. It would authorize the VA to pay reasonable emergency care costs for service-connected disabled veterans who have no health insurance or other medical coverage. It would impose new requirements that the VA must follow to further consolidate or realign facilities. It also increases the health care priority provided for combat-injured veterans and for military retirees choosing to use the VA health services. It would expand VA’s flexibility to generate new revenue and spend it on health care for veterans.

H.R. 2116 also extends the VA’s authority to make existing grants to homeless veterans.

I urge my colleagues to support the legislation on H.R. 2116, as amended.

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

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

Mr. Speaker, the gentleman from Illinois (Mr. EVANS), the ranking Democratic member of the Committee on Veterans’ Affairs, has been unavoidably detained, so I will be managing the bill on his behalf this afternoon.

Mr. Speaker, I rise today in support of the Veterans Millennium Health Care Act, H.R. 2116. I thank the gentleman from Arizona (Chairman STUMP); the gentleman from Illinois (Mr. EVANS); the ranking member, the

gentleman from Florida (Chairman STEARNS); and the gentleman from Illinois (Mr. GUTIERREZ), the ranking Democratic member of the Subcommittee on Health for their fine work on this measure and their support in incorporating certain provisions.

The gentleman from Illinois (Mr. EVANS) has long supported in this important bill the issues that are very important and vital for our veterans.

This is an ambitious, but realistic bill. It recognizes recent disturbing trends in funding for veterans health care, notwithstanding the committee's support of significant funding increases.

□ 1415

This bill will better assure Congress that the VA is continuing to meet vital needs for long-term care services for our veterans. It gives Congress better assurance that the Veterans' Administration will plan effectively for ways to continue treating veterans, regardless of the health care setting.

It will also allow high-priority veterans, who regularly use the VA system, to receive reimbursement for emergency care services. The millennium plan establishes a good baseline for meeting veterans' needs for long-term health care. It provides that veterans with the highest priority for care, those with health care conditions due to military service, receive all of the long-term care that they actually need.

This measure also contains a report-and-wait requirement. This responds to the concerns that VA is dismantling its inpatient programs without adequately planning to fulfill veterans' needs in outpatient or community settings.

This measure also further allows the Veterans' Administration to reimburse certain enrolled veterans for medical emergency expenditures. Veterans who rely on the Veterans' Administration for their health care have been financially devastated by medical emergencies which require them to seek care from the closest available health care facility. Veterans have been told by the VA staff to go to the closest health care facility for emergency care; but once the bills come, the VA has refused repeatedly to reimburse these veterans. The VA should not abandon these veterans when they have a health care emergency.

This millennium bill will also require the Veterans' Administration to work with chiropractors to develop a policy that will allow veterans better access to chiropractic services within the Veterans' Administration. It is abundantly clear that the VA is not operating in a world of unlimited resources. I believe that this bill has many positive gains for veterans while not imposing unreasonable new costs onto an already fiscally strapped system. I endorse this ambitious bipartisan legislation.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the

gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman of the Committee on Veterans' Affairs, and I rise in support of H.R. 2116, as amended.

Mr. Speaker, I believe we will one day look back and note on September 21, 1999, that the House took two historic actions on behalf of our American veterans. First, it added \$1.7 billion for veterans' medical care; and, second, it adopted the Veterans' Millennium Health Care Act, H.R. 2116.

This important legislation tackles some of the major challenges facing the VA health care system. In doing so, Mr. Speaker, it offers a blueprint to help position the Veterans Administration for the future. Overall, the bill has four central themes: first, to give VA much needed direction for meeting veterans' long-term care needs; second, it expands veterans' access to health care; third, it closes gaps in current eligibility law; and, fourth, it makes needed reforms that will further improve the VA health care system.

Foremost among vast challenges are the long-term care needs of aging veterans. That challenge has gone unanswered, Mr. Speaker, for too long. This legislation would put a halt to the steady erosion we have seen in the VA long-term care program, and it would establish a framework for expanding access to needed long-term care services.

The bill tackles the challenge posed by the General Accounting Office audit which found that VA may spend billions of dollars in the next 5 years to operate unneeded buildings. In testimony before my subcommittee, the GAO stated that one of every four VA medical care dollars is spent in maintaining buildings rather than caring for patients.

It is no secret that the VA is discussing hospital closures and, in some locations, in some locations, that may be appropriate. The point is that the VA has closure authority today and, my colleagues, has already used it. We should not let tight budgets drive such decisions, however. This bill, instead, requires that decisions on hospital missions must be based on comprehensive studies and planning. The process must include veterans' organizations and the employee groups.

In short, the bill puts in place numerous safeguards to help and protect veterans. Most important, it would specifically provide that the VA cannot simply stop operating a hospital and walk away from its responsibility to those veterans. It must "reinvest" savings in a new, improved treatment facility or improved services in the area.

This is a very reasonable approach. The VA health care system has certainly improved significantly in the last 4 years. This comprehensive bill, my colleagues, continues the VA on the course towards improving veterans' access to needed care. I am proud that

this bill breaks new ground. It is a bold step forward for our veterans in the area of long-term care, emergency care coverage, military retirees' care, and placing the VA health care system on a sounder footing.

Now, we have worked closely with veterans' organizations in developing this legislation. It was not done in a vacuum. And they have recognized the important advances this bill would establish. It is important that the two largest veterans' organizations, representing millions of veterans, the American Legion and Veterans of Foreign Wars, have endorsed this bill. Many other organizations also support the bill, including AMVETS, the Vietnam Veterans of America, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Retired Enlisted Association and, Mr. Speaker, the 26 organizations making up the Military Coalition.

So I urge my colleagues to join with me and others here in passing this bill and supporting it on the House floor.

Mr. REYES. Mr. Speaker, I yield 6 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I wish to thank my colleague, the gentleman from Texas (Mr. REYES), for managing the bill, and for the committee and their work on both sides of the aisle on this very important subject matter. I also wish to echo the statements by the gentleman from Florida (Mr. STEARNS) in regards to the fact of the appropriation being \$1.7 billion for veterans' health care.

I wish to address, Mr. Speaker, the Millennium Health Care Act; and I rise in support of the provisions, most of the provisions in the bill, but there is a section of the bill which I would like to be able to address today, and that is section 206 of the bill. I hope to be able to work with the chairman and the ranking member and the committee as they go to conference to further ensure that rural areas and rural health care needs are addressed.

I think that the amendment that was put forward by the gentleman from Vermont (Mr. SANDERS), that was unanimously approved by a voice vote in regards to the VA-HUD appropriations, which states that the House supports improvements in health care services for veterans in rural areas, was very important. I think we all agree this is an important priority, and I think it extends to the long-term residential care and nursing home care as well as other forms of health care.

The needs of veterans in my State cannot be reasonably met by setting up a single facility in one area of the State. The second district of Maine, which I represent, is the largest physical district east of the Mississippi. I represent 32 rural health clinics in my district, a very sparsely populated 22 million acres of land, and with a large population of veterans versus the whole State-wide population of 1.2 million, a veteran population of 154,000 people.

So the rural aspects of my State and the challenges that those represent impact upon the access to health care. The difficulties of veterans and families in traveling long distances to facilities are compounded by varied terrain and, often, inclement weather.

Just this past weekend I was in Lubec, Maine, which is the easternmost point in the United States, where the sunrises in Sunrise County, and it required landing far away and taking a cutter across the bay and taking further transportation to get to Lubec in order to be able to put on a benefit for a restoration in the community. I would hate to think that the requirements that were being forced upon veterans in Downeast Maine would cause them those same kind of requirements.

One of the things that always interests me in every veterans' ceremony I go to in every community in the second district is the length and breadth of the town's honor roll which recognizes the veterans in that community that have not only been part of the military service but usually have been enlisted and have felt the responsibility to serve of their own volition to continue to ensure the freedoms for all Americans. And the length of that list in some very small towns is remarkable.

We always talk about Joshua Chamberlain and the 20th Maine; but there are many other veterans, up until even Gary Gordon, who is from Lincoln, Maine, who is a Congressional Medal of Honor winner who risked and lost his life in trying to save others. But they are all throughout Maine in their willingness to become part of the military service in this country to preserve the freedoms and foundation which we all enjoy.

Mr. Speaker, I hate to think that we put obstacles in their way, in their families' way, in terms of getting the care, and health care, that we really owe them as a country and a Nation.

The issue in terms of section 206, in establishing the new priorities and criteria and how it impacts on rural health care and the availability of that care, I seek to work with Members on both sides of the aisle. Maine currently has preapproval for four projects that will be placed on the priority list by the end of October. These four projects are to add beds to existing homes. The current occupancy rate at our existing homes is 94.5 percent. This is far above the national average and demonstrates the great need for this care in my State.

I hope that we will be able to assure States that have made the commit-

ment to put up the matching funds for these projects, that the promise for those crucial Federal dollars will be met. I am concerned that this legislation does not adequately protect the hard work that States have done to get their projects listed and that many will be forced to start all over again. I am also concerned about the criteria used for new construction and its push toward renovation.

Washington County, Downeast Maine, is looking for a residential care facility. There is no structure there now. Recognizing there are others who wish to speak, Mr. Speaker, I would just like to be able to offer for the RECORD some of the facts that have been presented in terms of occupancy rates and meeting that level and other information that is being presented by the State of Maine.

In closing, I would just like to again thank the chairman and the ranking members of the committee for their dedication that they have exhibited in addressing the long-term care issues, and I look forward to working with them on this as we try to serve our veterans throughout the country.

The information I just alluded to, Mr. Speaker, is as follows:

MAINE VETERANS' HOMES DAILY CENSUS

[Sept. 16, 1999]

Facility	Total beds	Veteran vs. non-veteran status					Payor source						Occupancy (percent)	
		Veteran	Percent	Non-vet	Percent	Total	Private	Percent	Medicaid	Percent	Medicare	Percent		Total
Augusta	120	81	71.7	32	28.3	113	38	33.6	67	59.3	8	7.1	113	94.2
Bangor	120	78	67.8	37	32.2	115	17	14.8	83	72.2	15	13.0	115	95.8
Caribou	40	28	75.7	9	24.3	37	3	8.1	34	91.8	0	0.0	37	92.5
Scarborough	120	91	62.0	20	18.0	111	31	27.9	73	65.8	7	6.3	111	92.5
So. Paris	90	63	72.4	24	27.6	87	19	21.8	66	75.9	2	2.3	87	96.7
NF	62	41	68.3	18	31.7	50	17	28.3	41	68.3	2	3.3	80	95.8
Res. Care	28	22	31.8	5	18.5	27	2	7.4	25	92.5	0	0.0	27	95.4
Totals	490	341	73.7	122	26.3	463	108	23.3	323	69.8	32	6.9	463	94.5

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume to assure the gentleman from Maine, representing a district of 50,000-some square miles, I will be more than happy to work with him on rural health care issues, and especially on the State Veterans Home Program. This is probably one of the most efficient and one of the best programs we have in the VA, and we look forward to working with him on any problems he may have.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), the chairman of our Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the chairman of the committee, the gentleman from Arizona (Mr. STUMP), for yielding me this time, and I applaud him for bringing this bill to the floor. I also want to thank the gentleman from Florida (Mr. STEARNS) for his efforts on this bill.

Today, Mr. Speaker, I rise in support of the Veterans' Millennium Health Care Act of 1999. The gentleman from Florida (Mr. STEARNS) was kind enough to include as a provision of this legislation my bill, H.R. 430, the Combat Veterans Medical Equity Act. Due to a

broad base of support, my bill gained 177 cosponsors and was endorsed by the Military Order of the Purple Heart.

Most people are unaware that under current law combat wounded veterans do not always qualify for medical care at VA facilities.

□ 1430

This bill would change the law to ensure combat wounded veterans receive automatic access to treatment at VA facilities. It sets the enrollment priority for combat-injured veterans for medical service at level three, the same level as former prisoners of war, and veterans with service-connected disabilities rated between 10 and 20 percent.

We, as a Nation, owe a debt of gratitude to all of our veterans who have been awarded the Purple Heart for injuries suffered in service to our country. I would like to thank the gentleman from Florida (Chairman STEARNS) for including my legislation, the Combat Veterans Equity Act in this important legislation.

I also would like to congratulate the Military Order of the Purple Heart for their hard work and advocacy on behalf

of our Nation's combat-wounded veterans.

The Veterans Millennium Health Care Act of 1999 is long overdue. I am proud to support this bill for our Nation's veterans, and I urge a "yes" vote.

Mr. REYES. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Texas (Mr. REYES) has 11 minutes remaining.

Mr. REYES. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank very much the gentleman from Texas (Mr. REYES) and the gentleman from Florida (Mr. STEARNS) and the gentleman from ARIZONA (Mr. STUMP), et al, for allowing me to say just a few words on behalf of the Veterans Millennium Health Care Act, H.R. 2116.

I would anticipate that every Member of this House would be enthusiastically supportive of the Veterans Millennium Health Care Act in that they have veterans in all 50 States of the United States.

I applaud the bipartisan effort that led to the creation and movement of

this innovative legislation. I want to specifically point out the section that deals with sexual harassment and domestic violence that is incorporated in H.R. 2116.

In the wake of several allegations of sexual harassment in the Armed Services, H.R. 2116 would reauthorize until December 31, 2002, a VA program that provides counseling and medical treatment to veterans who were sexually abused or raped while serving in the military. It is estimated that 35 to 50 percent of all female veterans have reported at least one incident of sexual harassment while serving in the military.

I enthusiastically encourage and urge each Member of this august body to vote in favor of the Veterans Millennium Health Care Act.

Mr. Speaker, I rise today in support of the Veterans Millennium Health Care Act, H.R. 2116, and encourage all of my colleagues to add their support for this measure that will take veterans health care into the 21st century.

I applaud the bipartisan effort that led to the creation and movement of this innovative legislation.

This bill tackles some of the most pressing issues facing the VA, including the VA long-term care challenge, and provides a blueprint to help position VA for the future.

This bill opens the door to an expansion of long-term care, to greater access to outpatient care and to improve benefits including emergency care coverage. The measure improves access to care through facility realignment, eligibility enhancement for military retirees and veterans injured in combat, and ensures that the VA offers nursing home care to the highest priority veterans.

One provision of this bill would require the VA to maintain long-term care programs and increase both home and community-based long-term care and respite care. The VA also would be required to provide long-term care for 50-percent service-connected veterans, and veterans needing care for a specific service-related condition. Another provision would require other veterans receiving long-term care to make co-payments, based on ability to pay. The revenues from co-payments would support expanded long-term benefits.

This bill would set conditions under which the VA could close an obsolete, inefficient hospital and reinvest savings in new outpatient clinics and other improved services for the veterans affected. It also extends VA's authority to make grants to assist homeless veterans, and reform the criteria for awarding grants for building and remodeling State veterans' homes.

The measure also would extend the length of time the VA could lease facilities, space or land to private companies from 35 years to 75 years. This extension would raise the incentive to foster private-public relationships between the VA and local hospitals, nursing homes and clinics, allowing VA to contract out under-utilized property.

The eligibility provisions include specific authority for VA care of veterans who were awarded the Purple Heart for injuries sustained in combat, and authority for VA care of TRICARE-eligible military retirees not otherwise eligible for priority VA care. Under this

provision, DOD would reimburse VA for such care at rates to be negotiated by the Departments.

Another measure authorizes VA to establish and make payments for emergency care of service-connected and low-income veterans who have no health insurance or other medical coverage and rely on VA care.

H.R. 2116 also would generate revenues by authorizing VA to increase copayments on prescription drugs and establish copayments on hearing aids and other costly items provided for nonservice-connected conditions. Such new revenues would be earmarked to fund VA medical care.

In the wake of several allegations of sexual harassment in the armed services, H.R. 2116 would reauthorize, until December 31, 2002, a VA program that provides counseling and medical treatment to veterans who were sexually abused or raped while serving in the military. It is estimated that 35 percent to 50 percent of all female veterans have reported at least one incident of sexual harassment while serving in the military.

These initiatives cover the broad spectrum of programs long sought by veterans and would ensure that this Nation is responsive to those who have served in armed conflicts for almost a century. Further it would send a powerful signal to those now serving that their extraordinary sacrifices are appreciated and that the health care they have earned through years of dedicated service will be available when or if they need it.

Caring for America's veterans is an ongoing cost of war. As a nation, if we fail in this obligation, how can we justify sending more and more young service members into harm's way? How might we expect our children and grandchildren to volunteer for military service in the future, if we are not prepared to keep promises to disabled veterans today?

Additionally, our failure to appropriately fund the VA will mean that veterans may not receive the health care they need and the level of service they deserve. Appropriate funding is vital to keeping the promise that was made to our veterans when they joined the Armed Forces and made their promise to serve their country. Only with this funding can we begin to meet the long-term care needs of our aging veterans. We owe more to the men and women who served our Nation in battle.

H.R. 2116 is a good bill with very important provisions that have been endorsed by major veterans groups. It passed by an overwhelmingly majority in the full Committee on Veterans Affairs. I urge all my colleagues to support this legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I want to commend the gentleman from Arizona (Mr. STUMP) on bringing this bill to the floor of the House. This is one of the really serious issues, veterans and retirees' health care both. We are dealing with veterans' health care here, but both are very, very important.

As I go around to these various military bases, and I am sure my colleagues have the same experience, one of the things that the young recruits express concern about is that recruits before them were promised certain health care benefits that they do not feel they are getting today.

I think the bill that my colleague is proposing today goes a long way towards meeting that concern or, at least, takes giant steps in that direction. I think it will help in recruitment, it will help in retention.

It is an extremely important thing that we ask people to go and lay their necks on the line for America and, by golly, we need to take care of their health care needs; and I think my colleague goes a long way towards that. I thank the gentleman for yielding me the time and for bringing this bill to the floor.

Mr. REYES. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, there are many ways that we can express our gratitude to those who answered their Nation's call and have made such great sacrifices for their country, sacrifices that protect our country and our people and ensure that we embody the highest aspirations of human endeavor to allow each individual to conduct a life with freedom and with dignity.

I rise in support of this legislation, which not only extends long-term care services but also attempts to extend an additional degree of dignity to our veterans that comes with home- and community-based health care options that are recommended in this bill.

The legislation recognizes that even though the Veterans Administration operates the largest health care system in the United States, there are still many communities that desperately lack resources for our veterans.

Central Texas, which I represent, is experiencing a rapid growth in the number of veterans that are retiring there; and many of these folks are entitled to medical services that just simply are not available nearby at our local Veterans Outpatient Clinic or at other local health care facilities.

If a woman in Travis County, for example, needs a mammogram, she has to drive 60 to 70 miles to get one. Despite all the orthopedic doctors in Austin, Texas, veterans must make the same long drive past those clinics and to a VA Hospital because none of the services are available locally.

So I am pleased that the committee is exploring new ways for the Veterans Administration to spread its resources. For instance, the bill allows the Veterans Administration to enter into long-term leases to improve services.

The veterans health care system is facing considerable budget pressures as it attempts to deal with an aging veterans population and escalating pharmaceutical costs. But while we must maintain fiscal discipline, it is important that our veterans who defended our freedom do not bear a disproportionate share of the burden.

Mr. Speaker, in August, the New York Times reported on an audit of the Veterans Health Administration by the General Accounting Office, the investigating arm of Congress, under the headings "Audit of VA Health Care

Finds Millions Are Wasted," and says "Money That Could Improve Treatment Goes to Operate Unneeded Buildings." That report noted that the Veterans Administration "Spends more than \$1 million a day to operate unneeded hospital buildings, where a dwindling number of veterans receive care in under-populated wards," and that of the "more than \$17 billion that the Veterans Administration receives each year to provide health care to veterans, it spends about one-fourth of the money caring for 4,700 buildings around the country."

The Austin American-Statesman editorialized similarly "Veterans Hospitals Monuments to Waste." The General Accounting Office itself noted that the Veterans Health Administration "could enhance veterans' health care benefits if it reduced the level of resources spent on underused, inefficient, or obsolete buildings and reinvested these savings, instead, to provide health care more efficiently in future facilities at existing locations or new locations closer to where veterans live."

That is certainly what we need in Central Texas. And the advice seems pretty reasonable. It reminds me of the baseball legend Wee Willie Keeler who, when asked the secret to hitting, replied "hit it where they ain't." Well, I believe the Veterans Administration needs to provide more services where our veterans are rather than simply maintaining under-utilized buildings and making people come to them.

I believe that today's legislation represents a modest step in that direction.

We should pledge ourselves to the fulfillment of our obligations to those who have suffered in the defense of our country. To do less would be to sell short the very principles we profess to value so highly as a nation.

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

As a Nation, Mr. Speaker, we are seeing a growing population of older veterans whose health care needs are increasingly complex and, in some cases, serious. Moreover, these veterans are entering a system which is in transition, moving toward a greater outpatient and community-based treatment.

At the same time, the VA is suffering under straining and insufficient budgets, this bill is vital as it restores security and confidence in veterans' health care in this changing environment. Therefore, as a member of the Committee on Veterans Health Affairs, I am proud that this bill focuses on important priorities, including long-term services and reimbursement for emergency care services to our veterans.

In addition, I am pleased that this bill requires input and planning as the Veterans Administration attempts to restructure and modernize its facilities so that the VA will continue to treat veterans regardless of their health care provider.

In addition, I am proud of the provisions which strengthen long-term care.

We have seen reduced levels of long-term care as veterans are prematurely discharged from long-term care facilities. Inadequate time in long-term care is a short-sighted method of trying to care for larger numbers of aging veterans.

This bill attacks this problem by assuring that veterans with health care conditions due to military service can obtain long-term care for as long as they need it.

Also, I am pleased that that bill makes sure that veterans are reimbursed for emergency care no matter where they get that treatment. Veterans and their families deserve to know that they can obtain emergency care and not later be financially strapped or devastated because the VA refuses to reimburse them.

This bill rectifies this situation, following the request of the VA and the President's Patients' Bill of Rights. It also allows VA to reimburse any high priority enrolled veterans for medical emergencies.

In summary, this millennium bill is the most comprehensive health care bill for veterans in the past 5 years. It provides a framework that better ensures that the views of veterans, employees, and veterans' advocates are taken into account and that the VA finds the best way to care for our Nation's veterans.

Health care for our veterans should not be compromised. With this bill, we are taking important steps to ensure that we meet our needs and our obligations to these proud Americans who have sacrificed so much for our country.

I, therefore, am pleased and proud to support this bill, and I ask all my colleagues to join in passing this important legislation.

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

Mr. STUMP. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), ranking member of the full committee; as well as the chairman of the Health Subcommittee, the gentleman from Florida (Mr. STEARNS); and also the gentleman from Texas (Mr. REYES) for all their hard work in bringing this bill to the floor.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of the Veterans Millennium Health Care Act and I compliment my colleagues Mr. STUMP and Mr. EVANS for bringing this bill to the floor today.

Mr. Speaker, we can all agree that we have not done right by our Veterans. Over and over we have told our young men and women that if they answered their country's call to serve, we would provide for their health for the rest of their lives. But, sadly, this has not been done. We have instead, continued to reduce spending for veterans services and at the same time narrowly classify the eligibility for veterans to receive this limited services.

It is because of this why I am pleased to support the Veterans Millennium Health Care Act because it begins to reverse this unfair treatment towards veterans and responds to some of their pressing needs.

Some of the bills key provisions include the requirement that the VA increase both home and community-based long term care particularly for veterans who are 50% service-connected and veterans needing care for a service-related condition. This provision is particularly important to the veterans in my Congressional District who have to travel, at their own expense, to the neighboring island of Puerto Rico for their care.

I am likewise very pleased that the bill would also authorize the VA to pay reasonable emergency care cost for service-connected, low-income and other high priority veterans who have no health insurance of other medical coverage, authorize an increase in the co-payment on prescription drugs and extend the VA's authority to make grants to assist homeless veterans.

Mr. Speaker, in my previous life as a Family Physician, I counted many of our local veterans as my patients. I got to know many of them very well and came to understand the disappointment that feel about their apparently renegeing on the promises that were made to them when they enlisted. It is time that we begin to do right by our veterans and H.R. 2116 is a good beginning.

I urge my colleagues to support this important bill.

Mr. GILMAN. Mr. Speaker, I reluctantly rise in opposition to H.R. 2116, the Veterans Millennium Health Care Act.

I say reluctantly because the majority of H.R. 2116 contains provisions that expand services to veterans and provide many vitally needed benefits. These include: requiring the VA to provide long term care to veterans with service connected disabilities of 50% or greater, lifting the six month limit on VA adult day health care, providing Purple Heart recipients with the same priority as POWs in regards to health care, expanding services for homeless veterans, grants higher priority access to VA medical services for military retirees, extends authority for the VA to provide counseling for sexual trauma victims, and expands VA's authority to lease unneeded property.

My primary objection to this legislation is with regard to section 107, which sets out conditions under which VA medical facilities can be closed and veterans sent to local hospitals for care.

VA medical facilities represent a unique resource. There are many who would argue that their maintenance costs could be best used in other areas, and for this reason they should be closed if they are being underutilized. I do not agree with that assessment.

If these facilities are being underutilized, as the critics would claim, it is through no fault of the veteran. There has been a concentrated drive underway in recent years in the VA to increase the amount of health care provided on an outpatient basis. This is commendable, and necessary to hold down costs, as everyone knows outpatient care is often more efficient and cheaper to provide than traditional inpatient care.

However, this drive towards efficiency has left far too many of our veterans in its wake. Not all veterans can be best treated in an outpatient setting. The ironic fact is that those who are most in need of traditional inpatient care: the elderly, the immobile, the paralyzed, the mentally ill, the homeless and the substance abuser, are the individuals who could best use the existing "underutilized" facilities that many are eager to close.

My congressional district has a large percentage of elderly veterans, as does most of the northeast. There is an increasing demand for long term care for the elderly in New York, which the VA cannot presently address. Likewise, New York City has a very large population of homeless veterans who continually fall between the cracks in the current system.

Rather than these proposals to close existing VA medical facilities that have seen their traditional inpatient population decrease over time, we need to explore what other needs these facilities could be used for.

As I noted, these facilities are a unique resource. Once they are closed down and sold off, they are gone forever. The Government will never be able to procure a similar piece of real estate for an affordable price should the need arise in the future.

We should not squander the irreplaceable resource found in our VA medical centers while so many veterans are not having their needs fully addressed.

As I stated earlier, there is much in this bill that is sorely needed and worthy of our support. However, as a Member from the VA VISN that has suffered the deepest cuts in its health care budget, I cannot bring myself to vote for a bill that would further reduce their VA medical options.

In the interim, I will continue to work with the distinguished chairman of the House Veterans Committee (Mr. STUMP), to ensure that adequate funds are diverted from the VA emergency reserve to VISN #3 for FY'00. Moreover, both Chairman STUMP and I will request the VA to revisit its VERA formulas used to determine funding levels for northeastern VISNS, particularly those in New York which have been the hardest hit under VERA.

In closing, I want to thank our distinguished Veteran's Committee Chairman for his agreement to designate lower New York as a demonstration site should Medicare subvention legislation pass the Congress, as well as for his working with me to ensure that the VA explores the possibility of turning unused space at VISN #3 medical facilities into long term nursing home care units for veterans through the expanded use of the enhanced lease authority.

Mr. SMITH of New Jersey. Mr. Speaker, the Veterans' Millennium Health Care Act addresses the future of VA health care in the 21st century. The legislative package which we are considering today is an ambitious and very necessary undertaking. It forces the VA to step up to the challenges posed by the aging of our society. It will also ensure that the VA's long term care services reflect the health needs of America's veterans. It puts important checks and balances in place so that critical VA decisions regarding health care delivery are made with the input of veterans, health care staffers, and Congress.

The Veterans' Millennium Health Care Act includes the following key components: it requires the VA to provide long term care to veterans who are either 50% service connected or in need of such care for a service connected condition; it requires the VA to operate and maintain long term care programs including geriatric evaluation, nursing home care, domiciliary care, adult day health care, and respite care; and it restores the ability of Purple Heart recipients to automatically use VA health care facilities.

One component of this package is especially important to me: respite care. Earlier this

year, I introduced H.R. 1762, legislation which expands the definition of respite care within the VA's health care system. For the first time, this legislation allows the VA to contract with home care professionals to provide care for our aging veteran population, as well as provide care services through non-VA facilities when appropriate. Currently, veterans and their care givers who are in need of respite care must travel to the closest VA nursing home—even if it is just for temporary relief—when a bed becomes available. By providing respite care in the home, the VA will relieve a veteran's spouse or adult child of such duties as preparing meals, doing laundry, or changing bed linens.

The current policy places a tremendous burden on the care giver, be it a spouse, an adult child, family member, or friend. The closest VA nursing home or state facility may be hours away. My legislation instead allows the VA to either send someone to the veterans' home to relieve the caregiver or to make arrangements and pay for other short-term options.

H.R. 1762 has been endorsed by the American Legion, the VFW, Eastern Paralyzed Veterans of America, Vietnam Veterans of America, and the Disabled Paralyzed Veterans Association. All of these groups know that if it were not for the loving care being provided by spouses and adult children, the VA long term care system would be in dire straits. I cannot underscore how crucial it is for our veterans that we provide assistance for these caregivers and enable them to continue their good works.

Providing caregivers with the occasional day off so that they might attend to their own lives for a few hours or days will significantly improve the lives of our veterans and unquestionably save the VA money in the long run. Most Americans want to remain in their own homes for as long as possible. Expanding the VA's ability to use respite care as well as other long term care services reflects the flexibility that America's seniors demand and have come to expect.

A few years ago, I got a first-hand education about the need for respite care when I watched my parents suffer from cancer. My wife, Marie, provided my mother with around the clock care—so our family knows how emotionally consuming it can be. This is why I am a passionate believer in expanding the VA's ability to provide respite care. This provision of the bill is much needed by our Nation's veterans and their care givers.

As a Co-Chair of the Congressional Alzheimer's Disease Task Force, I know that unless we begin building the framework for dealing with long-term care issues in our VA system, a demographic tidal wave—the aging of our veterans—will crash into the system and cause serious damage. The VA should lead the way.

For example, persons aged 85 and above are the fastest growing age category in the country, and half of those persons will contract Alzheimer's disease. Cases of Alzheimer's are expected to more than quadruple from 4 million to 18 million by the year 2050. We need to take measures to accommodate families caring for Alzheimer's patients, and the respite care provisions in the Millennium Health Care Act are the right policy at the right time.

In a California statewide survey taken by the Family Caregiver Alliance, 58% of the care-

givers showed signs of clinical depression. When asked, they responded that their two greatest needs were emotional support and respite care. On average, they are providing 10.5 hours of care per day. According to the Caregiver Assistance Network, family and volunteer caregivers provide 85% of all home care given in the United States. These husbands and wives, sons and daughters, are willing to make the sacrifices necessary to ensure that their loved one—who have served our Nation in the Armed Forces—are able to remain at home in their time of need.

Besides Alzheimer's, many of our veterans suffer from the aftermath of a stroke, Parkinson's disease, and other adult onset brain-impairing diseases and disorders. By contracting out for respite care services, the VA will make a real difference in the day to day quality of life for a veteran and his or her family member.

Another important provision in the Veterans Millennium Health Care Act is that the bill puts in "speed bumps" for the VA as it examines its physical facilities and their future use as we enter the next century. Last month, House Veterans' Affairs Committee staff along with my veterans aide traveled to New Jersey to see first hand how our state and the VA network which it is part of, is dealing with the President's budget cuts. They were pleased to find out that there is a strong level of commitment and dedication among the staff in spite of much belt tightening that has resulted under the Veterans Equitable Resource Allocation (VERA) formula. And yet, VA officials told Committee staff that future cuts will cut into the bone. As a result, veterans in New Jersey and throughout the Northeast have been concerned about closure of hospitals, nursing homes, and clinics. I know that at the Brick Clinic located within my Congressional district, we have successfully fought to restore special services for our veterans. To not do so would force them to travel an hour and a half in the car to the VA's facility in East Orange. This is unacceptable and we were able to successfully persuade the VA to rethink their health care strategy for Central New Jersey.

Recognizing veterans' concerns about their facilities, H.R. 2116 puts in place several mechanisms that will prevent the VA from an arbitrary closure or realignment of a facility. For instance, under H.R. 2116, the VA must conduct a study before it can even consider changing a hospital's mission. Any realignment plan put forth must include the participation of federal employees and veterans. Furthermore, VA employees will be given preference in future hiring. Any savings from a mission change must be retained within the local area and reinvested in new services for veterans, insuring improved access to care. Finally, and most importantly, Congress will be given a minimum of 45 days to review any VA recommendations on potential changes.

This provision, and the overall Millennium Health Care Act, does come with a price tag—but it is one that our veterans both need and deserve. Enhancing eligibility for veterans on a variety of levels requires that both Congress and the President find the necessary funds for long term care and eligibility expansion. Earlier this month, the House approved a \$1.7 billion increase for veteran's health care.

I urge all of my colleagues to join me in voting for passage of this bill which is integral to

the health and well being of America's veterans.

Mr. FILNER. Mr. Speaker, I rise in support of the Veterans' Millennium Health Care Act. This bill improves the VA health care system in many ways. For example, it will extend long term care and emergency care services, provide sexual trauma counseling, expand care and treatment for veterans who have been recognized by the award of the Purple Heart.

In addition, I am especially pleased that this legislation ensures that the Veterans Administration (VA) will work with licensed doctors of chiropractic care to develop a policy to provide veterans with access to chiropractic services. Even though chiropractic is the most widespread of the complementary approaches to medicine in the United States, serving roughly 27 million patients—and even though Congress has recognized chiropractic care in other areas of the federal health care system (Medicare, Medicaid, and federal workers compensation), VA has chosen not to make chiropractic routinely available to veterans. This bill changes that.

As a Member representing a portion of San Diego County, I am also pleased that H.R. 2116 includes a biomedical research facility for the VA San Diego Healthcare System to accommodate current and pending research programs on diabetes, immunology, hypertension, Parkinson's Disease, AIDS, and memory.

I encourage my colleagues to support and vote in favor of the Veterans' Millennium Health Care Act.

Mrs. KELLY. Mr. Speaker, I rise today in opposition to H.R. 2116, the Veterans Millennium Health Care Act, in its present form. This is a position I take after a great deal of deliberation and review of the effects of some of the provisions in this legislation.

I want to begin by recognizing the many positive initiatives contained in this legislation that will truly benefit our veterans population, such as the requirement for long term care for veterans with 50 percent or greater service connected disability. This issue is one of my highest priorities in Congress and is the reason I introduced H.R. 1432, the Veterans Long Term Care Availability Act, which requires, essentially, the very same thing. Additionally, the provisions that provide coverage for emergency care services to veterans, priority care for Purple Heart recipients and expansion of the enhanced use lease authority available to VA facilities with extra unused space are all good initiatives that I wholeheartedly support.

Unfortunately, these good provisions are coupled with two problematic provisions that we should be given the opportunity to offer amendments to correct. By suspending the rules to pass this bill we are unable to offer amendments to correct some of the bill's problems. For instance, Section 107 of this legislation, entitled "Enhanced services program at designated medical centers," sounds like a good program. In reality, however, this section stipulates the conditions under which a VA hospital can be closed. This is a very important process before us now that entails a great deal of controversy that should be debated on its merits. I have to question why we would want to put into place a procedure for closing VA hospitals in a time when we are facing unprecedented growth of the health care needs of veterans. One of the stipulations of this section is that Congress gets 30 in session days

to review the VA's findings. I believe this period should be longer. We all know that Congress was intentionally created to be a very deliberative body. If we are going to have an opportunity to review such a report we will need more than 30 days to do so.

Additionally, Section 201 entitled "Medical care collections," would enable the VA to raise co-payments that veterans would be required to pay on their prescription drug benefits. Veterans I have spoken to in my area are frustrated enough with the current co-payments they are required to pay. The typical veteran from New York is poorer, sicker and older than the rest of the nation. The current prescription drug benefits that veterans have are one of the few benefits that genuinely helps them. If we need more money we should appropriate it, not charge veterans.

Finally, the question that comes to my mind is the cost of this legislation. CBO testified before the House Veterans Affairs Committee that this bill would cost \$1.4 billion a year to implement. Where are we going to get this money. The last thing Congress should do is pass costly mandates upon the VA without passing appropriate funding. If we fail to pass appropriate proper funding, the VA will be forced to cut back or end other services in order to comply with these new mandates. This year the House has passed a VA-HUD Appropriations Act that increases VA spending by \$1.7 billion. This level is currently in question and I wonder if we will be able to achieve it. With the funding requirements this bill would incur, where is the money going to come from? Do we have a commitment to provide a \$1.4 billion increase next Congress? This is one of the questions that must be answered before we pass such a large bill. We cannot afford to short change veterans.

Finally, the supporters of this bill speak of the many endorsements H.R. 2116 has received from national veterans groups. I have contacted these groups and found that many of them agree with my concerns. Let me quote from a letter from Richard Esau, Jr., the National Commander of the Military Order of the Purple Heart.

H.R. 2116 was "the topic" of conversation at our Convention. We concur completely with your evaluation of this bill. Yes, we need long term care for veterans with service connected disability of 50 percent or greater. Yes, we need VA provided emergency care services and most assuredly we need priority care for Purple Heart recipients and military retirees. If a percentage of these funds is to be recovered via the Federal tobacco lawsuit, so be it. I can't ever remember a C-ration package that didn't have a cigarette pack in it.

Congresswoman, we couldn't agree more with your concerns about the bill's procedures for closing VA hospitals. You have only to look at the State of Maine to see how the laissez faire attitude of federal bureaucrats is working a hardship on thousands of veterans who soon will have to travel from their homes (some on the Canadian border) to Boston, Massachusetts for treatment. Further, we wouldn't want the VA Secretary to have the authority to increase prescription co-payments for veterans with service connected disabilities of less than 50 percent. Too often, the VA Secretary is a political animal who has never had a shot fired at him in anger. This type of Secretary just doesn't seem to understand how important medicines are to older vets and what a slap in the face it is to require them to pay more rather

than less for this service. Do other Members of Congress realize a plurality of these veterans are on fixed incomes?

I personally would like to see your bill, H.R. 1432, taken out of committee and debated on the floor of the House. I am, however, a realist who knows that "half a loaf" is better than none. Therefore, along with my fellow patriots, I support passage of H.R. 2116 and ask you, Sue Kelly, to continue your watchdog activities to ensure vets have their medicines at reasonable prices and needed "old" VA facilities stay open.

As we see from this letter, veterans are ready to take the good portions of this bill along with the bad portions of this legislation. We should pass the best bill possible, not a good and bad bill. We should allow for a full and open debate of these provisions and take H.R. 2116 off the suspension list and allow amendments. It is only through the full open democratic process that we can ensure that all sides are properly represented. If this bill fails tonight when the full House votes, I pledge to do everything in my power to ensure that this bill is given the proper time for full House consideration of all germane amendments.

I am joined in opposition by members who want only the best for our veterans and the Eastern Paralyzed Veterans Association. I urge members on both sides of the aisle to carefully consider these issues before casting their vote on this all too important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2116. This bill makes a number of important changes to veterans' health care programs.

The bill directs that the VA operate and maintain a national program of extended care services, including geriatric evaluations, nursing home care, adult day health care, domiciliary care and respite. The measure requires the VA to develop and begin to implement by January 1, 2000 a plan for carrying out the recommendation of the Federal Advisory Committee on the Future of Long Term Care. The VA was directed to increase home and community based care options as well as the percentage of the medical care budget dedicated to such care. The bill mandates the VA to provide needed extended care services in the case of veterans who are 50% service connected or in the need of such care for a service connected condition; and provide such veterans highest priority for placement in VA nursing homes.

Although the calendar year indicates that we honor these men and women on Memorial Day and Veteran Day, I believe that we should pause everyday to thank them for their sacrifice. The collective experience of our 25 million living veterans encompasses the turbulence and progress America has experienced throughout the twentieth century. This nation's veterans have written much of the history of the last hundred years. They have served this nation without reservation or hesitation during its darker moments.

Their unwavering devotion to duty and country has brought this nation through two World Wars and numerous costly struggles against aggression. From World War I to the Gulf War, America's veterans have been leading this nation against those who have threatened the values and interests of our nation.

Only today are the accomplishments and sacrifices of our veterans being fully appreciated by historians and the public. These genuine heroes have often been ignored and

denied their proper place in America's melting pot. We need to remember that America owes these men and women the best it can offer because they have given us the best they could when America was in need.

Mr. Speaker, I am fortunate to have The Houston Department of Veterans Affairs Medical Center located in my congressional district. Having just celebrated fifty years of service to the veterans in the Houston community. Some 1,646,700 veterans live in the State of Texas alone. The Houston VA Medical Center expects to receive and serve over 50,000 veterans in this year alone. I expect this measure to improve the quality of life for all our veterans who so proudly served our nation.

Mr. Speaker, this bill is important not only because it provides for the needs of our veterans today but because it sends an important signal to the men and women serving our nation in places like Bosnia, Kosovo, Germany, Korea, Japan and other far off places around the world. That message is simple, that when you serve our nation we will answer the plea of President Lincoln "to care for him who shall have borne the battle."

I urge my colleagues to vote yes on H.R. 2116 and care for the men and women who have borne the battle.

Mr. PORTMAN. Mr. Speaker, I rise to support H.R. 2116, the Veterans' Millennium Health Care Act of 1999, which is designed to address the long-term health care needs of veterans of the 21st century.

However, I want to express my seniors concerns with a provision of the bill that may unfairly impact a vital nursing home facility proposed to serve veterans in southern Ohio. Specifically, I am concerned with Section 206, the State Home Grant Program, which would only allow projects to be funded in FY 2000 that are on the VA's approved list as of October 29, 1998. The effect of this could be to prevent the federal matching funds next year for a facility in Georgetown, Ohio in Brown County. Ohio's application for the Brown County facility was submitted to VA earlier this summer.

Ohio has a shortfall of more than 4,000 VA nursing home beds and is vastly underserved. In fact, the only VA nursing facility Ohio is located in Sandusky in the northern part of the state, and there are 160 veterans on the waiting list for admission. Of the Sandusky VA facility's 650 residents, only 8 are from southern Ohio. As a result of this shortfall and the need to better serve veterans in southern Ohio, the state committed \$4.5 million for the Brown County project as its share of the construction money in Ohio's FY 2000 budget. The state has also committed \$500,000 for various administrative expenses to see the project to completion for a total of \$5 million in state funds. The federal share needed for the facility is \$7.8 million.

The State of Ohio's financial commitment to the Brown County facility was signed into law by the Governor on June 30, 1999. Ohio's application was submitted to VA on July 22, a month ahead of VA's August 15 deadline for receiving FY 2000 funding applications. As you know, the House recently approved \$90 million for the State Homes Construction Grant program in the FY 2000 VA, HUD, Independent Agencies bill—a \$50 million increase over the President's request which I had worked for in the Appropriations Committee and supported. I am told that a similar amount

is expected to be included in the Senate bill. It is my understanding that Ohio's application should be sufficiently high in priority that the VA, HUD Independent Agencies appropriation would provide the federal funds needed for the Brown County facility in FY 2000. Unfortunately, I am advised by the State of Ohio officials and the VA, that the October 29, 1998 cutoff date in H.R. 2116 will automatically make Ohio's application ineligible for funding next year.

Ohio has acted in good faith to provide the needed \$5 million state match and has spent an additional \$154,000 to prepare the application, which was submitted well within the timetable for FY 2000 funding under VA's current guidelines. I want to add that Brown County has spent \$186,000 of its own funds for land acquisition, an environmental impact study and for other expenses, so there has been a considerable state and local investment in this project.

Of course, the VA still must approve the Brown County application based on its merits. However, it is unfair to change the rules in the middle of this year's application process and preclude Brown County's facility from being funded in FY 2000 as would happen under the current language of H.R. 2116. It is my hope that an equitable solution to this unfortunate situation can be worked out in conference, and I look forward to working with Chairman STUMP, Chairman STEARNS, ranking members EVANS and GUTIERREZ and the Senate to ensure that the veterans in southern Ohio are treated fairly in this process.

Mr. STUPAK. Mr. Speaker, I speak today in support of H.R. 2116, the Veterans Millennium Health Care Act. I would like to commend Chairman STUMP and Ranking Member EVANS on their hard work on this bill, and their work on behalf of America's veterans.

I have a small VA medical facility in my district, Iron Mountain Veterans Medical Center. Under existing law, VA could arbitrarily close this facility, and have come close to doing so in the past. H.R. 2116 would provide protections not available under current law. It would require VA to involve veterans' service organizations, employee unions, and other interested parties. It would require VA to submit the plan and justification to Congress and allow a waiting period of 45 days. These provisions provide for far greater protection than under current law, and allow for the community and individual input which is lacking in current proceedings.

Other notable provisions in H.R. 2116 address issues which have been neglected for too long. Long-term care is expanded; VA's authority to make grants to assist homeless veterans is extended; the criteria for awarding grants to building and remodeling state veteran's homes has been reformed; VA is directed to cover emergency costs for uninsured veterans; it provides for sexual trauma counseling; provides for chiropractic care; it will give the VA access to a portion, if funds are recovered from tobacco companies, to compensate for its costs of tobacco-related illnesses; and it establishes a new health care enrollment category for non-disabled military retirees eligible for Tricare which essentially guarantees these military retirees health care.

The innovative provisions in this bill which make it so responsive to those veterans who have served our country so well is deserving of our support, and I urge my colleagues to

vote for the Veterans Millennium Health Care Act.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the Veterans Millennium Health Care Act of 1999. I commend the efforts of the Chairman and Ranking Member of the VA Committee, along with the Chairman and Ranking Member of the Health Subcommittee and their staff, of developing this needed piece of legislation.

This health care bill offers many positive improvements, including the expansion of care for long-term nursing, mental health services, emergency and other needed care. It represents a comprehensive and necessary change to keep our VA health care facilities and services in tune with the needs of veterans and the changing health care industry. I urge the Senate to act quickly in passing this bill so we can have it enacted into law this year.

A more fundamental problem we face lies in the funding of such programs, especially for the discretionary health care budget. We can authorize all we want for VA health care. But based on the budget caps set by the House leadership, veterans will be lucky just to avoid having cutbacks in fiscal year 2001 and could face much more drastic cuts in future years. We all want HR 2116, and authorizing bills like it, to expand health care and benefits to veterans and their families. But we must be prepared to bite the bullet and give adequate funding for all veterans services.

Mr. SMITH of Texas. Mr. Speaker, I strongly support H.R. 2116, the Veterans Millennium Health Care Act.

Health care as we know it is changing. New technology allows for better treatment, better diagnosis and greater opportunities than ever before.

But as we approach the 21st century, the Veterans Administration must also change to address the needs of our veterans. This bill accomplishes that objective.

Mr. Speaker, my district contains one of the highest concentrations of veterans in the country. I have held town meetings across my district to listen to their concerns. The veterans I represent have advocated many of the provisions contained in this bill.

From requiring the VA to enlist the help of veterans organizations in developing enhanced service plans, to allowing the VA to contract for needed hospital care, the provisions contained in H.R. 2116 will benefit the VA for years to come.

Mr. KOLBE. Mr. Speaker, I welcome this legislation to meet the health care needs of our veterans and rise to express my support for the Veterans' Millennium Health Care Act. This is the kind of act that will help restore accountability and credibility to the government's reputation with regard to keeping our promise to take care of our nation's veterans.

In Tucson, we eagerly await the groundbreaking of the Tucson VA Medical Center's new outpatient facility. This legislation complements that effort to insure the policy as well as the infrastructure is in place to provide appropriate care for Southern Arizona veterans. Outpatient care delivers more care to greater number at a lower cost. I am pleased to see outpatient care further supported in this bill. With the World War II generation and their sons and daughters entering the later half of their lives, these improvements to long term care is timely and needed.

This represents Congress responding to real needs of the people. The broad support within the House of Representatives shows that we put the people we serve first and we are using the best of our collective experience to implement the most responsible policies. Again, I thank the members of the Committee and fellow Arizona member BOB STUMP for his diligent efforts and leadership in serving our veterans.

Mr. BUYER. Mr. Speaker, I rise in strong support of the Veterans' Millennium Health Care Act. This bill will directly address the veterans' concerns regarding the availability of long-term care, improving access to VA health care, and provide many military retirees access to a VA Health Care system that, in the past, has been closed to them.

In addition, this bill finally addresses the issue of allowing VA to reimburse service-connected veterans and low income veterans for emergency care that they may have received at a non-VA facility. Equally important, the Veterans' Millennium Health Care Act provides VA the authority to generate much needed revenues by establishing copayments on hearing aids and other extremely high cost items for nonservice-connected conditions, and allow VA to earmark these revenues specifically for medical care.

Lastly, this bill provides veterans and their families a voice in the future of their health care system by requiring the VA to consult with the veterans community about the realignment of any VA facilities. Mr. Speaker, this bill is good for VA, and more importantly good for veterans.

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 2116, as amended, the Veterans' Millennium Health Care Act. Before I comment on some of the specific provisions of this bill, I want to thank Chairman STUMP, Chairman STEARNS, and the Ranking Democratic Member of the Health Subcommittee, Mr. GUTIERREZ, for working with me to incorporate certain provisions I have long-supported in this important bill.

This is an ambitious bill, but it is a bill that works in a realistic context. It takes cognizance of some disturbing trends we have seen in funding for veterans' health care, notwithstanding the Committee's support of significant funding increases. It is a bill that will better assure Congress that VA is continuing to meet veterans' vital needs for long-term care services. It is a bill that gives Congress better assurance that VA will plan effectively for ways to continue to treat veterans regardless of the health care setting. Finally, it is a bill that will allow veterans who regularly use the VA system to receive reimbursement for emergency care services.

The bill also contains a "report and wait" requirement which responds to a concern I raised that VA is dismantling its inpatient programs without adequate planning to fulfill veterans' needs for these programs in outpatient or community settings. The provision follows other efforts Congress has put in place to ensure that important services and programs remain available to veterans as it restructures under what may be an austere budget.

Since decentralizing its management, VA has closed acute inpatient beds at a pace that I believe has taken many by surprise. The hardest hit have been the beds for psychiatric, rehabilitation, and other services of a "longer term" nature. Unfortunately there are some indications that, instead of planning effectively to

continue to meet the needs of these vulnerable patients on an outpatient basis, their care is slipping through the cracks.

Long-term care remains an area of concern as VA continues to tighten its belt. Last month, I presented findings from a report done at my request to assess recent changes in VA's long-term care delivery efforts to veterans. My staff surveyed VA's Chiefs of Staff to see how VA was responding to veterans' growing need for long-term care. Survey findings indicated that there were substantial erosions in the long-term care program—VA may be treating more veterans, but it is discharging them after much shorter stays that may not satisfy their need for ongoing care. The Report concluded with several recommendations to improve VA Long-Term Care that the Millennium Plan addresses. The findings and recommendations of this report were instrumental in shaping this legislative plan for addressing long-term care in VA.

The Millennium Plan establishes a good baseline for meeting veterans' needs for long-term care. We believed it was best to guarantee that veterans with the highest priority for care—those with health care conditions due to military service—receive all of the long-term care they need.

The bill also requires VA to maintain its long-term care program and enhance the services it provides in the home and community. VA is under enormous financial pressure and long-term care is expensive. The survey identified some disturbing changes in VA's long-term care program that obviously stemmed from financial pressure. It is time to give VA clear direction about whom we expect VA to treat and what services we will require it to offer.

I have had a long-standing interest in emergency care reimbursement. I introduced two bills in the last Congress and this year I introduced H.R. 135, the "Veterans Emergency Health Care Act". H.R. 135 allows VA to reimburse enrolled veterans for expenditures made during medical emergencies. Veterans who rely on VA for their health care have been financially devastated by an emergency health care episode. Veterans who try to reach VA during a health care crisis have been told by VA staff to go to the closest health care facility for treatment, but once the bills came, the VA refused to reimburse them. It seems unconscionable that VA would abandon these veterans during their greatest health care crises, but I know it happens.

I also know VA wants to fix this problem. Asked to identify legislation it needs to comply with the President's "Patient Bill of Rights", VA indicated it would need authorization to reimburse emergency health care for the veterans it enrolled. The President ordered federal agencies to comply with the bill, yet a proposal contained in the President's budget only partially addressed VA's request for this authority. The Millennium Bill goes farther by allowing VA to reimburse any high-priority enrolled veteran for emergency care services.

I have also advocated allowing more veterans to choose chiropractic care in VA. Last year I introduced a bill to establish a chiropractic service in VA which was supported by the American Chiropractic Association and the International Chiropractors Association. The Millennium Bill will require that VA work with chiropractors on a policy that will allow veterans' better access to their service within VA.

Veterans deserve the opportunity to choose chiropractic care.

The Millennium Bill contains provisions that will authorize VA to increase copayments for drugs, neurosensory devices and certain other prosthetics, and extended care. I believe the Committee must offer leadership in addressing some of these difficult issues head on. I want to make sure that VA can maintain services for veterans that rely on it for their health care—the best way we can do this is by requiring some veterans to contribute more to their health care. VA's costs for pharmaceuticals have doubled over the last ten years; allowing more veterans to acquire hearing aids and eyeglasses from VA has also put a tremendous strain on VA's ability to acquire prosthetics. We need to ask some veterans to chip in for these benefits which are not provided by most health care insurers—it's still a significant benefit for veterans.

The bill addresses facility realignment which has been an understandable concern for some. Mr. Speaker, it is important to realize that VA currently has the authority to realign its medical resources, including closing hospitals. Since the VA has allowed so much of its decision making to take place in its 22 networks, Congress' ability to ensure that VA is going through a fair process in determining the need for facility closures has diminished considerably. In this bill, we provide VA with a framework that better ensures that the views of veterans, employees and other interested parties are taken into account and that VA finds the least disruptive means of continuing to care for the veterans it serves. While I do not view this legislation as supportive of such closures, I do not believe it will lead to a more constructive process for planning for major restructuring.

It is abundantly clear that VA is not operating in a world of unlimited resources. I believe this bill has many positive gains for veterans while not imposing unreasonable new costs onto an already fiscally strapped system. I endorse this ambitious bipartisan legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my support for the Veterans' Millennium Health Care Act, a bill which I have cosponsored.

As we enter the dawn of a new millennium, we are faced with a nation of aging veterans. These men and women, who protected our national security, now need us to ensure their long-term health care security.

This bill quite literally changes the face of the current VA hospital system. Under this Act, veterans' health care will shift from one where veterans must go to a designated center to one that will become more accessible to veterans through outpatient clinics, long-term care and community care centers. This is the prescription for medical care that northern New Mexico veterans have been waiting for.

With only one major VA center in New Mexico, hundreds of miles from where my constituents live, veterans are dependent on the limited care provided by rural health care centers. This bill will ensure these rural health care clinics have the resources available to give our veterans the full medical treatment they require.

This is a commonsense bill that provides veterans in rural communities the same type of treatment that veterans in other communities already receive and I urge my colleagues to pass it immediately.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 2116, as amended.

The question was taken.

Mrs. KELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### NATIONAL HISTORIC PRESERVATION FUND AUTHORIZATION

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 834) to extend the authorization for the National Historic Preservation Fund, and for other purposes, as amended.

The Clerk read as follows:

H.R. 834

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

#### SECTION 1. AMENDMENT OF NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act (16 U.S.C. 470 and following; Public Law 89-665) is amended as follows:

(1) Section 101(e)(2) (16 U.S.C. 470a(e)(2)) is amended to read as follows:

“(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947), consistent with the purposes of its charter and this Act.”.

(2) Section 102 (16 U.S.C. 470b) is amended by redesignating subsection (e) as subsection (f) and by redesignating subsection (d), as added by section 4009(3) of Public Law 102-575, as subsection (e).

(3) Section 107 (16 U.S.C. 470g) is amended to read as follows:

“SEC. 107. Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds. For the purposes of this Act, the exemption for the United States Capitol and its related buildings and grounds shall apply to those areas depicted within the properly shaded areas on the map titled ‘Map Showing Properties Under the Jurisdiction of the Architect of the Capitol,’ and dated November 6, 1996, which shall be on file in the office of the Secretary of the Interior.”.

(4) Section 108 (16 U.S.C. 470h) is amended by striking “1997” and inserting “2005”.

(5) Section 110(a) (16 U.S.C. 470h-2(a)) is amended as follows:

(A) In paragraph (1) by deleting the second sentence.

(B) In paragraph (2)(D) by deleting “and” at the end thereof.

(C) In paragraph (2)(E) by striking the period at the end thereof and inserting “; and”.

(D) By adding at the end of paragraph (2) the following new subparagraph:

“(F)(i) When operationally appropriate and economically prudent, when locating Federal facilities, Federal agencies shall give first consideration to—

“(I) historic properties within historic districts in central business areas; if no such property is suitable; then

“(II) other developed or undeveloped sites within historic districts in central business areas; then

“(III) historic properties outside of historic districts in central business areas, if no suitable site within a historic district exists;

“(IV) if no suitable historic properties exist in central business areas, Federal agencies shall next consider other suitable property in central business areas;

“(V) if no such property is suitable, Federal agencies shall next consider the following properties outside central business areas;

“(VI) historic properties within historic districts; if no such property is suitable; then

“(VII) other developed or undeveloped sites within historic districts; then

“(VIII) historic properties outside of historic districts, if no suitable site within a historic district exists.

“(ii) Any rehabilitation or construction that is undertaken affecting historic properties must be architecturally compatible with the character of the surrounding historic district or properties.

“(iii) As used in this subparagraph:

“(I) The term ‘central business area’ means centralized community business areas and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

“(II) The term ‘Federal facility’ means a building, or part thereof, or other real property or interests therein, owned or leased by the Federal Government.

“(III) The term ‘first consideration’ means a preference. When acquiring property, first consideration means a price or technical evaluation preference.”.

(6) The first sentence of section 110(l) (16 U.S.C. 470h-2(l)) is amended by striking “with the Council” and inserting “pursuant to regulations issued by the Council”.

(7) The last sentence of section 212(a) (16 U.S.C. 470t(a)) is amended by striking “2000” and inserting “2005”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Speaker, H.R. 834 reauthorizes the National Historic Preservation Fund until the year 2005. The bill also amends the National Historic Preservation Act of 1966 to include a larger area of exemption under the jurisdiction of the Architect of the Capitol and modifies the way Federal agencies consider historic properties for carrying out their responsibilities.

H.R. 834 reauthorizes funds for the National Historic Preservation Act which established a general policy of Federal support and funding for the preservation of the prehistoric and historic resources of the Nation.

This policy directs the Secretary of the Interior to maintain a national register of historic places, to encourage State and local historic preservation through State historic preservation officers, authorizes a grant program under the Historic Preservation Fund to provide States monies for historic preservation projects and to individuals for the preservation of properties listed on the national register.

□ 1445

Lastly, the policy established the advisory counsel on historic preservation

which reviews the policies of federal agencies in implementing the Historic Preservation Act. We need this policy to continue in order to protect our valued historic treasures.

Mr. Speaker, it seems to me that one of the principle purposes of the government is to preserve the cultural fabric of the Nation. Since 1966, one way this Nation has tried to accomplish that goal is through the National Historic Preservation Act. The bill before us reauthorizes that act, as I said, through 2005 at its present level. I think it is a tribute to the program that it has achieved enormous success in spite of the fact that it has never received its full authorization.

State historic preservation agencies have used these federal funds to attract over three times the amount of State and private investment. The bill also codifies and clarifies Executive Order 13006 regarding historic properties by federal agencies. H.R. 834 includes a check list agencies must run through to ensure that wherever possible federal agencies will first make use of adjacent historic properties before seeking to build or buy new buildings.

The bill maintains the exemptions for the Capitol, as I stated earlier. It is hoped that the requirement that the Architect of the Capitol report the area of his jurisdiction will bring awareness to the Federal Government that it should abide by the same laws it passes for the citizenry. That has not always been the case, particularly here in the District of Columbia.

Finally, this bill provides as authorization by which the Interior Department may administer grants to the National Trust for Historic Preservation. This does not mean we are putting the trust back on the public payroll. Rather it allows Interior to respond quickly to emergency situations such as hurricanes or flooding.

In conclusion this bill makes most sweeping changes, only incremental changes to what has become a mature and, I think, a very successful program. There is an element of urgency in passing this legislation since the program has been without authorization for 3 years.

So I would hope that all my colleagues would support this very sound, very solid legislation.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 834 reauthorizations funding for the National Historic Preservation Fund and the Advisory Council on Historic Preservation. The bill also makes several minor changes to the National Historic Preservation Act. The National Historic Preservation Act enacted in 1966 established a comprehensive program through which federal,

State, tribal, and local historic resources have been protected. This successful program shows what can be done when governments at each level are willing to work together for a common cause, the protection and preservation of our culture and our history.

And sometimes new nations forget, do not pay that much attention to preserving their culture and preserving their history, and when we travel abroad and we see the preservation of the culture and the history in so many other countries, we realize how important it is; and when we come back, we make sure that we preserve ours for future generations.

And H.R. 834 would extend the authorization of funds for the Historic Preservation Fund and the Advisory Council on Historic Preservation through fiscal year 2005. We wholeheartedly support extending this authorization. H.R. 834 goes on to make two other minor changes to the National Historic Preservation Act as well. These changes clarify the applicability of historic preservation laws to the Architect of the Capitol and codify the executive order dealing with consideration by federal agencies to using historic properties.

In addition, the committee adopted an amendment to the bill that contained the suggested changes of the General Services Administration to the section of the bill dealing with federal agency use of historic properties. While the language embodied in these suggested changes was somewhat convoluted, we did not oppose the amendment. During committee consideration we offered, but subsequently withdrew, an amendment to provide for a study by the Secretary of the Interior of the preservation and restoration needs of historic buildings and structures located on the campuses of historic Hispanic-serving institutions of higher learning.

Within the area I represent is the University of Puerto Rico, the largest Hispanic-serving institution of higher learning in the country. The university has significant historic resources that would benefit along with the other educational institutions from such an assessment. In lieu of the amendment, the Committee on Resources has included a report language on the bill expressing support for the study and strongly encouraging the Secretary of the Interior to undertake such a study using existing authorities.

The Department of the Interior has experienced in doing such studies and having completed in several years a very similar study of historically black colleges and universities. Such a study will provide Congress and the public with useful information in which to assess the historic preservation needs of these educational institutions.

Mr. Speaker, we support H.R. 834, as amended, and would encourage our colleagues to do likewise.

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

Mr. HEFLEY. Mr. Speaker, with the appointment of Alan M. Hantman as the new Architect of the Capitol, Congress has a chance to begin a new era and build a partnership with the citizens of Washington, DC. The land that houses the nation's congressional offices, the Botanical Garden and several of the administrative offices is under the stewardship of the Architect of the Capitol. In the past, Congress has exempted the Architect of the Capitol from meeting the same building, design, and community notification guidelines it requires other builders in the city and nation to meet. These exemptions have not worked to the public's benefit nor have they encouraged Congress to set the example of being good partners with the surrounding community.

In the early 1960's Congress spent over \$100 million to build the Rayburn House Office Building. It was designed by the Architect of the Capitol of the time, J. George Stewart. The building sits on 50 acres and is considered a waste of precious space. Only 15 percent of the building is used for hearing rooms and offices. Forty-two percent is used for parking. The appearance and design of the building since its inception has been considered architecturally void and barely functional with its hallways that end without warning.

Again, in 1997 the Architect of the Capitol, without consulting the public, demolished an historic row house built in 1890 to construct a \$2 million day care center. The location was bitterly opposed by residents and local groups. The Architect demolished the historic house and constructed a new structure with what appeared to be of very little coordination with the people who lived in the neighborhood.

Fortunately, Representative Joel Hefley's bill H.R. 834 takes steps to curb the Architect of the Capitol's influence on the surrounding neighborhoods. I am hopeful the mistakes of the past will not be repeated due to the building guidelines in this bill and other efforts currently in process by my office. The Architect of the Capitol needs to update their services by including the public in their decision making process and by following building guidelines established by Congress.

In addition, I would like to add that H.R. 834 successfully addresses the codification of Executive Order 12072 and 13006. These Executive Orders require federal buildings to locate in downtown areas. Over the last several decades the federal government has been drawing investment away from our cities and helping the elements of urban sprawl by building outside of our downtown. Sprawling development leads directly to traffic congestion, decreased air quality, loss of farm and forest land, decreased water quality and the need for costly new infrastructure. As land development continues to press further and further out, many of our older suburbs have begun to deteriorate as well.

I am pleased that there appears to be one agency within the federal government that is restructuring its programs so it can take the lead in making our communities more livable. Earlier this year, the General Service Administration established the Center for Urban Development and Livability. G.S.A. is the nation's largest real estate organization, and the 3,000 location, planning, design and construction decisions that they make every year have a tremendous impact on urban vitality in the more than 1,600 communities around the country where they control federal property. The es-

tablishment of the Center for Urban Development and Livability has been created to take advantage of opportunities to leverage federal real estate actions in ways that bolster community efforts to encourage smart growth, economic vitality and cultural vibrancy.

I am hopeful that Congress and the new Architect of the Capitol will follow G.S.A.'s example and modify programs to actively seek the public's opinion with their building and renovations to make Capitol Hill and downtown D.C. more economically viable and to help create a more livable community.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill to reauthorize the National Historic Preservation Fund, H.R. 834. The National Historic Preservation Fund is a part of the National Park Service that preserves America's significant historic and archeological sites. The Preservation Fund helps to preserve our national history.

As we approach the end of this century, it is fitting that we seek to preserve our past. This bill will ensure that we preserve the legacy of this century for the generations to come.

The Historic Preservation Fund (HPF) assists states, territories, Indian Tribes, and the National Trust for Historic Preservation in their efforts to protect and preserve properties listed in the National Register of Historic Places.

The preservation services include American Battlefields, Historic Buildings, National Historic Landmarks, Historic Landmarks, and Tribal Preservation. Each of these initiatives preserves an important aspect of American culture and history.

For example, the Tribal Preservation Program works with Native American tribes, Alaska Native Groups, Native Hawaiians and other national organizations to protect resources that are important to Native Americans. This program seeks to preserve language, traditions, religion, objects and sites especially because of the massive destruction Native American cultures have experienced in the past 500 years.

The National Historic Landmarks Assistance Initiative preserves the nation's most historic and archeological places. There are now more than 2,200 sites that have been designated by the Secretary of the Interior as places of national significance.

The funding we provide to these programs and initiatives are necessary to preserving and protecting our nation's irreplaceable heritage. Therefore, I support this reauthorization bill and I urge my colleagues to vote in support of America's heritage.

Mr. HEFLEY. Mr. Speaker, I do not believe I have other requests for time.

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

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 834, as amended.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 834, as amended, the bill just passed.

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

There was no objection.

## SANCTUARIES AND RESERVES ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1243) to reauthorize the National Marine Sanctuaries Act, as amended.

The Clerk read as follows:

H.R. 1243

*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 "Sanctuaries and Reserves Act of 1999".

## TITLE I—NATIONAL MARINE SANCTUARIES

## SEC. 101. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

## SEC. 102. FINDINGS; PURPOSES AND POLICIES.

(a) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by inserting "cultural, archaeological," after "educational,";

(2) in paragraph (4) by inserting "as national marine sanctuaries" after "environment";

(3) in paragraph (5) by inserting "of national marine sanctuaries managed as the National Marine Sanctuary System" after "program"; and

(4) in paragraph (6) by striking "special areas" and inserting "national marine sanctuaries".

(b) PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431) is amended—

(1) in paragraph (1) by inserting before the semicolon at the end the following: ", and to manage these areas as the National Marine Sanctuary System"; and

(2) in paragraph (4) by inserting before the semicolon at the end the following: "and of the natural, historical, cultural, and archaeological resources of the National Marine Sanctuary System".

## SEC. 103. DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended as follows:

(1) Paragraph (2) is amended by striking "Magnuson Fishery" and inserting "Magnuson-Stevens Fishery";

(2) Paragraph (6) is amended by striking "and" after the semicolon at the end of subparagraph (B), and by adding after subparagraph (C) the following:

"(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources; and

"(E) the cost of enforcement actions undertaken by the Secretary for the destruction or loss of, or injury to, a sanctuary resource";

(3) Paragraph (7) is amended by inserting ", including costs related to seizure, for-

feiture, storage, or disposal arising from liability under section 312" after "injury" the second place it appears.

(4) In paragraph (8) by inserting "cultural, archaeological," after "educational,".

(5) In paragraph (9) by striking "Fishery Conservation and Management".

(6) By striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a semicolon, and by adding at the end the following:

"(10) 'person' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government; and

"(11) 'System' means the National Marine Sanctuary System established by section 303."

## SEC. 104. ESTABLISHMENT OF NATIONAL MARINE SANCTUARY SYSTEM; SANCTUARY DESIGNATION STANDARDS.

(a) ESTABLISHMENT OF NATIONAL MARINE SANCTUARY SYSTEM.—Section 303 (16 U.S.C. 1433(a)) is amended by striking the heading for the section and all that follows through "(a) STANDARDS.—" and inserting before the remaining matter of subsection (a) the following:

## "SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.

"(a) ESTABLISHMENT OF SYSTEM; SANCTUARY DESIGNATION STANDARDS.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title."

(b) SANCTUARY DESIGNATION STANDARDS.—Section 303(b)(1) (16 U.S.C. 1433(b)(1)) is amended by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

"(J) the area's value as a site for marine resources monitoring and assessment activities; and

"(K) the value of the area as an addition to the System."

(c) REPEAL.—Section 303(b)(3) (16 U.S.C. 1433(b)(3)) is repealed.

## SEC. 105. PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

"(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located."

(b) SANCTUARY DESIGNATION DOCUMENTS.—(1) IN GENERAL.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

"(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

"(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) (i) A resource assessment report documenting present and potential uses of the

area proposed to be designated as a national marine sanctuary, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses.

"(ii) The Secretary, in consultation with the Secretary of the Interior, shall draft and include in the report a resource assessment section regarding any commercial, governmental, or recreational resource uses in the area under consideration that are subject to the primary jurisdiction of the Department of the Interior.

"(iii) The Secretary, in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator, shall draft and include in the report a resource assessment section that includes any information on past, present, or proposed future disposal or discharge of materials in the vicinity of the area proposed to be designated as a national marine sanctuary. Public disclosure by the Secretary of such information shall be consistent with national security regulations.

"(C) A draft management plan for the proposed national marine sanctuary that includes the following:

"(i) The terms of the proposed designation.

"(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the proposed sanctuary.

"(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

"(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

"(v) The proposed regulations referred to in paragraph (1)(A).

"(D) Maps depicting the boundaries of the proposed sanctuary.

"(E) The basis of the findings made under section 303(a)(2) with respect to the area.

"(F) An assessment of the considerations under section 303(b)(1).

"(G) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education."

(2) CONFORMING AMENDMENT.—Section 302(1) (16 U.S.C. 1432(1)) is amended by striking "304(a)(1)(C)(v)" and inserting "304(a)(2)(C)".

(c) TERMS OF DESIGNATION.—Section 304(a)(4) (16 U.S.C. 1434(a)(4)) is amended in the first sentence by inserting "cultural, archaeological," after "educational,".

(d) WITHDRAWAL OF DESIGNATION.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting "or System" after "sanctuary" the second place it appears.

(e) FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.—Section 304(d) (16 U.S.C. 1434(d)) is amended by adding at the end the following:

"(4) FAILURE TO FOLLOW ALTERNATIVE.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction or loss of or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary."

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

“(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—

“(1) FUNDING REQUIRED.—The Secretary may not prepare any sanctuary designation documents for a proposed designation of a national marine sanctuary, unless the Secretary has published a finding that—

“(A) the addition of a new sanctuary will not have a negative impact on the System; and

“(B) sufficient resources were available in the fiscal year in which the finding is made to—

“(i) effectively implement sanctuary management plans for each sanctuary in the System; and

“(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10-year period.

“(2) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for a Thunder Bay National Marine Sanctuary.”.

#### SEC. 106. PROHIBITED ACTIVITIES.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting “for any person” after “unlawful”;

(2) in paragraph (2) by inserting “offer for sale, purchase, import, export,” after “sell.”; and

(3) by amending paragraph (3) to read as follows:

“(3) interfere with the enforcement of this title by—

“(A) refusing to permit any officer authorized to enforce this title to board a vessel subject to such person’s control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

“(B) forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

“(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or”.

#### SEC. 107. ENFORCEMENT.

(a) POWERS OF AUTHORIZED OFFICERS TO ARREST.—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking “and” after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by adding at the end the following:

“(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).”.

(b) CRIMINAL OFFENSES.—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

“(c) CRIMINAL OFFENSES.—

“(1) OFFENSES.—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

“(2) PUNISHMENT.—Any person that is guilty of an offense under this subsection—

“(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

“(B) in the case a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”.

(c) SUBPOENAS OF ELECTRONIC FILES.—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting “electronic files,” after “books.”.

#### SEC. 108. RESEARCH, MONITORING, AND EDUCATION.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

#### “SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

“(a) IN GENERAL.—The Secretary shall conduct, support, and coordinate research, monitoring, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

“(b) RESEARCH AND MONITORING.—

“(1) IN GENERAL.—The Secretary may—

“(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

“(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

“(C) support, promote, and coordinate research on the cultural, archaeological, and historical resources of national marine sanctuaries.

“(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted or supported by the Secretary under this subsection shall be made available to the public.

“(c) EDUCATION.—

“(1) IN GENERAL.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and public uses of national marine sanctuaries.

“(2) EDUCATIONAL ACTIVITIES.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

“(d) INTERPRETIVE FACILITIES.—

“(1) IN GENERAL.—The Secretary may develop interpretive facilities near any national marine sanctuary.

“(2) FACILITY REQUIREMENT.—Any facility developed under this subsection must emphasize the conservation goals and public uses of national marine sanctuaries by providing the public with information about the natural, biological, ecological, and social functions and values of the national marine sanctuary, including its public uses.

“(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal agencies, States, local governments, regional agencies, or other persons, including the National Estuarine Reserve System.”.

#### SEC. 109. SPECIAL USE PERMITS.

Section 310 (16 U.S.C. 1441) is amended—

(1) in subsection (b)(4), by inserting “; or post an equivalent bond,” after “general liability insurance”;

(2) by amending subsection (c)(2)(C) to read as follows:

“(C) an amount that represents the fair market value of the use of the sanctuary resources.”;

(3) in subsection (c)(3)(B), by striking “designating and”;

(4) in subsection (c) by inserting after paragraph (3) the following:

“(4) WAIVER OR REDUCTION OF FEES.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the use of sanctuary resources.”; and

(5) by amending subsection (e) to read as follows:

“(e) NOTICE.—The Secretary shall provide public notice of any determination that a category of activity may require a special use permit under this section.”.

#### SEC. 110. AGREEMENTS, DONATIONS, AND ACQUISITIONS.

(a) AGREEMENTS AND GRANTS.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

“(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.”.

(b) USE OF RESOURCES FROM OTHER GOVERNMENT AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

“(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services or facilities of such agency on a reimbursable or non-reimbursable basis, to assist in carrying out the purposes and policies of this title.

“(f) AUTHORITY TO OBTAIN GRANTS.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.”.

#### SEC. 111. DESTRUCTION OF, LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

(a) VENUE FOR CIVIL ACTIONS.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting “(1)” before the first sentence;

(2) in paragraph (1) (as so designated) in the first sentence by striking “in the United States district court for the appropriate district”; and

(3) by adding at the end the following:

“(2) An action under this subsection may be brought in the United States district court for any district in which—

“(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(B) the vessel is located, in the case of an action against a vessel; or

“(C) the destruction of, loss of, or injury to a sanctuary resource occurred.”.

(b) USE OF RECOVERED AMOUNTS.—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) RESPONSE COSTS.—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

“(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

“(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

“(2) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

“(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archaeological, historical, and cultural sanctuary resources;

“(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

“(C) to restore degraded sanctuary resources of other national marine sanctuaries.”.

(c) STATUTE OF LIMITATIONS.—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

“(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.”.

#### SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

“SEC. 313. AUTHORIZATION OF APPROPRIATIONS. “There are authorized to be appropriated to the Secretary—

“(1) to carry out this title, \$26,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

“(2) for construction projects at national marine sanctuaries, \$3,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.”.

#### SEC. 113. ADVISORY COUNCILS.

Section 315(a) (16 U.S.C. 1445a(a)) is amended by striking “provide assistance to” and inserting “advise”.

#### SEC. 114. USE OF NATIONAL MARINE SANCTUARY PROGRAM SYMBOLS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(4) by striking “use of any symbol published under paragraph (1)” and inserting “manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol.”;

(2) by amending subsection (e)(3) to read as follows:

“(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or”;

(3) by adding at the end the following:

“(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.”.

#### SEC. 115. CLERICAL AMENDMENTS.

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking “Merchant Marine and Fisheries” and inserting “Resources”:

(1) Section 303(b)(2)(A) (16 U.S.C. 61433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(3) Section 314(b)(1) (16 U.S.C. 1445(b)(1)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—

Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking “Fishery Conservation and Management”.

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking “UNITED STATES” and inserting “UNITED STATES”.

## TITLE II—NATIONAL ESTUARINE RESERVES

### SEC. 201. POLICIES.

(a) DECLARATION OF POLICY.—Section 303 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1452) is amended by striking “and” after the semicolon in paragraph (5), by striking the period at the end of paragraph (6) and inserting a semicolon, and by adding at the end the following:

“(7) to use Federal, State, and community partnerships developed through the system established by section 315 to improve the understanding, stewardship, and management of coastal areas; and

“(8) to encourage the development, application, and transfer to local, State, and Federal resources managers of innovative coastal and estuarine resources management technologies and techniques that promote the long-term conservation of coastal and estuarine resources.”.

### SEC. 202. NATIONAL ESTUARINE RESERVE SYSTEM.

Section 315 of such Act (16 U.S.C. 1461(b)) is amended to read as follows:

#### “NATIONAL ESTUARINE RESERVE SYSTEM

“SEC. 315. (a) ESTABLISHMENT OF THE SYSTEM.—(1) There is established the National Estuarine Reserve System. The System shall consist of—

“(A) each estuarine sanctuary designated under this section as in effect before the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985; and

“(B) each estuarine area designated as a national estuarine reserve under subsection (b).

“(2) The purpose of the System and of each national estuarine reserve is to improve the understanding, stewardship, and management of estuarine and coastal areas through a network of areas protected by Federal, State, and community partnerships that promotes informed management of such areas through integrated programs in resource stewardship, education and training, and scientific understanding.

“(3) Each estuarine sanctuary referred to in paragraph (1)(A) is hereby designated as a national estuarine reserve.

“(b) DESIGNATION OF NATIONAL ESTUARINE RESERVES.—The Secretary may designate an estuarine area as a national estuarine reserve if—

“(1) the Government of the coastal state in which the area is located nominates the area for that designation; and

“(2) the Secretary finds that—

“(A) the estuarine area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;

“(B) the law of the coastal state provides long-term protection for reserve resources to ensure a stable environment for research, education, and resource stewardship;

“(C) designation of the area as a reserve will serve to enhance public awareness and understanding of estuarine areas, and provide suitable opportunities for education, interpretation, training, and demonstration projects to improve coastal management; and

“(D) the coastal state in which the area is located has complied with the requirements of any regulations issued by the Secretary to implement this section.

“(c) ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP GUIDELINES.—(1) The Secretary shall develop guidelines for the conduct of research, education, and resource stewardship within the System that shall include—

“(A) a mechanism for identifying, and establishing priorities among, the coastal

management issues that should be addressed through coordinated research, education, and resource stewardship within the System;

“(B) the establishment of common principles and objectives to guide the development of research, education, and resource stewardship programs within the Systems;

“(C) the identification of uniform research methodologies which will ensure comparability of data, the broadest application of research results, and the maximum use of the System for research purposes;

“(D) the establishment of performance standards upon which the effectiveness of the research, education, and resource stewardship efforts and the value of reserves within the System in addressing the coastal management issues identified in subparagraph (A) may be measured; and

“(E) the consideration of sources of funds for estuarine research, education, and resource stewardship in addition to the funds authorized under this Act, and strategies for encouraging the use of such funds within the System, with particular emphasis on mechanisms established under subsection (d).

“(2) In developing the guidelines under this section, the Secretary shall consult with prominent members of the estuarine research, education, and resource stewardship community.

“(d) PROMOTION AND COORDINATION OF ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—(1) The Secretary shall take such actions as are necessary to promote and coordinate the use of the System for research, education, and resource stewardship purposes.

“(2) Actions under this subsection shall include the following:

“(A) Requiring that research, education, and resource stewardship activities administered or supported by the Secretary and relating to estuaries give priority consideration to activities that use the System.

“(B) Consulting with other Federal and State agencies to promote use of one or more reserves within the System by such agencies when conducting estuarine research, education, and resource stewardship activities.

“(C) Establishing partnerships with other Federal and State estuarine management programs to coordinate and collaborate on estuarine research, education, and resource stewardship.

“(e) FINANCIAL ASSISTANCE.—(1) The Secretary may, in accordance with such rules and regulations as the Secretary shall promulgate, make grants—

“(A) to a coastal state—

“(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve,

“(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities, or

“(iii) for purposes of conducting educational or interpretive activities; and

“(B) to any coastal state or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under subsection (c).

“(2) Financial assistance provided under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States, including requiring coastal states to execute suitable title documents setting forth the property interest or interests of the United States in any lands and waters acquired in whole or part with such financial assistance.

“(3) (A) The amount of the financial assistance provided under paragraph (1)(A)(i) with

respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 percent of the costs of the lands, waters, and interests therein or \$5,000,000, whichever amount is less.

“(B)(i) Except as provided in clause (ii), the amount of the financial assistance provided under paragraph (1)(A)(ii) and paragraph (1)(B) may not exceed 70 percent of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve.

“(ii) The amount of financial assistance provided for education and interpretive activities under paragraph (1)(A)(iii) or research and monitoring activities under paragraph (1)(B) may be up to 100 percent of any costs for activities that service the System as a whole, including System-wide monitoring equipment acquisition, data management, and data synthesis, and administration and synthesis of System-wide research programs.

“(C) Notwithstanding subparagraphs (A) and (B), financial assistance under this subsection provided from amounts recovered as a result of damage to natural resources located in the coastal zone may be used to pay 100 percent of the costs of activities carried out with the assistance.

“(4)(A) The Secretary may—

“(i) enter into cooperative agreements or contracts, with, or make grants to, any non-profit organization established to benefit a national estuarine reserve, authorizing the organization to solicit donations to carry out projects, other than general administration of the reserve or the System, that are consistent with the purpose of the reserve and the System; and

“(ii) accept donations of funds and services for use in carrying out projects, other than general administration of a national estuarine reserve or the System, that are consistent with the purpose of the reserve and the System.

“(B) Donations accepted under this paragraph shall be considered as a gift or bequest to or for the use of the United States for carrying out this section.

“(f) EVALUATION OF SYSTEM PERFORMANCE.—(1) The Secretary shall periodically evaluate the operation and management of each national estuarine reserve, including coordination with State programs established under section 306, education and interpretive activities, and the research being conducted within the reserve.

“(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research, education, or resource stewardship being conducted within the reserve is not consistent with the guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

“(3) The Secretary may withdraw the designation of an estuarine areas a national estuarine reserve if evaluation under paragraph (1) reveals that—

“(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

“(B) a substantial portion of the research, education, or resource stewardship conducted within the area, over a period of years, has not been consistent with the guidelines developed under subsection (c).

“(g) REPORT.—The Secretary shall include in the report required under section 316 information regarding—

“(1) new designations of national estuarine reserves;

“(2) any expansion of existing national estuarine reserves;

“(3) the status of the research, education, and resource stewardship program being conducted within the System; and

“(4) a summary of the evaluations made under subsection (f).

“(h) DEFINITIONS.—In this section:

“(1) The term ‘estuarine area’ means an area that—

“(A) is comprised of—

“(i) any part or all of an estuary; and

“(ii) any part or all of any island, transitional area, and upland in, adjoining, or adjacent to such estuary; and

“(B) constitutes, to the extent feasible, a natural unit.

“(2) The term ‘System’ means the National Estuarine Reserve System established by this section.”.

#### SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 318(a) of such Act (16 U.S.C. 1464(a)) is amended by striking “and” after the semicolon at the end of paragraph (1)(C), and by striking paragraph (2) and inserting the following:

“(2) for grants under section 315—

“(A) \$7,000,000 for fiscal year 2000;

“(B) \$8,000,000 for fiscal year 2001;

“(C) \$9,000,000 for fiscal year 2002;

“(D) \$10,000,000 for fiscal year 2003; and

“(E) \$11,000,000 for fiscal year 2004; and

“(3) for grants for construction projects at national estuarine reserves designated under section 315 and land acquisition directly related to such construction, \$12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.”.

#### SEC. 204. CONFORMING AMENDMENT.

Section 304(8) of such Act (16 U.S.C. 1453(8)) is amended to read as follows:

“(8) The term ‘national estuarine reserve’ means an area that is designated as a national estuarine reserve under section 315.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

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

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

Mr. SAXTON. Mr. Speaker, I introduced H.R. 1243 to reauthorize the National Marine Sanctuary Program. National Marine sanctuaries are essential components in our efforts to protect and manage this Nation’s marine resources. I strongly support the program and believe that this legislation will strengthen the management of our existing sanctuaries.

The National Marine Sanctuaries Act of 1992 allows the Secretary of Commerce to designate and manage areas of marine environment with nationally significant and aesthetic, ecological, historical, or recreational values as national marine sanctuaries. The primary purpose of this law is to protect marine resources such as coral reefs and sunken historical vessels while facilitating all compatible public and private uses of those resources.

Twelve marine areas have been designated as national marine sanctuaries to date. They range in size from less than a quarter of a mile to over 5,300 square miles and include near-shore

coral reefs, open ocean habitat, and ship wrecks. One additional area, Thunder Bay on Michigan’s Lake Huron, is an active candidate for designation. These sanctuaries support valuable commercial activities such as fishing and kelp harvesting and provide areas for recreational boating, diving, snorkeling, and sports fishing opportunities.

The biggest hurdle facing the sanctuary program has been and continues to be inadequate funding for basic management research and outreach activities. This is a serious problem and one that is addressed by H.R. 1243. This bill limits the designation of new sanctuaries until sufficient funds have been made available to improve operations at existing sanctuaries.

I would like to make it clear, Mr. Speaker, that I am not opposed to creating new sanctuaries. They are desirable and useful, and there is a need for additional sanctuaries. However, I am concerned that NOAA has been unable to meet the management and conservation needs of the current sanctuaries, and until NOAA meets its management goals, it is inappropriate to spend scarce federal dollars to expand the system.

NOAA was concerned about the breadth of sanctuary moratorium language. H.R. 1243 addresses NOAA’s concerns and requires that before establishing a new sanctuary the Secretary must find that the new sanctuary, one, will not have a negative impact on the management of existing sanctuaries; and two, will not interfere with NOAA’s ability to complete sanctuary resource surveys for all sanctuaries within a 10-year period.

This important measure reauthorizes the National Marine Sanctuary Program for 5 years at \$29 million a year to operate, maintain, and provide facilities at the sanctuaries. This level of funding is identical to the administration’s fiscal year 2000 request and will allow the program to get on the right track.

I strongly support partnerships between sanctuaries, local entities, and volunteers. H.R. 1243 builds upon existing cooperative arrangements and authorizes the sanctuaries to enter into partnerships with local universities, aquaria, and other groups to develop visitor centers and to promote the scientific, educational, and research values of the sanctuary.

Finally, title II reauthorizes another important research element, the National Estuarine Reserve System for 5 years. The national estuary system, reserve systems, are systems of 25 research reserves that form effective partnerships between the state and Federal Government and are designed to investigate real world problems. I am very proud of the work being done, for example, at the Jacques Cousteau Reserve, which is located near my home. It is an important public educational resource for the residents of coastal New Jersey, and the research

conducted there has provided new insights into how estuaries function.

This legislation is an essential step forward in improving the operation and maintenance of our Nation's underwater park system. I urge the adoption of this important environmental measure.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I wish to thank the gentleman from Alaska (Mr. YOUNG), the chairman of our Committee on Resources, and also the ranking Democrat of our Committee on Resources, the gentleman from California (Mr. MILLER), for their support and their assistance in making this legislation be brought before the floor. And I especially want to thank the chairman of our subcommittee, the gentleman from New Jersey (Mr. SAXTON), for his efforts in bringing this bill, the reauthorization of the National Marine Sanctuaries Act this year.

Many of the provisions of this bill were developed cooperatively with the administration, and I appreciate the majority's willingness to work constructively on these issues and produce sensible legislation.

Mr. Speaker, our national marine sanctuaries are precious for their biological wealth and ecological complexity, yet regrettably we have only now begun to comprehend their true significance and understand how some of our own activities such as global warming, marine debris, water pollution, and overfishing may be causing irreparable damage to these areas.

To paraphrase the noted marine biologist and National Geographic Society's explorer in residence, Dr. Sylvia Earle who is now heading up the society's sustainable seas expeditions to explore our national marine sanctuaries, she said and I quote, "With understanding comes appreciation, and with appreciation comes protection," end of quote.

Mr. Speaker, with this legislation Congress again acknowledges that it appreciates the incredible asset that is our system of national marine sanctuaries. We have known for years that the marine sanctuaries program has been underfunded. Importantly, this legislation provides for substantially increased funding levels to support fuel operations, exploration, and research.

Clearly it is our intention to get more dollars out to the sites, especially to those sanctuaries in the Pacific which have been little increased in their budget allotments over the past few years. I look forward toward working collaboratively with the chairman of our subcommittee, the gentleman from New Jersey (Mr. SAXTON), and our colleagues on the Committee on Appro-

priations to fully fund these authorized levels. Increased funding and other helpful improvements contained in this bill should strengthen the future of this entire system of marine-protected areas.

However, Mr. Speaker, I and the other members, Democratic members of the Committee on Resources, continue to be troubled with the inclusion of title II of this bill. The problem is not with the substance of the provision. We support the reauthorization of the National Estuarine Research Reserve System, but we contend that it rightfully belongs in another bill, one to reauthorize the Coastal Zone Management Act.

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Mr. Speaker, since its inception, the National Estuarine Research Reserve System has always been part of the Coastal Zone Management Act. In fact, the National Estuarine Research Reserve System reauthorization is also included in H.R. 2669, the chairman's bill, the legislation of the gentleman from New Jersey (Mr. SAXTON) to reauthorize the Coastal Zone Management Act.

That bill was reported from the Subcommittee on Fisheries Conservation, Wildlife and Oceans on August 5, which is last month. Unfortunately, the bill of the reauthorization has not yet been scheduled for markup and it is my sincere hope that we will be able to provide a markup for this legislation in the near future.

Mr. Speaker, I worry that tacking the Reserves provision onto the marine sanctuary bill will remove any incentive for the majority to pursue reauthorization of the Coastal Zone Management Act. This procedure sends a strong signal that the majority may have no intention whatsoever of moving the Coastal Zone Management Act bill in this Congress. I have heard this very same concern raised by several State coastal managers who are greatly concerned about what this move means to the Coastal Zone Management Act program funding for this year.

I am very concerned that our committee cannot report this as a clean bill to the Coastal Zone Management Act. This statute was reauthorized by unanimous vote only 3 years ago by my good friend in the Republican majority of the Congress. It authorizes a widely popular voluntary Federal/State partnership program that embodies many of the very same principles of government that the majority usually extols.

Mr. Speaker, I strongly support the reauthorization of the National Marine Sanctuary Program. In addition, I support the reauthorization of the National Estuarine Research Reserves, but urge that it be included as part of the Coastal Zone Management Act, where it belongs, in statute as well as in practice.

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

Mr. SAXTON. Mr. Speaker, I have no speakers at this time, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, it is my pleasure to rise in strong support of the National Marine Sanctuaries Enhancement Act of 1999. I commend the gentleman from New Jersey (Mr. SAXTON) and the ranking member, the gentleman from American Samoa (Mr. FALEOMAVAEGA), for their efforts to move this important legislation through committee and on to the floor so expeditiously.

The National Marine Sanctuary Program is vital to protect and manage our Nation's outstanding marine areas. It protects over 18,000 square miles of our Nation's most unique marine resources. The National Marine Sanctuary Program is the equivalent of our national parks. It identifies, designates, and protects these areas of the marine environment deserving special protection and recognition.

It is an extremely popular and strategic program and currently supports 12 designated sanctuaries, covering areas on both coasts, the Gulf of Mexico, Hawaii, and American Samoa. I am proud to have one of these sanctuaries in my district in California, the Channel Islands National Marine Sanctuary. As the only program designed to manage these important and ecologically sensitive areas, the sanctuaries protect our marine heritage for generations to come. They also help sustain critical resources and vibrant economies for our coastal communities which impacts the country as a whole.

Last year marked the International Year of the Ocean, which brought increased attention to the National Marine Sanctuary Program. The legislation we are considering today builds upon this momentum and is the underlying commitment toward our oceans.

The Marine Sanctuary Program has also spurred a number of innovative programs. One such program that I am particularly excited about was announced by the vice president earlier this month. It is a program to train and employ commercial fishing folk in research efforts at our Channel Islands National Marine Sanctuary. After all, it is the fishermen and women who are the experts on the resources of the waters on which they rely for their livelihood and on which we rely for our enjoyment and our food. It is programs like this that make our National Marine Sanctuary Program so vital.

In addition to passing this bill today, we must also ensure appropriate funding for the Marine Sanctuary Program. I urge my colleagues to join me in this vital effort. Full funding of our sanctuaries is imperative to fulfill its important mandate. I urge all colleagues to come together in fully supporting our National Marine Sanctuary Program. A commitment to our oceans is a commitment to the quality of life for all Americans.

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to commend the gentlewoman from California (Mrs. CAPPs) for her eloquent statement. She certainly has been one of the outstanding leaders certainly of this body concerning the environment.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker. I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding me this time.

Mr. Speaker, I rise in strong support of the bill of the gentleman from New Jersey (Mr. SAXTON). I am here to really praise the chairman of the committee. He is an avid supporter of ocean issues and coastal issues and sanctuary issues and it is very pleasing that we have one of the bills that relates to that issue here on the floor today, the reauthorization of the National Marine Sanctuaries Act.

We have 12 national marine sanctuaries, as the chairman indicated. One of those, the biggest one in the whole system, is in my district in Monterey Bay, and it goes almost down to the home of the gentlewoman from California (Mrs. CAPPs) in Santa Barbara and up to San Francisco.

It is a bottom's up process. The people in the local community decided they wanted to have one of these designations, and it has worked very well. In fact, we celebrated the anniversary of the system just last weekend.

I would be remiss in standing and praising the action of the committee and the support for this legislation without pointing out to my colleagues and particularly my colleagues on the other side of the aisle, the chair of the full committee and the Republican leadership in this House, that we cannot talk about an ecosystem such as a sanctuary without talking about what is also related, which is the ocean on the outer side and the coastal zone which is on the inland side.

What we are seeing here is a politic that is cherry picking, it is taking that which is very popular with the people and certainly noncontroversial, like the National Marine Estuary and Reserve Program, which belongs in another jurisdiction but is being removed and put into this bill because this bill is going to pass. What we ought to be dealing with is really two major comprehensive pieces of legislation. One is the oceans in general. We had a national oceans conference, a bipartisan support of that conference in California last year.

This Congress is remiss. I mean, the last time we asked for interest in the oceans, to ask a professional body to come back and make recommendations to this, was when the Stratton Commission was created, 33 years ago.

So our policy on the oceans seems to be ranking that long ago, and we ought to be updating that with a new type of Stratton Commission.

I have introduced a bill. It is in the Committee on Resources. It remains

stagnant there because the committee does not want to take up oceans bills. It does not want to take up coastal zone management bills. But it does, and I am proud of that, it is taking up the marine sanctuary bill. Let us get on with the whole program. We just cannot fix the ocean by essentially saying all the land in America can be fixed by just saving a few national parks and the rest of it could all go to naught.

So if we do not pay attention to the whole system, even the marine sanctuaries will not survive.

Fifty percent of the Nation's population lives within 50 miles of a coastal zone. The coastal zone is where the land and water meet. It is the freshest of our ecosystems. It has half of the Nation's threatened and endangered species living in that coastal area. The Food and Agricultural Organization, known as the FAO, concludes that most of our fish stocks are fully fished, over fished, or depleted or recovering. So we are living on the ocean. We are taking stuff out. We are dumping what we do not want into it, and we are not solving the whole big program.

Thank God, Congress invented a program called the National Marine Sanctuaries Program because at least we can pay attention to 12 zones of the ocean in the entire continental United States and do something about it, but the rest of it we ought to get on with the more important bigger pieces of legislation, both the Coastal Zone Management Act and the Oceans Act. And I commend the chairman for his interest and hope that he can release those other bills from full committee as soon as possible.

I thank the chairman very much, thank him for his good work. I look forward to working with him.

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

Mr. Speaker, I thank the gentleman from California (Mr. FARR) for his statement in support of this legislation. I want to say to the gentleman, as a former member of our Committee on Resources and certainly a champion of the oceans, along with the gentleman from Pennsylvania, I believe that they have worked very well in alerting the Members of the importance of our oceans, and I know and sincerely hope that my good friend, the chairman of our subcommittee, that we will be taking up the legislation concerning oceans some time in the near future.

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

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

Mr. Speaker, I would just like to thank and commend the gentleman from American Samoa (Mr. FALEOMAVAEGA), as well as the gentleman from California (Mr. FARR), and gentlewoman from California (Mrs. CAPPs) for their great support on this bill. It is through teamwork like this that we do move forward together on important matters such as this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support this bill because it reauthorizes both the National Marine Sanctuaries and National Estuarine Research Reserve programs for five years (through FY 2004)—authorizing a total of \$145 million for the Marine Sanctuaries program (\$29 million in FY 2000) and \$105 million for the National Estuarine Reserve program (\$19 million in FY 2000).

The measure authorizes a total of \$145 million through FY 2004 (\$29 million per year) for the National Marine Sanctuaries program. Within this total, \$26 million is authorized each year for NOAA administration and operations at marine sanctuaries, and \$3 million is authorized for construction activities.

The bill consolidates the 12 existing individual national marine sanctuaries into a new National Marine Sanctuary System, so that these resources may be managed on a more coordinated, systematic basis.

The measure clarifies and streamlines procedures under which NOAA may designate marine sanctuaries, but it prohibits the agency from designating any additional sanctuaries unless NOAA certifies that the addition of a new sanctuary will not have a negative impact on the sanctuary system, and that sufficient funding is available to implement management plans and complete site characterization studies within 10 years.

The bill is vitally important because it makes it illegal to "offer to sell," to buy, or to import or export sanctuary resources (currently, it is only illegal to actually sell such resources), and it establishes criminal penalties—including fines and imprisonment—for persons who interfere with marine sanctuary enforcement actions (currently, civil penalties may be imposed for certain other infractions). Specific actions for which such criminal penalties may be imposed include refusal to allow authorized searches of vessels, forcibly assaulting or resisting an officer, and knowingly and willfully submitting false information.

The bill authorizes NOAA to initiate, in any federal district court in which a defendant is located, civil actions against vessel owners for damages caused by vessels to marine sanctuaries, and it allows NOAA to recover "response costs" against such defendants.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 1243, which reauthorizes the National Marine Sanctuaries Act and the National Estuarine Research Reserve System.

The National Marine Sanctuaries Program is our nation's underwater park system. This is a good bill that will improve the operation of the program. I strongly support the provision that limits NOAA's ability to designate new National Marine Sanctuaries until the management plans at existing sanctuaries are implemented and significant progress has been made toward completing on-site studies. With limited funding, it is inappropriate to spend scarce dollars to expand the system while management of the existing sanctuaries consistently falls short.

Title II reauthorizes the National Estuarine Reserve System, a program which establishes Federal-state partnerships for managing and enhancing our estuaries. The program is supported with matching funds provided by the states and the Federal Government, and much of the day-to-day management of the reserves is left to the state or local partner. The National Estuarine Reserve Program is not a regulatory program, but rather maintains a mission of research, monitoring and education.

One of the newest reserves is located in Kachemak Bay, Alaska, which is contiguous with the southeastern entrance of Cook Inlet. This reserve encompasses nearly 365 thousand acres of aquatic habitat. This reserve is managed in cooperation with the Alaska Department of Fish and Game, and provides an area for researching and monitoring important Pacific salmon habitat. I believe that the Kachemak Bay Reserve serves an important function for monitoring coastal resources and maintaining healthy fish stocks.

I urge the adoption of H.R. 1243.

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1243, as amended.

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

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

"A bill to reauthorize and amend the National Marine Sanctuaries Act, and for other purposes."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1243, the bill just passed.

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

There was no objection.

#### COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1431) to reauthorize and amend the Coastal Barrier Resources Act, as amended.

The Clerk read as follows:

H.R. 1431

*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 "Coastal Barrier Resources Reauthorization Act of 1999".

##### SEC. 2. ADDITIONS TO COASTAL BARRIER RESOURCES SYSTEM.

(a) VOLUNTARY ADDITIONS.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by adding at the end the following:

"(d) VOLUNTARY ADDITIONS TO SYSTEM.—The Secretary may add any parcel of real property to the System, if—

"(1) the owner of the parcel requests that the Secretary add the parcel to the System; and

"(2) the parcel is a depositional geologic feature described in section 3(1)(A)."

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1) by striking "one hundred and eighty" and inserting "180";

(ii) in paragraph (2) by striking "subsection (d)(1)" and inserting "paragraph (1)"; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENT.—Section 4(f) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note) is repealed.

(c) NOTICE REGARDING ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by adding at the end the following:

"(f) NOTICE REGARDING ADDITIONS TO SYSTEM.—The Secretary shall—

"(1) publish in the Federal Register a notice of any addition of property to the System under this section, including notice of the availability of a map showing the location of the property;

"(2) provide a copy of that map to the State and local government in which the property is located and the Committee on Resources of the House of Representatives; and

"(3) revise the maps referred to in subsection (a) to reflect the addition of the property to the System."

(d) CONFORMING AMENDMENT.—Subsection (a) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking ", which shall consist of" and all that follows through the end of that subsection and inserting the following: ", that—

"(1) shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the set of maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as such maps may be modified, revised, corrected, or replaced under subsection (c), (d), or (e) of this section, or any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, correction, or replacement; and

"(2) includes areas added to the System in accordance with subsections (d) or (e)."

##### SEC. 3. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking "Effective October 1, 1983, such" and inserting "Such"; and

(2) by repealing section 10 (16 U.S.C. 3509).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note) is repealed.

##### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10 and amended to read as follows:

##### "SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act \$2,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004."

##### SEC. 5. DIGITAL MAPPING PILOT PROJECT.

(a) REQUIREMENT TO UNDERTAKE PROJECT.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Director of the Federal Emergency Management Agency, shall undertake a pilot project to determine the feasibility and cost of creating digital versions of the Coastal Barrier Resources System maps referred to in section 4(a)(1) of the Coastal Barrier Resources Act, as amended by this Act. The pilot project shall

include the creation of digital maps for at least 5 units of the System.

(2) USE OF EXISTING DATA.—(A) To the extent practicable, in completing the pilot project under this subsection, the Secretary shall use existing digital spatial data including digital orthophotos; shoreline, elevation, and bathymetric data; and electronic navigational charts in the possession of other Federal agencies, including the United States Geological Survey and the National Oceanic and Atmospheric Administration.

(B) The head of any Federal agency that possesses digital spatial data referred to in subparagraph (A) shall promptly provide that data to the Secretary at no cost upon request by the Secretary.

(3) OBTAINING ADDITIONAL DATA.—If the Secretary determines that data necessary to complete the pilot project under this subsection does not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary any digital spatial data required to carry out this subsection.

(4) DATA STANDARDS.—All digital spatial data used or created to carry out this subsection shall comply with the National Spatial Data Infrastructure established by Executive Order 12906 and any other standards established by the Federal Geographic Data Committee established by the Office of Management and Budget Circular A-16.

(5) DIGITAL MAPS NOT CONTROLLING.—Any determination of whether a location is inside or outside of the System shall be made without regard to the digital maps prepared under this subsection.

(6) REPORT.—(A) Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Resources of the House of Representatives that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(B) The report shall include a description of—

(i) the cooperative agreements entered into by the Secretary with other Federal agencies to complete the pilot project and cooperative agreements needed to complete digital mapping of the entire System;

(ii) the availability of existing data to complete digital mapping of the entire System;

(iii) the need for additional data to complete digital mapping of the entire System; and

(iv) the funding needed to complete digital mapping of the entire System.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior \$500,000 for each of fiscal years 2000, 2001, and 2002 to carry out the pilot project required under this section.

##### SEC. 6. CORRECTIONS TO MAPS RELATING TO UNIT P19-P.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map relating to unit P19-P entitled "Amendment to the Coastal Barrier Resources System" and dated September 16, 1998.

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled "Coastal Barrier Resources System", dated November 2, 1994; and

(2) relates to unit P19-P of the Coastal Barrier Resources System.

**SEC. 7. REPLACEMENT OF MAPS RELATING TO UNITS NC-03P AND L03.**

(a) IN GENERAL.—The 7 maps included in the set of maps entitled "Coastal Barrier Resources System" and referred to in section 4(a)(1) of the Coastal Barrier Resources Act, as amended by this Act, relating to the portions of Coastal Barrier Resources System units NC-03P and L03 located in Dare County, North Carolina, are hereby replaced by other maps relating to that unit that are entitled "DARE COUNTY, NORTH CAROLINA, Coastal Barrier Resources System, Cape Hatteras Unit NC-03P" or "DARE COUNTY, NORTH CAROLINA, Coastal Barrier Resources System, Cape Hatteras Unit NC-03P, Hatteras Island Unit L03" and dated July 1, 1999.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

**SEC. 8. CORRECTIONS TO MAP RELATING TO UNIT DE-03P.**

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled "Cape Henlopen Unit DE-03P".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

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

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

Mr. SAXTON. Mr. Speaker, Congress approved the Coastal Barrier Resources Act in 1982 to protect certain coastal areas by establishing a system of barrier units that are precluded from receiving Federal development assistance.

I introduced H.R. 1431 to reauthorize and improve the Coastal Barrier Resources Act. The system is administered by the Fish and Wildlife Service. Maps depicting the various units are adopted by Congress and any changes to the boundary systems units require legislative action.

The system was greatly expanded in the Coastal Barrier Improvement Act of 1990 and now includes 585 system units and 274 otherwise protected areas, covering nearly 1.3 million acres and 1,200 shoreline miles around the Great Lakes, the Atlantic Ocean, and the Gulf of Mexico.

The Coastal Barrier Resources System is unique because it does not regulate or restrict the use of private lands in these coastal barrier areas. Instead, lands within the system are simply not eligible to receive Federal development assistance, including Federal flood insurance. H.R. 1431 would reauthorize the Coastal Barrier Resources System for 5 years, and it is supported by the administration. I am aware there is one minor outstanding issue regarding how to depict the boundary of the unit known as L03, and I would like to assure my colleagues on the other side of the aisle that I remain committed to making these maps as accurate as possible. This minor discrepancy, however, should not hold up the passage of this legislation today; and we will continue to work with the minority to resolve this one issue.

Mr. Speaker, I believe that H.R. 1431 addresses the needs of the Coastal Barrier Resources System; and I strongly urge passage of this important environmental legislation.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I do want to thank the gentleman from New Jersey (Mr. SAXTON) again, the chairman of Subcommittee on Fisheries Conservation, Wildlife and Oceans for yielding. Let me say from the start, Mr. Speaker, that I very much appreciate the cooperation of the gentleman from New Jersey (Mr. SAXTON) and his staff for working with the minority in shaping this legislation.

Mr. Speaker, I do not oppose the minor changes that have been made in the bill since it was reported by the Committee on Resources. Certainly the bill falls short of what I think could be done to strengthen and protect the Coastal Barrier Resources System. Nonetheless, I believe we have effectively eliminated the most problematic provisions to arrive at a fair consensus, and I urge Members of this body to support the bill.

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Mr. Speaker, this legislation would reauthorize the Coastal Barrier Resources Act.

When Congress passed the Coastal Barriers Act in 1982, it declared that the purpose of the act was to, and I quote, "minimize loss of life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with

coastal barriers by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers."

Mr. Speaker, this innovative policy has made good sense since 1982, and it continues to make good sense even today. Hurricane Floyd, as we have recently seen, again demonstrates the wisdom and benefits of discouraging development in some of the most dangerous, hazard-prone coastal areas of our Nation.

Mr. Speaker, most importantly, this legislation will begin the long overdue process of modernizing Coastal Barrier Resource System maps. Section 5 of this bill would direct the Secretary of the Interior to conduct a pilot study to determine the feasibility and costs of creating a digitized series of Coastal Barrier maps. Current maps were prepared in the 1980s by using primarily color infrared aerial photography and U.S. Geological Survey quadrangle sheets. Hand-rendered delineations of coastal barriers were drawn upon these sheets in order to produce the inventory of coastal barrier maps.

However, Mr. Speaker, major technological advancements such as the new digital spatial data, global positioning systems, computerized geographic information systems, and the new cartographic and survey methods make far greater detail and accuracy now possible. It is essential for the Fish and Wildlife Service to investigate how these new information systems and mapping technologies might enhance the accuracy, usability and transferability of existing coastal barrier maps. We will be looking for the Fish and Wildlife Service to expedite completion of this pilot study as soon as possible.

Mr. Speaker, I am, however, disappointed that we were not able to consider more creative ways to increase the amount of undeveloped coastal barriers in the system, and I suspect that the Congress will have to revisit this matter at a later time. This legislation does authorize the voluntary donation of private property for inclusion in the system. However, it remains doubtful that any significant tracts of additional private land will be forthcoming in the absence of any new inducements to encourage donations. Nevertheless, we encourage the Fish and Wildlife Service to pursue aggressively opportunities for donations should they become available.

Mr. Speaker, I am also compelled to express my sense of concern with the inability of the Fish and Wildlife Service to complete and submit to the Congress a study of undeveloped coastal barriers along the Pacific coast. The Secretary of the Interior was directed in 1990 under section 6 of the Coastal Barrier Improvement Act to prepare and submit a study "which examines the need for protecting undeveloped coastal barriers along the Pacific Coast south of 49 degrees north latitude through inclusion in the System."

The Secretary of the Interior was also directed to "prepare maps identifying the boundaries of those undeveloped coastal barriers of the United States bordering the Pacific Ocean south of 49 degrees north latitude." All deliverables were to be provided to the Congress not later than 12 months after the date of enactment of the 1990 law.

Well, Mr. Speaker, the Fish and Wildlife Service has failed to provide Congress with either a final report, or the maps. This 8-year delay is plainly unacceptable, Mr. Speaker. I am greatly concerned that the pace and growth of the new developments along the Pacific Coast may have significantly reduced the number of coastal areas that meet the section 31 definition of "undeveloped coastal barrier." I urge the Fish and Wildlife Service to complete this directive as soon as possible.

Finally, Mr. Speaker, I would be remiss if I did not restate the minority's long-standing concern with the majority's decision to include three other separate technical correction bills as section 6, 7, and 8 in this reauthorization bill. These provisions would change existing boundaries for three different otherwise protected areas in Florida, North Carolina, and Delaware.

Bills of this type are complicated, Mr. Speaker. Certainly, they are not technical corrections in the traditional sense. All of the proposed boundary changes tacked on to this bill deserve close inspection prior to congressional approval. I do appreciate the patience and willingness of the chairman to work with me and the staff on our side to ensure that these proposed changes are given appropriate scrutiny. Yet, even today, we are still awaiting additional information from the Fish and Wildlife Service concerning the boundaries of a coastal barrier unit adjacent to the Cape Hatteras National Seashore.

Mr. Speaker, it is my understanding from the chairman that we will continue to work in good faith to resolve issues concerning this final boundary. Consequently, we have agreed to move forward with this reauthorization bill at this time. However, should this boundary issue not be resolved to our satisfaction, we do reserve our right to reconsider support of this legislation in conference should the Senate successfully pass a companion bill. I am hopeful, Mr. Speaker, that we will find an amicable agreement in this case, but it will remain our preference that all boundary changes be addressed in separate legislation to avoid such circumstances in the future.

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

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. I will not take long, but just for the Record, I would like to say two things. First, I would like to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his fine and great cooperation in working out what some have seen as difficulties to this bill,

and I think that with the one exception that I noted in my opening statement, those difficult issues have been worked out.

I would just like to say secondly for the Record that wanting to make sure that we do this on a bipartisan basis as possible, we endeavored to obtain the support of the United States Department of the Interior and were successful in doing that. Just for the record, I have a letter here from the Assistant Secretary for Fish, Wildlife and Parks, Donald Barry, and he was kind enough to answer questions that we posed to him in our letter to him.

For example, for the Record we asked, where this map makes changes to the boundaries of the existing OPA, do those changes conform to the boundary of P-19P, to the boundary of the Cayo Costa State Park. This is an important question, because the underlying law required that wherever possible, these boundaries conform to State park boundaries; and his answer is, yes, the new boundary, that is the change in the boundary that is included in this bill, follows the boundary of the Cayo Costa State Park. We asked him, does the Department support the changes made by the map? And the answer is yes, the Department supports the changes to P-19P.

So I will not take the time to go through the other areas of agreement, but the Secretary has indicated broad agreement. Finally, he noted in answer to a question, How many acres are removed from the coastal barrier system, how many are added, what is the net acreage change that results from these boundary changes through the amendments, and his answer, and I will read it in its entirety, "The changes to the three OPAs, North Captiva, Cape Hatteras, and Cape Henlopen, will remove 272 acres from the coastal barrier resources system. The number of acres added, 3,390, and the net change as a result of these amendments is in addition to 3,118 acres to the system."

So I wanted to make sure that was on the record, Mr. Speaker, because I would not want any misunderstanding in this room or among Members of the public that we are removing or in some way denigrating or taking actions that would denigrate the system.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

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

I identify with many of the comments the gentleman made in his initial comments. However, I have some reluctance in having us come forward with this proposal today. The backdrop of the hurricane that is taking place, the devastation that is going up and down the East Coast, and we are taking a critical piece of legislation, the coastal barrier resources system, where we should be looking at ways to

strengthen the legislation. We should be looking at areas to add land that are protected, and instead, we revisiting it again on a piecemeal basis, adding additional land, in some cases in dispute. I am sorry, it may be that it is flooded and we cannot find where it is. I find a great deal of irony that we would be having this today, not even being able to know what it is precisely that we are talking about.

Mr. Speaker, this is a piece of environmental legislation that came forward in the Reagan administration. It was focused on making sure that the federal taxpayer was not subsidizing inappropriate development. I am one that feels that it is entirely appropriate for government on the State, federal, and local level to perhaps exercise a little more discretion about where we do permit and encourage development. But at a minimum, the federal taxpayer ought not to be in a position of subsidizing development that is environmentally not sound.

We are whittling away, bit by bit, pulling land out of this. We do not have clear and convincing criteria to guide what is going on. It seems to me that this is again wildly inappropriate, given the backdrop of what is going on to serve as a reason for why we should insist that this be done properly. We ought not to have a series of confusing directives from the Fish and Wildlife Service, something that is submitted to potential political manipulation. We should be strengthening this system today, adding integrity to the decision-making process, by having Congress codify the development criteria into law, once and for all. And we ought to be very clear that we know exactly what we are voting on, especially when this is coming forward on a suspension calendar.

With all due respect, I do not feel comfortable moving forward like this. I feel very strongly that it is time to be evaluating the West Coast lands for inclusion. It has been trapped in limbo now for years. We should be as a Congress moving forward with the administration to make sure that we are not having inappropriate federal subsidies for development on the West Coast lands, along with other remaining undeveloped coastal barriers among the East, the Gulf and the Great Lakes region.

Mr. Speaker, it is frustrating for me when I think Congress has a role to be a good partner with the private sector, with State and local governments, to make sure that we are promoting sound environmental developments and livable communities. I am frustrated that the Federal Government is aiding and abetting some of the disaster that we are seeing right now in the Carolinas because we have not had a thoughtful approach frankly to our flood insurance; and we give money to people who are repeatedly flooded out of areas and they move back in. This is another example of where we are not taking advantage of a comprehensive approach.

With all due respect, I would urge that this legislation not move forward today, that we come forward with a comprehensive approach to the system, that we deal with the West Coast that is in limbo, and for heaven's sakes, we do not come forward with areas to withdraw additional land when we do not know what we are talking about and we are hoping that something is going to be taken care of in a never, never land in a conference committee.

Mr. Speaker, I strongly urge rejection of the proposal before us today.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise with concerns on this bill. It is obviously a very smart idea. Congress decided to set aside resources along the coastal areas, the barriers and said look, it does not make any sense for us to put a lot of federal aid in there like flood insurance for the private developers to go in and develop and then come back and ask that the risk for development in these highly sensitive areas should be borne by the general taxpayer.

□ 1530

So we set aside these resources, and we asked the Department of the Interior to draw the maps for us, and those maps yet have not been completed. At the same time, people who have developed, because one can develop in the barrier areas privately, but with that private development they also have private risk, not federally-supported risk. So people are coming in and saying, we are developed now. Now we want to back out of the barrier area because we want this Federal flood insurance and coastal protection kinds of issues, where Federal money comes in.

We ought to stick to our guns of the original intention, that there are sensitive areas on the coast of the United States of America, including Alaska, that should not be developed. We ought not to give resources to encourage development along those zones. The Act does not buy the land, it says people can put their land in voluntarily.

The problem is, when we get to dealing with it, really they have been short on anything on the Pacific coast, where the majority of the population lives. So in 1990, the Secretary of the Interior directed Congress to map the boundaries of undeveloped coastal areas along the Pacific coast south of 49 degrees latitude, and to examine the need for protecting these areas. Yet, 9 years later we do not even have the final maps.

So this bill is well-intentioned and has been brought to the floor for good reasons, but it certainly raises a lot of concerns that Members are hearing from us today. I just commend the chairman of the committee because he is in a tough position. I appreciate the politics that he has had and that he has

been able to bring these coastal zone bills to the floor. I hope the rest of them can come, as well.

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

Mr. Speaker, I would say basically, in response to my good friends, the gentlemen from Oregon and California, with regard to their concerns on this legislation, I want to commend the gentleman from New Jersey (Mr. SAXTON), our chairman, that we have worked very, very closely in trying to alleviate some of the problems and concerns that the Members have addressed earlier.

I think the situation for us to bear in mind is that we have to start somewhere. The fact is that 10 years ago, the technology and getting the proper mappings, maybe it needs putting a little stronger wording in the language of the legislation to get the Fish and Wildlife Service to be responsive to the concerns that we have here in the Congress.

I think as a whole the legislation should move forward. I think at the proper time in conference if the concerns are still not addressed, certainly the chairman is very sensitive to this issue, and I, for one, would certainly like to see that legislation pass.

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

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

Mr. Speaker, let me just try to answer some questions that were raised, or at least respond to them.

Subsequent to the original legislation which passed in 1982, the Department of the Interior was charged with the responsibility that can generally be described as mapping, and to set aside areas to be included in the system.

As one might expect, because the people who were doing the mapping were human beings, there was perhaps less precision with the original mapping than there might have been.

Frankly, all this bill does as far as this part of the activity is concerned, or as far as this part of the language in the bill is concerned, is to try to correct some mistakes that were made subsequent to the 1982 bill, during the mapping process. In making those corrections, we were actually adding over 3,000 acres to the system, not removing. We are adding over 3,000 acres to the system, while removing only approximately 270 that were included as an error.

So I share with my friends the desire to strengthen the system, but a system that has incorrect lines in it, incorrect areas included and areas that have not been included that should have been included, is not a system with a lot of integrity. So I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for understanding this, and for agreeing to and having demonstrated the ability to work with me and our staffs together and with the Department of the Interior to make these corrections.

So again, I want to emphasize how important I think this is.

Mr. Speaker, some of us spend a lot of time around the water, some of us spend a lot of time on the water. Some of us have for years and years been distressed by the high rate of development in coastal areas.

We are currently attempting to reauthorize the Coastal Zone Management Act, and that act is intended to, among other things, protect, enhance coastal areas, and in almost every instance, by slowing down growth.

I can remember 35 years ago sailing, and all Members who are here know that Barnegat Bay is in my district. I can remember many years ago beginning at the top of Barnegat Bay, the north end, and sailing south, and looking to my right and left and seeing a few houses dotting the skyline here and there, but by and large a lot of greenery. That was 35 years ago. I would love to take Members on the same trip today and let them look to the right and left and see the houses and the commercial establishments and the restaurants.

Certainly this bill and the provisions in it and the history of it have been a very important part of protecting those open space areas, wetlands, and other types of habitat that are so important to coastal areas. So while we are trying to carry out our very important objectives, while we are trying to put in place Federal, State and local policy that makes sense in terms of protecting the environmental integrity of these areas, where inconsistencies and mistakes are found, they need to be corrected. Those corrections are what have caused the concern on the part of some of the previous speakers.

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

Mr. SAXTON. I yield to the gentleman from American Samoa.

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

I do want to commend my good friends, the gentlemen from Oregon and from California, for giving their expressions of concern to the legislation, especially coming from Pacific coastal States like Oregon and California.

But I want to assure my good friends that the ranking member of our committee, the gentleman from California (Mr. MILLER), is very conscious and very understanding of the situation, and Members will note also that the committee report points out those very concerns that we have.

But at the same time, I want to say to my friends from Oregon and California that our ranking member, the gentleman from California (Mr. MILLER) nevertheless would like to see this legislation move forward, and that at an appropriate time, if things still are not being able to be worked out, both with the majority as well as with the administration, then of course we will not have the legislation.

But I think the most difficult situation for us to consider now is that we have to start somewhere. If, rather, the option is that we kill this bill, then we might not have any legislation at all. I think that would be a terrible situation.

Mr. Speaker, I would like to respectfully ask my colleagues to support this bill, given the reservations expressed in the committee report. It does have the support of the ranking member, the gentleman from California (Mr. MILLER), and other members of this committee. I would like to urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 1431 reauthorizes the Coastal Barrier Resources Act for five years and corrects mapping errors in three units of the System.

The Coastal Barrier Resources System prohibits Federal development assistance on undeveloped coastal barriers and it is a sound natural resource management policy. The Act does not prohibit private development on private lands. However, it requires the landowner, not the Federal Government, to shoulder the burden of cost and assume the risks when developing dynamic barrier islands.

Regrettably, the Federal Government has been known to make mistakes from time to time. This is the case with the System units that are addressed in H.R. 1431. Three otherwise protected areas—one in Florida, one in Delaware, and one in North Carolina—were mapped incorrectly when these units were created in 1990. At the time these otherwise protected areas were delineated, the Fish and Wildlife Service incorrectly included private lands that were not held for conservation purposes into the otherwise protected areas, in direct contradiction to the intent of the Act. This mistake effectively cut off Federal flood insurance for many existing homes. Similarly, the 1990 maps did not include all of the public lands that should have been included in the otherwise protected areas. H.R. 1431 makes changes to the maps to reflect the true boundaries of the underlying conservation areas, and it results in a net addition of more than 2,000 acres for the System.

I urge my colleagues to support this legislation, which will correct mapping errors that have adversely affected several private landowners for nearly a decade.

H.R. 1431 is a good bill and I urge an aye vote.

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

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1431, as amended.

The question was taken.

Mr. BLUMENAUER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1431, the bill just debated.

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

There was no objection.

#### DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, as amended.

The Clerk read as follows:

H.R. 1231

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

#### SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) *REQUIREMENT TO CONVEY.*—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) *DESCRIPTION OF PROPERTY.*—

(1) *IN GENERAL.*—The property referred to in subsection (a) consists of (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres within the following described lands: NE¼ SW¼ NW¼, S. 9 T. 46 N, R. 58 E., MDB&M, which shall be used as a cemetery; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled 'Elko County Road and Bridge Conveyance' dated July 27, 1999.

(2) *SURVEY.*—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) *ADDITIONAL TERMS AND CONDITIONS.*—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

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

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) to talk about the bill.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Speaker, I rise to ask my colleagues to support the bill, H.R. 1231.

This bill will convey two small acres of land, of Forest Service land to Elko, Nevada for the permanent and continued use as a cemetery.

The cemetery is located in Jarbidge, Nevada, a small rural community in Elko County. Known historically for its contribution to Nevada's mining industry, this community is surrounded by National Forest Service lands and the Jarbidge Wilderness Area.

Within this vast public land is a small cemetery under the administration of the Forest Service where generation after generation of residents of this historic mining community have been laid to rest. The earliest tombstones, Mr. Speaker, are dated in the very early 1900s, and some members of the Jarbidge community claim this land was used as a cemetery long before it was designated as Forest Service land.

Since 1915, the Jarbidge Cemetery has been operated under a permit to Elko County by a special use authorization, which runs periodically for 10 and occasionally 20 years. In an effort to remove the uncertainty about the continued existence of this cemetery and to resolve the operational responsibilities, the residents of Jarbidge have long expressed an interest in having the cemetery conveyed to the county so they might have a permanent and private cemetery. This is why I introduced H.R. 1231.

Mr. Speaker, I urge my colleagues to understand that the residents are asking for conveyance of this land because they, and I would agree, and I think it is reasonable, feel that it is not right to pay for the graves of Nevada's parents and grandparents. Many of those buried at Jarbidge are miners and their families, and in fact are the founders of the small Elko County community.

Given the hundreds of thousands of acres administered by the Forest Service in this region and their oversight of the Jarbidge wilderness area, the conveyance of two acres for the purpose of allowing the residents to privately own the resting place of their relatives seems to be both rational and fair, keeping in mind, of course, that we are talking about a cemetery, the final resting place for people, the Nevadans and their loved ones.

Furthermore, I believe that it is our government's civic duty, the duty to do what is right on behalf of the American people and our constituents, to convey without cost these two small acres. I am sure if we took a national poll, the vast majority of people, if not all Americans, would agree that the conveyance of these two acres free of charge would be in the best public interest of any good use of our public land.

Therefore, I would like to ask all my colleagues to support this commonsense and fair legislation.

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

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

Mr. KILDEE. Mr. Speaker, H.R. 1231 directs the Secretary of Agriculture to convey without consideration 2 acres of National Forest land to Elko County, Nevada. The land conveyance would include a historic cemetery and a road and bridge leading to it on the Humboldt-Toiyabe National Forest.

It is our understanding that a private individual had offered to provide for the maintenance of the cemetery as long as the land was conveyed to the county. At the hearing, the Forest Service expressed concerns that this bill was inconsistent with laws that require the Secretary of Agriculture to obtain fair market value for exchange or sale of National Forest Service land.

While we share these agency concerns and generally support a policy of obtaining fair market value for the sake of disposition of public resources, the lands in this case are certainly de minimis. We anticipate that Elko County will be a good steward of the cemetery, and we certainly support this bill.

□ 1545

Mr. Speaker, I want to commend the gentleman from Nevada (Mr. GIBBONS). His gentlemanliness both in committee and on the floor makes it a pleasure to work in both places.

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

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1231, as amended.

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

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

#### TERRY PEAK LAND TRANSFER ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2079) to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

The Clerk read as follows:

H.R. 2079

*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 "Terry Peak Land Transfer Act of 1999".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Certain National Forest System land located in the Black Hills National Forest in Lawrence County, South Dakota, is currently permitted to the Terry Peak Ski Area by the Secretary of Agriculture pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

(2) The National Forest System land comprises only 10 percent of the land at the Ski Area, with the remaining 90 percent located on private land owned by the Ski Area operator.

(3) As the fractional Forest Service land holding at the Ski Area is also encumbered by ski lifts, ski trails, a base lodge parking lot and other privately owned improvements, it serves little purpose in continued public ownership, and can more logically be conveyed to the Ski Area to unify land management and eliminate permitting and other administrative costs to the United States.

(4) The Ski Area is interested in acquiring the land from the United States, but the Secretary does not have administrative authority to convey such land in a nonsimultaneous land exchange absent specific authorization from Congress.

(5) The Black Hills National Forest contains several small inholdings of undeveloped private land with multiple landowners which complicate National Forest land management and which can be acquired by the United States from willing sellers if acquisition funds are made available to the Secretary.

(6) The proceeds from the Terry Peak conveyance can provide a modest, but readily available and flexible, funding source for the Secretary to acquire certain inholdings in the Black Hills National Forest from willing sellers, and given the small and scattered nature of such inholdings, and number of potential sellers involved, can do so more efficiently and quickly than through administrative land exchanges.

(7) It is, therefore, in the public interest to convey the National Forest System land at Terry Peak to the Ski Area at fair market value and to utilize the proceeds to acquire more desirable lands for addition to the Black Hills National Forest for permanent public use and enjoyment.

(b) PURPOSE.—It is the purpose of this Act to require the conveyance of certain National Forest System lands at the Terry Peak Ski Area to the Ski Area and to utilize the proceeds to acquire more desirable lands for the United States for permanent public use and enjoyment.

#### SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

(2) The term "selected land" means land comprising approximately 41.42 acres and generally depicted as government lots 6 and 11, section 2, township 4 north, range 2 east, Black Hills meridian, on a map entitled "Terry Peak Land Conveyance", dated March 1999.

(3) The terms "Terry Peak Ski Area" and "Ski Area" mean the Black Hills Chairlift Company, a South Dakota Corporation, or its successors, heirs and assigns.

#### SEC. 4. LAND CONVEYANCE AND MISCELLANEOUS PROVISIONS.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey the selected land to the Terry Peak Ski Area at fair market value, as determined by the Secretary.

(b) APPRAISAL.—The value of the selected land shall be determined by the Secretary utilizing nationally recognized appraisal standards, including to the extent appropriate, the Uniform Appraisal Standards For Federal Land Acquisitions (1992), the Uni-

form Standards of Professional Appraisal Practice, and other applicable law. The costs of the appraisal shall be paid for by the Ski Area.

(c) COMPLETION OF CONVEYANCE.—It is the sense of Congress that the conveyance to the Ski Area required by this Act be consummated no later than 6 months after the date of enactment of this Act, unless the Secretary and the Ski Area mutually agree to extend the consummation date. Prior to conveying the selected land to the Ski Area, the Secretary shall complete standard pre-disposal analyses and clearances pertaining to threatened and endangered species, cultural and historic resources, wetlands and floodplains, and hazardous materials.

(d) USE OF PROCEEDS BY THE SECRETARY.—All monies received by the Secretary pursuant to this Act shall be considered monies received and deposited pursuant to Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall be utilized by the Secretary to acquire replacement land from willing sellers for addition to the Black Hills National Forest in South Dakota. Any lands so acquired shall be added to and administered as part of the Black Hills National Forest and, if any such land lies outside the exterior boundaries of the Forest, the Secretary may modify the boundary of the Forest to include such land. Nothing in this section shall be construed to limit the authority of the Secretary to adjust the boundaries of the Forest pursuant to section 11 of the Act of March 1, 1911 (16 U.S.C. 521; commonly known as the Weeks Act).

(e) CONVEYANCE SUBJECT TO VALID EXISTING RIGHTS, EASEMENTS.—The conveyance to the Ski Area required by this Act shall be subject to valid existing rights and to existing easements, rights-of-way, utility lines and any other right, title or interest of record on the selected land as of the date of transfer of the selected land to the Terry Peak Ski Area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

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

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

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

Mr. SHERWOOD. Mr. Speaker, H.R. 2079, the Terry Peak Land Transfer Act of 1999, was introduced by the gentleman from South Dakota (Mr. THUNE), our esteemed colleague.

H.R. 2079 is a non-simultaneous land transfer bill that would require the Secretary of Agriculture to convey certain lands in the Black Hills National Forest in South Dakota to the Terry Peak Ski Area at fair market value. All monies for the transaction would later be used to purchase replacement land from willing sellers for the Black Hills National Forests.

Not only does the Forest Service support the bill, but the bill shares tremendous local support among such groups as the Lawrence County Commissioners, the Deadwood Area Chamber of Commerce, the Terry Peak Lodge Homeowners Association, the Terry Valley Landowners Association, and the Black Hills Group of the Sierra Club.

I urge my colleagues to support the passage of the Terry Peak Land Transfer Act under suspension of the rules.

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

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

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

Mr. KILDEE. Mr. Speaker, H.R. 2079 directs the Secretary of Agriculture to convey for fair market value approximately 41 acres of land in the Black Hills National Forest to the Black Hill Chairlift Company, a local ski operator.

The tract is encumbered by ski lifts, ski trails, a parking lot, and other privately owned improvements so that transfer to private ownership would improve land management and eliminate administrative costs.

Furthermore, proceeds from the sale would be used to acquire small and scattered parcels around the National Forest.

I urge my colleagues to support this bill.

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

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me.

Let me say, Mr. Speaker, that H.R. 2079, the Terry Peak Land Transfer Act of 1999, is a responsible common sense and straightforward bill that will allow the Federal Government and a private interest to manage precious land resources in a very thoughtful and effective manner.

Terry Peak is a popular ski resort in the Black Hills of South Dakota. For years, Terry Peak has been a winter-time destination enjoyed by individuals and families in South Dakota and out-of-state visitors. The resort is situated in Lawrence County, South Dakota, and is near the communities of Deadwood and Lead. Today, 90 percent of the resort's land is privately owned. Ten percent of the land is federally owned and administered by the Black Hills National Forest.

The land administered by the Black Hills National Forest comprises of approximately 41 acres and has been permitted to Terry Peak pursuant to section 3 of the National Forest Ski Area Permit Act of 1986. Substantial improvements unique to Terry Peak's operation, such as parking lots, chair lifts, and a ski lodge have also been made to the land.

These improvements, the relatively small size of the parcel of land, and the land's isolation make this exchange a sensible action. As it stands, the land is no longer useful for the mission of the Black Hills National Forest and results in significant administrative cost to the Forest Service.

As a result of these factors, the Forest Service in the Black Hills National

Forest engaged in conversations with officials of Terry Peak to consider the latter's acquisition of the 41-acre parcel administered by the Black Hills National Forest. These parties have spent a great deal of time and effort to construct the proposed transaction, ensure broad public support, and draft legislation agreeable to both parties to the transaction. The result of that hard work is found in the bill before the House today.

H.R. 2079 would require Terry Peak to pay full market value, as determined by the Secretary of Agriculture for the land. According to the report accompanying the bill, the sale of the land would generate approximately \$125,000 in offsetting receipts. The Black Hills National Forest could then use those receipts to acquire more useful lands from willing sellers and add those lands to the forest system.

The legislation, therefore, recognizes the benefits of the private interest, Terry Peak, and to the public interest, the Black Hills National Forest. Terry Peak and Black Hills National Forest would both be able to acquire land that is most useful and consistent with each entity's mission.

As the gentleman from Pennsylvania (Mr. SHERWOOD) indicated, the transaction does enjoy broad support from outside parties. The Black Hills Group of the Sierra Club, the Deadwood Area Chamber of Commerce, the Lawrence County Commissioners, the Lead Area Chamber of Commerce, the Terry Peak Lodge Homeowners Association, and the Terry Valley Landowners Association all support the transaction and have encouraged its completion.

Additionally, the Senate has before it a companion bill, S. 953, the Terry Peak Land Conveyance Act of 1999, which would achieve the same end.

Because the Forest Service does not have the administrative authority to convey the land to Terry Peak in the manner both parties wish, Congress must grant authority for the change. It is for that reason that I introduced the Terry Peak Land Transfer Act of 1999 and ask for my colleagues' support of the bill today.

Mr. Speaker, I would like to thank the gentlewoman from Idaho (Mrs. CHENOWETH), chairman of the Subcommittee on Forests and Forest Health; the gentleman from Washington (Mr. SMITH), the ranking member; as well as the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources; and the gentleman from California (Mr. GEORGE MILLER), ranking member, for taking quick action on this bill.

I again thank the gentleman from Pennsylvania (Mr. SHERWOOD) for yielding me this time today and the gentleman from Michigan (Mr. KILDEE) for working with us on this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 2079.

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

A motion to reconsider was laid on the table.

#### SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area, as amended.

The Clerk read as follows:

H.R. 468

*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 "Saint Helena Island National Scenic Area Act".*

#### SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) PURPOSE.—*The purposes of this Act are—*

(1) *to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan, and*

(2) *to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.*

(b) ESTABLISHMENT.—*For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this Act referred to as the "scenic area").*

(c) EFFECTIVE UPON CONVEYANCE.—*Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3948).*

#### SEC. 3. BOUNDARIES.

(a) SAINT HELENA ISLAND.—*The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.*

(b) BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.—*Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).*

(c) PAYMENTS TO LOCAL GOVERNMENTS.—*Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this Act shall be treated as entitlement lands.*

#### SEC. 4. ADMINISTRATION AND MANAGEMENT.

(a) ADMINISTRATION.—*Subject to valid existing rights, the Secretary of Agriculture (in this Act referred to as the "Secretary") shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this Act.*

(b) SPECIAL MANAGEMENT REQUIREMENTS.—*Within 3 years of the date of enactment of this Act, the Secretary shall seek to develop a management plan for the scenic area as an amendment to the land and resources management*

plan for the Hiawatha National Forest. Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) **PUBLIC ACCESS.**—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this Act.

(2) **ROADS.**—After the date of enactment of this Act, no new permanent roads shall be constructed within the scenic area.

(3) **VEGETATION MANAGEMENT.**—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) **MOTORIZED TRAVEL.**—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this Act.

(5) **FIRE.**—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary deems appropriate.

(6) **INSECTS AND DISEASE.**—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) **DOCKAGE.**—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) **SAFETY.**—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) **CONSULTATION.**—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

#### **SEC. 5. FISH AND GAME.**

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

#### **SEC. 6. MINERALS.**

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

#### **SEC. 7. ACQUISITION.**

(a) **ACQUISITION OF LANDS WITHIN THE SCENIC AREA.**—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this Act.

(b) **ACQUISITION OF OTHER LANDS.**—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

#### **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

(a) **ACQUISITION OF LANDS.**—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 7.

(b) **OTHER PURPOSES.**—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 4(b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 468, the Saint Helena Island National Scenic Area, was introduced by the gentleman from Michigan (Mr. KILDEE), our esteemed colleague. This legislation would establish the area known as the Saint Helena Island in the State of Michigan as a National Scenic Area to be included in the Hiawatha National Forest.

The owners of Saint Helena Island have put it up for sale, and legislation is necessary to preserve and protect its outstanding resources. The Subcommittee on Forests and Forest Health held a hearing on H.R. 468, and the bill was ordered favorably reported, as amended, from the Committee on Resources by voice vote.

I urge my colleagues to support passage of the Saint Helena Island National Scenic Area under suspension of the rules.

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

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

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

Mr. KILDEE. Mr. Speaker, on February 25, 1999, I introduced H.R. 468, the Saint Helena Island National Scenic Area Act, and I am pleased that several of my colleagues from Michigan from both parties joined me as cosponsors of this effort.

First of all, I would like to thank the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from Alaska (Mr. YOUNG) for their help in bringing H.R. 468 to the floor of the House. I also appreciate the work of the ranking members of the committees.

During committee consideration, I was pleased to work with both the majority and minority to make technical and clarifying amendments, and I believe this resulted in a good piece of legislation worthy of bipartisan support.

We have a wonderful opportunity to protect a beautiful island in the Straits

of Mackinac in Lake Michigan. Owned by willing sellers, Saint Helena Island is located approximately 2 miles from the northern shore of Lake Michigan with a beautiful view of Mackinac Bridge.

In addition, the Island contains a historic lighthouse which is listed on the National Register of Historic Places. The two acres on which the lighthouse sits were recently conveyed via quitclaim from the Coast Guard to the Great Lakes Lighthouse Keepers Association. This bill would authorize purchase of the remainder of the island.

My legislation is simple, Mr. Speaker. It authorizes the purchase of Saint Helena Island from the willing sellers, the Brown and Hammond families. The island would become part of the Hiawatha National Forest, which would manage the island as a National Scenic Area, and the island would be open to the public for recreational use.

The island's ecosystem is home to over 300 species of plants, almost a quarter of which are not native to Michigan. Numerous birds and animals can also be found on the island.

Saint Helena also has a rich history, Mr. Speaker, as it was once home to a small port that serviced ships passing through the Straits of Mackinac. Although no permanent residents live on the island today, Saint Helena acts as a classroom for school groups, scout troops, lighthouse enthusiasts, and other citizens attracted to its beauty and diverse ecosystem.

I look forward to working with members of both houses of Congress to ensure passage of this legislation into law.

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

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

Mr. Speaker, I would like to thank the gentleman from Michigan (Mr. KILDEE) for his bipartisan efforts to work for the common good and thank him for all of his help on our committee.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the legislation offered by my good friend and colleague from Flint, Michigan. As the Michigan Delegation's representative to the House Resources Committee, DALE KILDEE has been done a superb job as our advocate for better parks and recreational opportunities, while serving as a seasoned voice for strong natural resources policies.

It should be no surprise, then, that the House is today considering my colleague's bipartisan bill to establish the Saint Helena Island National Scenic Area in Lake Michigan. The need is simple: to preserve and protect a place along the Great Lakes' shores where all Americans can appreciate primitive recreation opportunities, fish and wildlife habitat, vegetation, and the historic and cultural resources of a small but unique island near the Straits of Mackinac.

The people of Michigan value greatly the natural heritage and rugged beauty of our Great Lakes shoreline, particularly in this quiet, peaceful part of what we affectionately refer to in my District up "Up North." The acquisition has the support of the current landowners and local government, and the U.S.

Forest Service has indicated it is prepared to manage the new Scenic Area once it is acquired. I have no doubt that Saint Helena is a wise investment by the Federal government for the preservation of a very special place, and the recreational enjoyment of this and future generations of Michiganders.

It is my hope that H.R. 468 will move swiftly to the President's desk, and that sufficient Land and Water Conservation funding will be found in the near future to secure this national treasure between our two peninsulas.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 468, as amended.

The question was taken.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1231, H.R. 2079, and H.R. 468.

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

There was no objection.

#### TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 1999

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2367) to reauthorize a comprehensive program of support for victims of torture, as amended.

The Clerk read as follows:

H.R. 2367

*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 "Torture Victims Relief Reauthorization Act of 1999".

##### SEC. 2. FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2001, 2002, and 2003 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President \$10,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$10,000,000 for fiscal year 2003 to carry out section 130 of the Foreign Assistance Act of 1961.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

##### SEC. 3. DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to

carry out subsection (a) of section 5 of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152) \$10,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$10,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

##### SEC. 4. MULTILATERAL ASSISTANCE.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 2001, 2002, and 2003 for "Voluntary Contributions to International Organizations" pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated for a United States contribution to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the "Fund") the following amounts for the following fiscal years:

(1) FISCAL YEAR 2001.—For fiscal year 2001, \$5,000,000.

(2) FISCAL YEAR 2002.—For fiscal year 2002, \$5,000,000.

(3) FISCAL YEAR 2003.—For fiscal year 2003, \$5,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

##### SEC. 5. REPORTING REQUIREMENT.

Not later than 90 days after the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the specialized training for foreign service officers required by section 7 of the Torture Victims Relief Act of 1998 (Public Law 105-320). The Report shall include detailed information regarding—

(1) efforts by the Department of State to implement the specialized training requirement;

(2) the curriculum that is being used in the specialized training;

(3) the number of foreign service officers who have received the specialized training as of the date of the Report; and

(4) the nongovernmental organizations that have been involved in the development of the specialized training curriculum or in providing the specialized training, and the nature and extent of that involvement.

##### SEC. 6. TECHNICAL AMENDMENTS RELATING TO THE SECOND SECTION 129 OF THE FOREIGN ASSISTANCE ACT OF 1961.

(a) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—The second section 129 of the Foreign Assistance Act of 1961, as added by section 4(a) of the Torture Victims Relief Act of 1998 (Public Law 105-320), is redesignated as section 130.

(b) AMENDMENT TO TORTURE VICTIMS RELIEF ACT OF 1998.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 is amended by striking "section 129 of the Foreign Assistance Act of 1961, as added by subsection (a)" and inserting "section 130 of the Foreign Assistance Act of 1961 (as redesignated by section 6(a) of the Torture Victims Relief Reauthorization Act of 1999)".

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

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

□ 1600

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume to explain the bill.

I rise in strong support of H.R. 2367, the Torture Victims Relief Reauthorization Act. Let me point out to my colleagues that on June 29, the Subcommittee on International Relations and Human Rights held a hearing on U.S. policy toward the victims of torture. The testimony that was presented that day emphasized the continuing and compelling need for this legislation. Those who suffer the unspeakable cruelty of torture at the hands of despotic governments bear physical, emotional and psychological scars for the rest of their lives. Often, the ordeal of torture does not end with the victim's release from a gulag, laogai, or prison. Without professional help and rehabilitation, many torture victims will never get their lives back.

United States law, Madam Speaker, regarding torture victims took a giant step forward on October 30, 1998, with the enactment of Public Law 105-320, the Torture Victims Relief Act. I am proud to have been the principal sponsor of that act, which was cosponsored by 30 of our colleagues on both sides of the aisle. It authorized \$12.5 million over 2 years for assistance to torture victim treatment centers in the United States and another \$12.5 million for assistance to treatment centers in other countries around the world. It also authorized a U.S. contribution in the amount of \$3 million per year to the U.N. Voluntary Fund for Torture Victims. Finally, it required specialized training for State Department personnel in the identification of torture and its long-term effects, techniques for interviewing torture victims, and related subjects.

To continue the good work that that law began, I, along with the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), the gentlewoman from Georgia (Ms. MCKINNEY), our ranking member on the subcommittee, and the gentleman from California (Mr. LANTOS), introduced H.R. 2367, the Torture Victims Relief Act Reauthorization. It will extend and increase the authorizations of last year's act through fiscal year 2003.

For each of the 3 fiscal years it covers, the reauthorization act authorizes \$10 million for domestic treatment centers. The Center for Victims of Torture estimates that there are as many as 400,000 victims of foreign governmental torture in the United States. At present there are only 14 domestic treatment centers which are able to serve only a small fraction of the torture victim population here in this country. Because many of their clients do not have health insurance, the centers must bear most of the costs of treatment. Our hope is that the money authorized by H.R. 2367 will support these existing efforts and perhaps even enable the Department of Health and Human Services' Office of Refugee Resettlement to establish much needed new centers.

Madam Speaker, the bill also authorizes \$10 million per year for international treatment centers. According to the International Rehab Council for Torture Victims, the IRCT, the leading international nongovernmental organization engaged in treating victims of torture, \$33 million is needed in 1999 alone for international rehab centers. Currently there are about 175 torture victim treatment centers around the world.

The bill also authorizes \$5 million per year for a United States contribution to the U.N. Voluntary Fund for Victims of Torture. I am pleased to note that the administration greatly increased the U.S. contribution to the fund this year to \$3 million, the full level authorized by the Torture Victims Relief Act. We should continue this trend, and I believe we should expand our effort for this worthwhile multilateral effort.

Finally, the bill requires, as it did before, that the State Department report on its efforts to provide specialized training to foreign service officers, as mandated by the Torture Victims Relief Act. It is important that our personnel who deal with torture victims be able to identify evidence of torture and its long-term effects, and that they learn techniques for interviewing torture victims who may still be suffering trauma from their experiences.

At our recent subcommittee hearing, it became apparent that the State Department has not yet implemented the training required by the act. This reporting requirement will serve as a wake-up call to prompt the Department to fulfill its statutory obligations.

Madam Speaker, for the RECORD I am inserting correspondence between the gentleman from New York (Mr. GILMAN) and the gentleman from Virginia (Mr. BLILEY), of the Committee on Commerce, regarding the jurisdictional aspects of this bill, and I greatly appreciate the willingness of the gentleman from Virginia to accede to consideration of this measure on the suspension calendar. I hope all Members will support this legislation.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,

Washington, DC, September 17, 1999.

Hon. TOM BLILEY,  
Chairman, Committee on Commerce, House of Representatives.

DEAR TOM: I am writing to thank the Committee on Commerce for its willingness to waive consideration of H.R. 2367, the Torture Victims Relief Reauthorization Act of 1999. As you correctly note, the Committee on International Relations and the sponsors of the bill believe it is important to bring this legislation before the House as expeditiously as possible.

I am writing to confirm our understanding, upon which your agreement to waive Committee consideration of the bill was premised:

Although I am hopeful that the Senate will pass the bill as passed by the House, I agree to support the appointment of Commerce Committee conferees, should a conference be convened on this legislation.

I will gladly include your September 10, 1999 letter as part of the record during consideration of the bill by the House.

Thank you again for your prompt attention to this time-sensitive matter. Do not hesitate to contact me with any additional questions or suggestions you may have.

Sincerely,

BENJAMIN A. GILMAN,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, September 10, 1999.

Hon. BENJAMIN A. GILMAN,  
Chairman, House Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR BEN: On September 9, 1999, the Committee on International Relations ordered reported H.R. 2367, the Torture Victims Relief Reauthorization Act of 1999. H.R. 2367, as ordered reported by the Committee on International Relations, reauthorizes programs for the support and treatment of torture victims through a variety of sources. As you know, the Committee on Commerce was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction over health and health facilities under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner and will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 2367. In addition, the Committee on Commerce reserves its authority to seek conferees on any provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Committee on Commerce for conferees on H.R. 2367 or related legislation.

I request that you include this letter as a part of your committee's report on H.R. 2367 and as part of the RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,  
Chairman.

Madam Speaker, I reserve the balance of my time.

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

This is a very serious subject we are addressing this afternoon, and I just want to say for the record that I was supportive of my friend from New Jersey's request for additional time. I am glad, however, that we will not have to use that, for the sake of the other business here today.

Madam Speaker, I rise in strong support of H.R. 2367, and I just want to address the House for a number of minutes. The legislation before the House today authorizes critically important domestic and international programs that provide relief to victims of torture. Specifically, the bill increases from \$7.5 million to \$10 million the annual authorization for AID to provide assistance to treatment centers and programs in foreign countries regarding the physical and psychological rehabilitation of victims of torture.

These funds support programs in countries like South Africa, Liberia, and Rwanda that meet the medical and psychological needs of traumatized and tortured civilians. This assistance has been particularly important to the children of Africa, because many of them have witnessed or experienced unspeakable horrors as child soldiers in the civil strife that has wracked these countries.

USAID is also training health providers and trauma counselors to deal with the enormous psychological and medical needs in Kosovo. One of the most devastating accounts was that of an 8-year-old boy in Kosovo who was forced to listen to the screams of his 2-year-old sister as she was burned alive when the Serbs set fire to his house after killing the rest of his family. He was unable to help his younger sister because the Serbs had shot him also.

The legislation also increases from \$7.5 million to \$10 million the annual authorization for HHS to provide relief activities domestically. The U.S. is working to meet the needs of refugee survivors of torture living in the United States by training community service providers who work with refugees to recognize survivors of torture and provide appropriate mental health referrals for them.

This bill also increases the annual authorization for the U.S. contribution to the U.N. Voluntary Fund for Victims of Torture from \$3 million a year to \$5 million. In recent years, the United States has been the single largest contributor to the United Nations Voluntary Fund, established by the U.N. General Assembly in 1981. The U.N. fund provides worldwide humanitarian assistance to meet the medical and psychological needs of torture victims and their families.

One center receiving assistance from the U.N. fund is the Center for Victims of Torture based in Minnesota. This center established an innovative training program for school teachers whose students are survivors of torture or

who have family members who are survivors. There are now nearly 200 centers supported by the U.N. fund working to meet the unique needs of survivors of torture around this world.

Finally, the legislation expresses the sense of Congress that the United States should support, one, the U.N. Voluntary Fund to find new ways to rehabilitate victims of torture; two, the work of the Special Rapporteur on Torture and Committee Against Torture; and, three, the establishment of a country rapporteur or similar mechanism to investigate human rights violations in any country that has been found to have a systematic practice of torture.

The United States has been in the forefront of providing assistance to torture victims, including through the many centers in the United States that address the dreadful effect of these barbarous practices. This legislation will ensure that the U.S. continues to play this vital leadership role.

While it is unusual for Congress to authorize funds in advance, as this bill does, it will send a message that this committee believes that a stable funding base is necessary for these important programs to work and to continue.

Madam Speaker, let me add that it is unfortunate that this legislation is needed at the dawn of the year 2000 in the 21st century; that humankind can be as cruel today in many respects as it was during the time of the Spanish inquisition and Nazi Germany, when torture became institutionalized. Hot spots today include Rwanda, Burundi, Algeria, Colombia, Kosovo, East Timor, just to mention a few. And they are not just governments, but militias and rebel groups that are also involved in acts of torture. They are engaging in torture to produce a political outcome beneficial to their cause.

Madam Speaker, I urge my colleagues to support H.R. 2367; and I thank my good friend, the gentleman from New Jersey (Mr. SMITH), for his work on this legislation; the gentleman from New York (Mr. GILMAN) for his work, our ranking member, the gentleman from New Jersey (Mr. GEJDENSON), the gentleman from California (Mr. LANTOS), and the many, many others who were involved in creating this legislation and seeing it pass today.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume, and I want to thank my good friend from New York for his excellent statement and his good work on the subcommittee.

I would like to point out, Madam Speaker, that it is not the intention of the supporters, the prime sponsor of the bill or anyone else that this legislation should result in any decrease whatsoever in the resources available to other programs of the Office of Refugee Resettlement.

I would also note for the Record that Lavinia Limon, Director of the Office

of Refugee Resettlement, is doing an outstanding job. She testified before our subcommittee. She did the work at Fort Dix as the ethnic Albanians were making their way during the Kosovo crisis.

We have to make sure that the money that is available by way of HHS, that the money be found so that this is not a zero-sum game. We have to make sure, and I would encourage our appropriators to make sure, that this money is in addition to and does not take away from the other good work that the Office of Refugee Resettlement does.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H.R. 2367—the Torture Victims Relief Reauthorization Act of 1999. I am pleased to be a cosponsor of this legislation.

First, Mr. Speaker, I want to pay tribute to our distinguished colleague and my friend, the gentleman from New Jersey, Congressman, CHRIS SMITH. He has shown outstanding leadership on this issue, and I want to express my appreciation to him for the direction and focus he has given this important legislation.

It is critical that we continue this program to provide assistance to the unfortunate individuals who have been victims of torture. I am pleased that our country has been in the forefront in providing assistance to those who suffer from these barbarous practices.

Mr. Speaker, while it is unusual to provide in legislation authorizing funds in advance as this bill does, it is important to send the message that the Congress believes that a stable funding base is essential for these important programs to assist the unfortunate victims of torture.

Mr. Speaker, this legislation authorizes a number of critically important domestic and international programs to provide relief to the victims of torture. The bill increases from \$7.5 million to \$10 million the annual authorization for the Agency for International Development (AID) to provide assistance to treatment centers and programs in foreign countries which deal with physical and psychological rehabilitation of victims of torture. The legislation also authorizes five million dollars in contributions to the U.N. Voluntary Fund for the Victims of Torture, an increase from the three million which is currently authorized.

Just a few weeks ago, Mr. Speaker, I hosted a reception here on Capitol Hill honoring Dr. Inge Genefke and the Center for the Victims of Torture. In 1979 Dr. Genefke established a clinic in her native Copenhagen, Denmark, which was the first such facility anywhere in the world devoted specifically to treating victims of torture. Now, I am happy to report, that facilities exist in a number of countries—including several in our own country—which provide this kind of specialized medical care. It is very reassuring to see the progress that is being made in dealing with the tragic victims of repressive regimes which carry out or tolerate this horrendous violation of human rights.

This legislation is important in our stand for human rights, Mr. Speaker, and I strongly urge my colleagues to vote for it.

Mr. GILMAN. Madam Speaker, I want to commend Chairman SMITH and the Ranking Minority Member Ms. MCKINNEY of the Subcommittee on International Operations and Human Rights for crafting this timely initiative

which addresses a critical area of our efforts to combat human rights abuses—treatment of those individuals who have suffered the effects of torture at the hands of governments as a means of destroying dissent and opposition.

The resolution rightly recognizes the importance of treating victims of torture in order to combat the long-term devastating effects that torture has on the physical and psychological well-being of those who have undergone this pernicious form of abuse. Torture is an extremely effective method to suppress political dissidence, and for those governments which lack the legitimacy of democratic institutions to justify their power, torture can provide a bulwark against popular opposition.

This measure authorizes funding at the level of \$10 million a year for the next three fiscal years for treatment centers in the United States and overseas. It also authorizes the State Department to contribute \$5 million in fiscal years 2001, 2002 and 2003 to the United Nations Voluntary Fund for Victims of Torture.

Political leaders of undemocratic societies still find torture useful because its aims are the destruction of the personality. It attempts to rob those individuals who would actively involve themselves in opposition to oppress their self-confidence and other characteristics that produce leadership. I quote from a speech by Dr. Inge Genefke, who is a founder of the international treatment movement, "Sophisticated torture methods today can destroy the personality and self-respect of human beings. . . . Many victims are threatened with having to do or say things against his ideology or religious convictions, with the purpose of attacking fundamental parts of the identity, such as self-respect and self-esteem. Torturers today are able to create conditions which effectively break down the victim's personality and identity and his ability to live a full life later with and amongst other human beings."

Accordingly, I urge all my colleagues to join in approving this legislation.

Mr. HOYER. Mr. Speaker, I rise in strong support for H.R. 2367, the Torture Victims Relief Act reauthorization.

I also want to commend my colleagues, Representative CHRIS SMITH and Representative JOSEPH CROWLEY, who serve on the International Relations Committee, for bringing this bill to the floor, today.

The Center for Victims of Torture is one of over 175 centers which treats and supports victims of politically-motivated torture. It was established in 1985 and is the first of its kind in the United States.

The Center helps to rehabilitate survivors by addressing their physical and psychological needs in order to reintegrate them back into society. The treatment program assists their families who also suffer the effects of the torture. They have provided services for survivors from more than 45 countries and all continents. And the center treats American victims of torture overseas.

According to the Center for Victims of Torture, "The debilitating nature of torture makes it extremely difficult for survivors to hold down jobs, study for new professions, or acquire other skills needed for a successful integration into the culture and economy. Torture is a crime against humanity; as a strategic tool of repression, it is the single most effective weapon against democracy. Its purpose is to

control populations by destroying individual leaders and frightening entire communities. Torture is rarely used to extract information from someone."

I am a strong supporter of this program and am pleased that both the House and the Senate Foreign Operations Appropriations bills have provided \$3 million for the United Nations Voluntary Fund for Victims of Torture and \$7.5 million for the Foreign Treatment Centers for Torture Victims.

As a member of the Labor, HHS Appropriations Subcommittee, I am hopeful that once we draft our legislation, it will reflect the President's FY 2000 request of \$7.5 million for Domestic Centers for Victims of Torture.

John F. Kennedy once said, "I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for victories or defeats in battle or in politics, but for our contribution to the human spirit." This program does just that. It works to rebuild the human spirit that was broken as an act of war and repression.

Again, Mr. Speaker, I support this legislation and encourage full funding for these programs. Because democracy is neither easy nor simple. It is, however, a goal that we must boldly pursue.

#### GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. R. 2367.

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

There was no objection.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2367, as amended.

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

A motion to reconsider was laid on the table.

#### GRANTING CONSENT OF CONGRESS TO MISSOURI-NEBRASKA BOUNDARY COMPACT

Mr. GEKAS. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 54) granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

The Clerk read as follows:

#### H. J. RES. 54

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Missouri-Nebraska Boundary Compact entered into between the States of Missouri and Nebraska. The compact reads substantially as follows:

#### "MISSOURI-NEBRASKA BOUNDARY COMPACT

##### "ARTICLE I

##### "FINDINGS AND PURPOSES

"(a) The states of Missouri and Nebraska find that there are actual and potential disputes, controversies, criminal proceedings and litigation arising or which may arise out of the location of the boundary line between the states of Missouri and Nebraska; that the Missouri River constituting the boundary between the states has changed its course from time to time, and that the United States Army Corps of Engineers has established a main channel of such river for navigation and other purposes, which main channel is identified on maps jointly certified by the state surveyors of Missouri and Nebraska and identified as the "Missouri-Nebraska Boundary Maps", which maps are incorporated in this act and made part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska.

"(b) It is the principal purpose of the states of Missouri and Nebraska in executing the compact to establish an identifiable compromise boundary between the state of Missouri and the state of Nebraska for the entire distance thereof as of the effective date of the compact without interfering with or otherwise affecting private rights or titles to property, and the states of Nebraska and Missouri declare that further compelling purposes of the compact are—

"(1) to create a friendly and harmonious interstate relationship;

"(2) to avoid multiple exercise of sovereignty and jurisdiction including matters of taxation, judicial and police powers and exercise of administrative authority;

"(3) to encourage settlement and disposition of pending litigation and criminal proceedings and avoid or minimize future disputes and litigation;

"(4) to promote economic and political stability;

"(5) to encourage the optimum mutual beneficial use of the Missouri River, its waters and its facilities;

"(6) to establish a forum for settlement of future disputes;

"(7) to place the boundary in a location which can be identified or located; and

"(8) to express the intent and policy of the states that the common boundary be established within the confines of the Missouri River and both states shall continue to have access to and use of the waters of the river.

##### "ARTICLE II

##### "ESTABLISHMENT OF BOUNDARY

"The permanent compromise boundary line between the states of Missouri and Nebraska shall be fixed at the center line of the main channel of the Missouri River as of the effective date of the compact, except for that land known as McKissick's Island as determined by the Supreme Court of the United States to be within the state of Nebraska in the case of *Missouri v. Nebraska*, 196 U.S. 23, and 197 U.S. 577, all of which is identified on maps jointly prepared and certified by the state surveyors of Missouri and Nebraska and identified as the "Missouri-Nebraska Boundary Compact Maps", incorporated in this act and made a part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska. This center line of the main channel of the Missouri River between the states is also described in this act by metes and bounds on the "Missouri-Nebraska Boundary Compact Maps" incorporated in this act by reference and made a part of this act. This center line of the main channel of the Missouri River as described on such maps shall be referred to as the 'compromise boundary'.

##### "ARTICLE III

##### "RELINQUISHMENT OF SOVEREIGNTY

"The state of Missouri hereby relinquishes to the state of Nebraska all sovereignty over all lands lying on the Nebraska side of such compromise boundary and the state of Nebraska hereby relinquishes to the state of Missouri all sovereignty over all lands lying on the Missouri side of such compromise boundary except for that land known as McKissick's Island which is identified on the "Missouri-Nebraska Boundary Compact Maps" incorporated in this act by reference and made a part of this act.

##### "ARTICLE IV

##### "PENDING LITIGATION

"Nothing in the act shall be deemed or construed to affect any litigation pending in the courts of either of the states of Missouri or Nebraska as of the effective date of the compact concerning the title to any of the lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska or by the state of Nebraska to the state of Missouri and any matter concerning the title to lands, sovereignty over which is relinquished by either state to the other, may be continued in the courts of the state where pending until the final determination thereof.

##### "ARTICLE V

##### "PUBLIC RECORDS

"(a) The public record of real estate titles, mortgages and other liens in the state of Missouri to any lands, the sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Missouri, by the courts of the state of Nebraska.

"(b) The public record of real estate titles, mortgages and other liens in the state of Nebraska to any lands, the sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Nebraska, by the courts of the state of Missouri.

"(c) As to lands, the sovereignty over which is relinquished, the recording officials of the counties of each state shall accept for filing documents of title using legal descriptions derived from the land descriptions of the other state. The acceptance of such documents for filing shall have no bearing upon the legal effect or sufficiency thereof.

##### "ARTICLE VI

##### "TAXES

"(a) Taxes lawfully imposed by either Missouri or Nebraska may be levied and collected by such state or its authorized governmental subdivisions and agencies on land, jurisdiction over which is relinquished by the taxing state to the other, and any liens or other rights accrued or accruing, including the right of collection, shall be fully recognized and the county treasurers of the counties or other taxing authorities affected shall act as agents in carrying out the provisions of this article; provided, that all liens or other rights arising out of the imposition of taxes, accrued or accruing, shall be claimed or asserted within five years after the compact becomes effective and if not so claimed or asserted shall be forever barred.

"(b) The lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall not thereafter be subject to the imposition of taxes in the state of Missouri from and after the effective date of the compact. The lands, sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall not

thereafter be subject to the imposition of taxes in the state of Nebraska from and after the effective date of the compact.

“ARTICLE VII  
“PRIVATE RIGHTS

“(a) The compact shall not deprive any riparian owner of such riparian owner’s rights based upon riparian law and the establishment of the compromise boundary between the states shall not in any way be deemed to change or affect the boundary line of riparian owners along the Missouri River as between such owners. The establishment of the compromise boundary shall not operate to limit such riparian owner’s rights to accretions across such compromise boundary.

“(b) No private individual or entity claims of title to lands along the Missouri River, over which sovereignty is relinquished by the compact, shall be prejudiced by the relinquishment of such sovereignty and any claims or possessory rights necessary to establish adverse possession shall not be terminated or limited by the fact that the jurisdiction over such lands may have been transferred by the compact. Neither state will assert any claim of title to abandoned beds of the Missouri River, lands along the Missouri River, or the bed of the Missouri River based upon any doctrine of state ownership of the beds or abandoned beds of navigable waters, as against any land owners or claimants claiming interest in real estate arising out of titles, muniments of title, or exercises of jurisdiction of or from the other state, which titles or muniments of title commenced prior to the effective date of this compact.

“ARTICLE VIII  
“READJUSTMENT OF BOUNDARY BY  
NEGOTIATION

“If at any time after the effective date of the compact the Missouri River shall move or be moved by natural means or otherwise so that the flow thereof at any point along the course forming the boundary between the states occurs entirely within one of the states, each state at the request of the other, agrees to enter into and conduct negotiations in good faith for the purpose of readjusting the boundary at the place or places where such movement occurred consistent with the intent, policy and purpose hereof that the boundary will be placed within the Missouri River.

“ARTICLE IX  
“EFFECTIVE DATE

“(a) The compact shall become effective on the first day of January of the year after it is ratified by the general assembly of the state of Missouri and the legislature of the state of Nebraska and approved by the Congress of the United States.

“(b) As of the effective date of the compact, the state of Missouri and the state of Nebraska shall relinquish sovereignty over the lands described in the compact and shall assume and accept sovereignty over such lands ceded to them as provided in the compact.

“(c) In the event the compact is not approved by the general assembly of the state of Missouri and the legislature of the state of Nebraska on or before October 1, 1999, and approved by the Congress of the United States within three years from the date of such approval, the compact shall be inoperative and for all purposes shall be void.

“ARTICLE X  
“ENFORCEMENT

“Nothing in the compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction, for the protection of any right under the compact or the enforcement of any of its provisions.

“ARTICLE XI  
“AMENDMENTS

“The compact shall remain in full force and effect unless amended in the same manner as that by which it was created.”

**SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

**SEC. 3. CONSTRUCTION AND SEVERABILITY.**

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

**SEC. 4. INCONSISTENCY OF LANGUAGE.**

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the 2 states.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Missouri (Ms. DANNER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GEKAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on the joint resolution presently under consideration, H.J. Res. 54.

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

There was no objection.

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

This resolution, I say to the Members, is an exercise of constitutional authority, really a constitutional mandate. When two States, two or more States, enter into agreements in their mutual interest, those kinds of agreements, the compact, must gain the approval of the Congress. That was a salient feature of our constitutional process from the very beginning, and we find ourselves here today in sorting out the difference that existed between the mindsets in Missouri and Nebraska on an avulsion and accretion of the Missouri River which affected their boundaries.

The Congress has reviewed it, held hearings on it in our committee, and we are prepared today to signify the Congress’ approval of the compact entered into by the legislatures of the States of Missouri and Nebraska.

□ 1615

This problem, as I understand it, will be more fully explained by the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from Missouri (Ms. DANNER). But this does date back historically, and would I like the record to completely reflect the fact that Lewis and Clark were the first to

observe the problem that the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from Missouri (Ms. DANNER) are fixing today.

Madam Speaker, I reserve the balance of my time.

Ms. DANNER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Joint Resolution 54.

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

Ms. DANNER. Madam Speaker, in 1864, the poet Longfellow wrote “All things come round to him who will but wait.” Well, those are prophetic words for me because I have, first as a Missouri State senator and now as a Member of Congress, waited 7 years for this agreement on the exact location of the boundary between our States of Missouri and Nebraska.

More importantly, the people of Missouri and Nebraska have waited patiently, or I should say perhaps impatiently, since the 1930s, when the Army Corps of Engineers straightened and channelized the Missouri River and disputes over the proper border began to emerge.

Despite a number of costly court efforts, the exact location of the border could not be agreed upon; and, so for decades both Missouri and Nebraska considered land compact legislation to resolve an issue that had plagued both our States since the last century.

However, each time one State adopted a version, the other State would refuse to accept that version. Thus, as a State senator, after hearing from many of my constituents who were facing taxation by both Missouri and Nebraska, I sponsored legislation in the Missouri Senate creating the Missouri Boundary Commission which was charged with resolving this matter.

Subsequently, the Missouri Boundary Commission, joined by the Nebraska Boundary Commission, reached the agreement that is before us in the House of Representatives today.

In July of this year, the Missouri Department of Natural Resources completed the survey of the new border and the State of Nebraska has seen and approved this survey. This new boundary will follow the centerline of the Missouri River design channel with the exception of an area of land known as McKissick’s Island, which is east of the Missouri but has been ruled part of Nebraska by the Supreme Court of the United States. Now that Missouri and Nebraska have agreed on the exact border, all that remains is congressional approval and the matter will be finally settled.

This legislation reflects not only the joint effort of the Missouri and Nebraska legislatures but the cooperation between the gentleman from Nebraska (Mr. BEREUTER) and me. Our bipartisan approach and our commitment to working together has ensured the rapid movement of this bill, which will result

in many benefits for the affected citizens of our respective States.

Thus, I wish to thank the congressman, the members of the Missouri and Nebraska Boundary Commissions, and all those who have been involved in implementing this compact.

Today I am very hopeful that the waiting Mr. Longfellow spoke of so many, many years ago will result in the passage of House Joint Resolution 54.

Madam Speaker, I reserve the balance of my time.

Mr. GEKAS. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Madam Speaker, I want to thank the gentleman for yielding me this time.

Madam Speaker, I rise in support, of course, of H.J. Res. 54.

I would like to begin by expressing my appreciation to the chairman of the committee, the gentleman from Illinois (Mr. HYDE), and the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the committee, but especially to the gentleman from Pennsylvania (Chairman GEKAS) for expediting this legislation as well as the ranking member, the gentleman from New York (Mr. NADLER).

This Member is pleased to be a cosponsor of this legislation which was introduced by our distinguished colleague, the gentleman from Missouri (Ms. DANNER). I have heard about her long experience with this legislation, beginning as a State senator.

The land affected is exclusively in the congressional district of the gentleman and this Member. I appreciate the kind of cooperation and good spirit and reliability and good humor and everything else about the gentleman in moving ahead with this problem. And I look forward to cooperating with her on the improvement of the Rulo Bridge, as a matter of fact, between our districts.

House Joint Resolution 54 will provide, as the chairman indicated, approval of the land compact which was previously approved by the State legislatures of Missouri and Nebraska. The only exception, which will be on the other side of the river, will be McKissick's Island, which, as the gentleman has mentioned, has already been spoken to by the U.S. Supreme Court.

I think this is likely to be the last time that this issue needs to come before the Congress because of the stabilization and the channels work that has been completed by the Corps of Engineers.

The problems necessitating this compact have been around for a long time. As observed by Lewis and Clark, they saw how reckless and rambunctious the Missouri River was in moving around

its channel during the spring rise and the winter flood season as it broke into spring.

I would think that there is a sense of urgency because of the confusion regarding taxation of farmland into the disputed areas. In some cases, farmers and other landowners are receiving tax notices from both States. With the agriculture community facing such times, the last thing a farmer needs is to pay taxes twice or to be charged, at least, twice.

This summer I held a town hall meeting in Fall City, Nebraska, one of the counties on the Missouri River border. And the superintendent of schools of the Fall City Public School District came to me and objected to the legislation. Indeed, in this land swap arrangement, some political subdivisions, some school districts, some counties, some other types of political subdivisions will be winners in terms of valuation, real estate added or subtracted, and some are losers. According to the superintendent, Fall City is a loser.

But it is an issue which the Nebraska legislature has concentrated their attention and finally taken action, in concert with similar action that had taken place over in Jefferson City.

I would say to this distinguished superintendent of schools that he needs to go to his State senator, possibly to Senator Wehrbein, the sponsor of the legislation, State Senator Wehrbein, and seek legislative redress if in fact the Fall City public schools is a substantial loser in terms of valuation for that district.

I believe the resolution is there. The Nebraska legislature spoke unequivocally on this issue, and it is our responsibility, I think, to discharge the remaining constitutional requirements.

The people of Nebraska and Missouri will have occasional disagreements about important matters, such as football and baseball, and they will be playing that out in a stadium this week in Columbia. But with enactment of H.J. Res. 54, at long last, at least we are going to have solved the boundary dispute to the satisfaction of both State governments.

Again, I thank the chairman for expediting legislation. I thank my distinguished colleague for her crucial role in the Missouri legislature and here in the House. I urge my colleagues to support H.J. Res. 54.

The center of the Missouri River formed the original boundary between Nebraska and Missouri. However, the boundary disputes originated from the shifting Missouri River which cut new channels and created avulsions. This natural process was greatly halted when the U.S. Army Corps of Engineers began efforts to stabilize the river in the 1930s. Since then, the river has generally maintained its current channel.

The problems necessitating this compact have been around for decades and it is now time to settle this troublesome matter. This Member also believe there is a renewed sense of urgency because of the confusion regarding the taxation of farmland in the dis-

puted areas. In some cases, farmers are receiving tax notices from both Nebraska and Missouri. With the agricultural community facing such difficult economic times, the last thing a farmer needs is to pay taxes twice on the same land.

In addition to taxation concerns, there are also jurisdictional problems related to law enforcement and the delivery of services. It is currently possible, for example, that because of jurisdictional uncertainties, an individual could escape punishment if a crime is committed in the disputed areas. Clearly, these are serious problems that would be resolved by this legislation.

In certain cases, costly litigation is needed to determine the true and correct boundary line. In some instances, a Missouri court may determine that the land should be located in Missouri, while a Nebraska court will find that the same land belongs to Nebraska. It is in the best interests of both states, as well as those landowners affected by this uncertainty, to have these disputes handled in a formal manner which makes sense. The compact is intended to do just that.

Ms. DANNER. Madam Speaker, I yield back the balance of my time.

Mr. GEKAS. Madam Speaker, I yield myself such time as I may consume only to add a note to the CONGRESSIONAL RECORD that in this and many other issues that come before our committee our legal staff, Ray Smitanka and Jim Harper, Susan Conklin, and others have helped immensely from beginning to end. I want, in his absence, to also commend Demetrios Kouzoukas, who acted as and was an intern in our office and worked specifically on this piece of legislation, and I want the RECORD to indicate our gratitude to him for his efforts there.

I urge support and passage of this legislation.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the joint resolution, H.J. Res. 54.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

#### CONSENT OF CONGRESS TO BOUNDARY CHANGE BETWEEN GEORGIA AND SOUTH CAROLINA

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 62) to grant the consent of Congress to the boundary change between Georgia and South Carolina

The Clerk read as follows:

H.J. RES. 62

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent of Congress is given to the establishment of the boundary between the States of Georgia and South Carolina.

(b) NEW BOUNDARY.—The boundary referred to in subsection (a) is the boundary—

(1) agreed to by the State of Georgia in Act Number 1044 (S.B. No. 572) approved by the Governor on April 5, 1994, and agreed to by the State of South Carolina in Act Number 375 (S.B. No. 1315) approved by the Governor on May 29, 1996;

(2) agreed to by the State of Georgia in Act Number 1044 (S.B. No. 572) approved by the Governor on April 5, 1994, and agreed to by the State of South Carolina in an Act approved by its Governor not later than 5 years after the date of the enactment of this joint resolution;

(3) agreed to by the State of South Carolina in Act Number 375 (S.B. No. 1315) approved by the Governor on May 29, 1996, and agreed to by the State of Georgia in an Act approved by its Governor not later than 5 years after the date of the enactment of this joint resolution; or

(4) agreed to by the States of Georgia and South Carolina in Acts approved by each of their Governors not later than 5 years after the date of enactment of this joint resolution.

(c) COMPACT.—The Acts referred to in subsection (b) are recognized by Congress as an interstate compact pursuant to section 10 of article I of the United States Constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Missouri (Ms. DANNER) each will control 20 minutes.

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

#### GENERAL LEAVE

Mr. GEKAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.J. Res. 62.

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

There was no objection.

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

Just as in the previous matter, we are given the duty and responsibility now of giving our stamp of approval to the States of Georgia and South Carolina to an agreement that they have reached relative to a boundary problem that has existed for a long time between those two States. This goes back, as I understand it, historically to the Beaufort Convention of 1787, even before the Constitution as we now know it came into existence.

But, in any event, whatever the nature of those disputes were, we have come to a point now where, in seeking the approval of the Congress, those two States are conforming to the constitutional process and we find no impediment at all in granting consent by the Congress to those two States for the proposition which they have brought to us.

More fully will be discussed, I am certain, this whole set of circumstances by the gentleman from Georgia (Mr. LINDER).

Ms. DANNER. Madam Speaker, I yield myself such time as I may consume.

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

Ms. DANNER. Madam Speaker, I rise in support of H.J. Res. 62. With this legislation, we fulfill our constitutional obligation to review and grant our consent to compacts between States.

I will not belabor the details of this matter. They will be more fully stated by my colleague from Georgia.

The States of Georgia and South Carolina have worked out their border dispute to their mutual satisfaction, and it deserves our support.

The bill was reported by the Committee on the Judiciary by unanimous consent, and I am aware of no opposition.

I urge the adoption of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. GEKAS. Madam Speaker, I yield such time as he might consume to the gentleman from Georgia (Mr. LINDER).

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

Madam Speaker, I appreciate this opportunity to speak to my colleagues on House Joint Resolution 62, a resolution to ratify an interstate compact that corrects a long-standing border dispute between the States of Georgia and South Carolina.

It is not every day that Congress deals with borders between States. Sometimes it seems that borders are some of the only constants in the changing social and political landscape of America.

Nevertheless, Georgia and South Carolina come to Congress today to settle a dispute that has gone as high as the United States Supreme Court concerning their common border where the Savannah River meets the sea.

The issue at hand is essentially a product of time and geography. The original line between the States was set in 1787 at the Beaufort Convention. Much of the interior of the two States had not been surveyed, and officials had not even dreamed of the precise coordinate systems of today.

Therefore, the delegates to the Convention used the natural landmarks they have available and set the boundary as the northern branch of the Savannah River, reserving all islands to Georgia. This line has stood in question for 140 years until 1922, when the Supreme Court clarified the line in a case between Georgia and South Carolina involving the stage of the river that should be used to determine the boundary.

In this decision, the Court stated that where there were islands in the Savannah River, the boundary would fall at the midpoint between the island's bank and the South Carolina bank at normal stage. Where there were no islands, the border would fall at the midpoint between the two banks at normal stage.

In the years following this decision, the obvious question arose concerning

whether islands that had formed since the Beaufort Convention automatically belong to Georgia or to the State in whose territory the islands would have fallen at the time of the Convention.

Dredging performed by the Army Corps of Engineers in the Savannah River and additional questions involving the mouth of the river further complicated the border dispute.

The expansion of the Port of Savannah and the economic interests in the region began to be disrupted by the confusion.

□ 1630

Finally, Madam Speaker, in 1990 the Supreme Court decided the issue by assigning the particular set of islands in dispute, the Barnwell Islands, to South Carolina. Further, the Court found that the Beaufort Convention did not control the islands formed in the river since its ratification. The Court directed the States to draw up new boundary agreements based on these principles. The two States have worked with the National Oceanic and Atmospheric Administration, using the best mapping and surveying equipment available to set a boundary that is in keeping with the Court's findings.

It is this new agreement that we bring before the House today. H.J. Res. 62 ratifies the boundary agreed upon by both States and codified into law by both State legislatures. The line runs roughly along the center of Savannah River and incorporates the findings of the Supreme Court in its latest decision. I understand that there are some discrepancies between the authorizing bills from the two States, but I believe that this resolution will allow Congress to approve the agreement while giving the States the flexibility to make any final corrections that may be necessary.

I would like to thank the gentleman from Pennsylvania (Mr. GEKAS) for his hard work on this legislation and the gentlewoman from Missouri (Ms. DANNER). This joint resolution satisfies the Constitution's requirement that Congress ratify all interstate compacts. I hope that the House will look favorably on our States' efforts to legally clarify our borders using today's sophisticated mapping technology, and I appreciate this opportunity to address the Nation that uniquely affects the people of my State.

Ms. DANNER. Madam Speaker, I yield myself such time as I may consume.

In closing, I would like to add my personal appreciation, vote of thanks, to the gentleman from Pennsylvania (Mr. GEKAS). As my colleagues know, a number of people are not involved, and this legislation is perhaps not terribly important to great numbers of people, millions of people, but to those people to whom this does apply this is a very important piece of legislation, and I want to express publicly my appreciation to the chairman of the committee for all he has done to bring this bill

forward in such a timely manner; and we are deeply appreciative, and we thank you so much.

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

Mr. GEKAS. Madam Speaker, I yield myself such time as I might consume only to allow the RECORD to reflect that we also appreciate the efforts of the gentleman from New York (Mr. NADLER), the ranking minority member on our committee, who helped to shepherd this whole issue to both the hearing stage in our subcommittee and to the point where we now seek the final approval of the Congress of the compact in question, and also to David Lachman and to other staff members, some of whom are better known than others to us, but nevertheless to whom we are all grateful.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the joint resolution, H.J. Res. 62.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON  
H.R. 2084, DEPARTMENT OF  
TRANSPORTATION AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2000

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2084, be instructed to provide maximum funding, within the scope of conference, for the functions and operations of the Office of Motor Carriers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. SABO) and the gentleman from Virginia (Mr. WOLF) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

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

Mr. Speaker, this motion is very straightforward. The House bill includes \$70.484 million for the functions and operations of the Office of Motor Carriers. Senate bill provides \$57.418 million, and this motion to instruct simply instructs the House conferees to provide the maximum amount possible for motor carrier safety operations.

Mr. Speaker, I want to particularly commend the gentleman from Virginia (Mr. WOLF), the chair of the subcommittee, for his ongoing effort to make sure that we maximize our ability to monitor and inspect and make sure we have the safest motor vehicle safety program in this country and in particular his focus on drug safety, and I commend his leadership, and I just think we should follow his leadership and provide the funding that is provided in the House bill.

Mr. Speaker, this Motion to Instruct is very straightforward. The House bill includes \$70.484 million for the functions and operations of the Office of Motor Carriers. The Senate bill provides \$57.418 million. This Motion to Instruct simply instructs the House conferees to provide the maximum amount possible for motor carrier safety operations.

Mr. Speaker, I want to commend the gentleman from Virginia, Mr. WOLF, for his efforts over the past two years in shining a bright light on the serious deficiencies in the Department of Transportation's oversight of truck safety. Nearly every driving American has had the unpleasant experience of looking in his or her rear view mirror at a very large truck speeding down the highway.

Nearly 5,400 deaths occurred from large truck accidents in 1997—the most recent year available. This is the equivalent of a major airline crash with 200 fatalities every 2 weeks. And, regardless of the cause of these accidents, it is nearly always the occupant in the car involved that loses.

One out of every four large trucks that get inspected each year are so unsafe that they are pulled off the roads. That is the safety record of those trucks that are inspected—a large number are never even inspected.

Over 6,000 motor carriers received a less than satisfactory safety rating between 1995 and 1998 and many of these carriers continue to operate.

The number of compliance reviews OMC performed has declined by 30% since FY 1995, even though there has been a 36% increase in the number of motor carriers over this period. Nearly 250 high-risk carriers recommended for a compliance review in March 1998 did not receive one.

Only 11% of more than 20,000 motor carrier violations in 1998 resulted in fines, and the average settlement per enforcement case decreased from \$3,700 to \$1,600 from 1995 to 1998.

The General Accounting Office and the DOT Inspector General have issued several highly critical reports on the Motor Carrier Office. A third independent review commissioned by the Department of Transportation and led by former Congressman Norm Mineta also concluded that DOT motor carrier safety operations need to be improved and more effectively managed.

Mr. Speaker, this Motion does not address the issue of where the Office of Motor Carriers should be located within the Department of Transportation. Last year, the distinguished gentleman from Virginia was thwarted in his efforts to transfer the Office of Motor Carrier Safety from the Federal Highway Administration to the National Highway Traffic Safety Administration. Last year, we passed a bill to do just that, but the provision was deleted in conference. This year, various proposals have been introduced to create a new Motor Carrier Administration within DOT. I do not know precisely what the right answer is on how this office should be organized in DOT.

I do know, however, that the safety of the American traveling public is at stake, and that the public interest—not special interests—should govern federal oversight of truck safety. Regardless of how we change the boxes on the organizational chart, we need real reform in the Office of Motor Carriers that focuses on increased truck inspections, more safety reviews and compliance audits; improved accident data collection and information systems; increased border inspectors; additional research; and stronger accountability. Additional resources are needed to do the job.

This Motion to Instruct simply recognizes that getting dangerous, speeding and unsafe trucks off the roads should be one of the highest priorities in this bill and we must provide the funding needed to ensure that the DOT has an aggressive safety and enforcement program. I urge the adoption of the Motion to Instruct and I reserve the balance of my time.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. SABO) for the motion because I think if it is carried and it is followed through, it will end up saving a lot of lives.

Mr. Speaker, I rise in support of the motion offered by the gentleman from Minnesota (Mr. SABO) that instructs the conferees to provide maximum funding within the scope of conference for the Office of Motor Carriers. As the body knows, the House-passed bill provides 70.5 million for motor carriers operations. The level is more than 17 million over the fiscal year 1999 enacted level and 15 million more than the Senate passed bill. These funds are needed for critical improvements in crash data, safety system/data base modernization, census information, incident management, and post accident training.

In addition, these funds will provide for additional inspectors to better the enforcement and compliance program and improve motor carrier safety. And lastly, the funds will provide additional resources to address the delay in the backlog of critical safety regulations including those relating to hours of service.

In short, these funds are needed, and I thank the gentleman from Minnesota for his leadership to improve the safety of the motoring public and to eliminate unsafe trucks in the Nation's highway. However, Mr. Speaker, this subcommittee has been concerned now for over a year that the Office of Motor

Carriers in its current structure and placement in the Federal Highway Administration is not performing an aggressive enforcement and compliance program. It cannot do so within the Federal Highway Administration.

A recent Inspector General report found that only 2.5 percent of the interstate motor carriers were reviewed and 64 percent of the Nation's carriers did not have a safety rating. The number of compliance reviews has fallen by 30 percent, 30 percent, since 1995. The amount of fines from unsafe trucking companies has fallen to the lowest level in 1992.

Without a more aggressive and effective program, the General Accounting Office predicts fatalities. People will die. It could rise as high as 6,000 next year. Trucking fatalities reached a decade high of nearly 5,400 in 1997 and remained essentially flat in 1998. This equates to a major airline accident every 2 weeks with about 200 fatalities.

In comparison, other modes of transportation have seen a decline in fatalities, a rising tide of deaths; and lax oversight of the trucking industry are partially a result of the Office of Motor Carrier Placement within the Federal Highway Administration. Their primary mission, Federal Highway, is to award some 25 billion in highway construction funds to the States not to improve safety. Federal Highway is skilled at building and maintaining roads but done a poor job with regard to an effective and forceful truck safety program.

Eclipsed by the agency of over 2,400 staff and 50 division offices, several regional office centers, the Office of Motor Carriers and its safety mission will act as strong focus and is subjugated to second-class status in the Federal Highway Administration. Some personnel within the Office of Motor Carriers have become too close to the trucking industry once they have been charged with regulating. In fact, earlier this year the Inspector General found out the personnel had solicited the trucking industry to generate opposition.

It is for these reasons that the committee also included in its version of the bill section 2335 that prohibits funds in the act from being used to carry out the functions and operations of the Office of Motor Carriers within Federal Highway. The Department of Transportation Inspector General, the chairman of National Transportation Safety Board, trucking representatives, the enforcement community, and safety advocates all agree that the Office of Motor Carriers should be moved from the Federal Highway Administration. The committee has included this provision so that the appropriate authorizing committees could report legislation that reforms the Office of Motor Carriers.

In closing, Mr. Speaker, the House passed this provision in June. Here it is September 21, and regrettably neither the House nor the Senate has yet to

pass a comprehensive reform of the Office of Motor Carriers. Time is running out. More than 18 months have passed since the subcommittee sounded the alarm that the Office of Motor Carriers needed to be reformed. The American public has waited too long.

So when we are conferencing with the Senate, we will ask that the conferees seek the highest level of funding, as the gentleman from Minnesota (Mr. SABO) wisely has sought for the Office of Motor Carriers and also insist on the House position, section 335, to ensure the funding for the Office of Motor Carriers is spent effectively and reduces the deaths on the highways.

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. SABO) for this and for all of his efforts with regard to safety on FAA, but particularly on this one, and I support the motion.

Mr. SABO. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. WOLF, DELAY, REGULA, ROGERS, PACKARD, CALLAHAN, TIAHRT, ADERHOLT, Ms. GRANGER, Messrs. YOUNG of Florida, SABO, OLVER, PASTOR, Ms. KILPATRICK, and Messrs. SERRANO, FORBES and OBEY.

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 43 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 5 o'clock and 4 minutes p.m.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-127)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 1999, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), 1173 (1998), and 1176 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospect for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military campaigns.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 21, 1999.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2506, HEALTH RESEARCH AND QUALITY ACT OF 1999

Mr. REYNOLDS. Madam Speaker, last Friday a "Dear Colleague" letter was sent to all Members informing them that the Committee on Rules is planning to meet this week to grant a rule for the consideration of H.R. 2506, the Health Research and Quality Act of 1999.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to consideration of the bill on the floor.

Amendments should be drafted to the version of the bill reported by the Committee on Commerce.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 294 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 294

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3 of rule XIII or section 308(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New

York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

House Resolution 294 provides for the consideration of H.R. 1402, a bill to require the Secretary of Agriculture to implement the Class I milk price structure noted and known as Option 1-A.

The Committee on Rules met last week and granted a structured rule for H.R. 1402. This is a fair and balanced measure.

The Committee heard testimony from numerous witnesses and considered 39 amendments. Members offering amendments were able to combine similar amendments and the committee made a total of 9 in order.

The rule provides for 1 hour of general debate to be equally divided by the chairman and the ranking minority member on the Committee on Agriculture.

The rule waives clause 3 of rule XIII, requiring the inclusion in the report of a CBO cost estimate and a statement on certain budget matters if the measure includes new budget or entitlement authority, and section 308A of the Congressional Budget Act requiring a Congressional Budget Office estimate in the committee report on any legislation containing new budget authority against consideration of the bill.

The rule makes in order the Committee on Agriculture amendment in the nature of a substitute as an original bill for purpose of amendment, modified by the amendments printed in part A in the report on the Committee on Rules accompanying the resolution.

Those amendments fix the budget problem. With the amendment, the bill actually saves money as opposed to spending it.

The rule further provides that the amendment in the nature of a substitute be considered as read and waives clause 7 of rule XVI, prohibiting nongermane amendments against the amendment in the nature of a substitute.

The rule makes in order only those amendments printed in part B of the Committee on Rules report accompanying the resolution.

In addition, the rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for revision of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments printed in the report.

Additionally, the rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

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

Madam Speaker, during an address in Peoria, Illinois, President Dwight Eisenhower remarked that "farming looks mighty easy when your plow is a pencil and you are a thousand miles from the cornfield."

And so it is with the business of America's dairy farms.

With images of athletes and celebrities donning milk mustaches, and an abundance of dairy products at the neighborhood grocer, it is easy for us far removed from the farm to forget the plight of the farmer.

Madam Speaker, H.R. 1402 is a critical measure that targets a unique market: our Nation's independent and family-owned dairy farms.

Unlike other businesses that have the flexibility to get the best prices for their product, dairy farmers cannot stop milking cows if the price of raw milk suddenly drops. They must sell their product at the going price. Further, they are unique in a volatile market because they produce an extremely perishable product.

As President Kennedy once remarked, "The farmer is the only man in our economy who buys everything he buys at retail, sells everything he sells at wholesale, and pays the freight both ways." And as the son of an agribusinessman, having represented vast family farmlands throughout my career, and having grown up and around the farm and the dairy industry, I know how true President Kennedy's words ring, even today.

□ 1715

That is why Congress carefully crafted the Freedom to Farm bill in 1996. While this law set many important provisions in place, it did not strictly define consolidating milk orders. Subsequently, the administration proposed two options, and then opted for one that the majority in the House and Senate and the vast majority of the dairy community opposed.

Congress and the dairy community support Option 1A. This Class I pricing option is based on sound economic analysis by the USDA Price Structure Committee. Among other factors, it takes into account transportation costs for moving fluid milk, and the costs of producing and marketing milk.

Option 1A is currently the best alternative for our Nation's family dairy farms. This plan reforms the Federal Order system through a variety of means that include consolidating the 31 current Orders into 11, including previously unregulated areas into the plan, and reclassifying milk products.

In addition, by keeping in place price differentials, a system that has proven effective over many years, Option 1A diminishes market volatility and ensures that there will continue to be plenty of fresh milk in all markets of this country.

Our Nation's family-owned dairy farms are in a crisis. In New York alone, our State has seen a dramatic decrease in the number of dairy farmers and cows. From 1997 to 1997, the number of dairy farms decreased by 41 percent, and the number of cows by 15 percent.

Other areas of the United States have seen a similar decline, which takes away both a way of life that dates back to the birth of our Nation, and hundreds of thousands of jobs nationwide. H.R. 1402 will go a long way towards fixing the current pricing inequity.

In fact, this bill is critical for the long-term viability of dairy farming in most States, including my own State of New York, which is the third largest dairy State in the country.

In New York, I represent Wyoming County, a community rich in agricultural history, and our State's most productive dairy county.

Further, Option 1A does not economically discriminate against one or more milk-producing regions of the country to benefit another. It is based on factors that recognize the importance and value of having fresh supplies of milk produced locally.

Our great Nation has a long tradition in family-owned businesses, especially in agriculture. America's independent and family-owned farms give our Nation the unique ability to provide for the needs of our people.

In order to maintain and allow the dairy industry and family-owned dairy farms to grow, we need to enact Option 1A.

More than 250 years ago, George Washington wrote, "I know of no pursuit in which more real and important services can be rendered to any country than by improving its agriculture."

Madam Speaker, by adopting this rule and its underlying bill, we can improve our Nation's agriculture and the lives of our men and women of America's dairy farms.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Madam Speaker, I rise in support of this rule, and strongly support the bill, H.R. 1402. This bipartisan bill is brought to the House floor by the Committee on Agriculture chairman, the honorable gentleman from Texas (Mr. COMBEST), and the ranking minority member on the Committee on Agriculture, the honorable gentleman from Texas (Mr. STENHOLM).

I am pleased that Midwestern Members will be able to articulate their op-

position to this bill and offer amendments highlighting their difference of opinion under this rule.

Madam Speaker, H.R. 1402 would require the Secretary of Agriculture to implement the Class 1 milk price structure known as Option 1A as part of the final rule to consolidate Federal milk marketing orders. H.R. 1402 would essentially maintain minimum farm milk prices close to the current levels. The bill would also extend the Federal dairy price support program by 1 year.

This legislation is necessary to prevent the USDA from moving forward with proposed changes that would be devastating for dairy farmers, not only in New York but across the country. Nationwide, dairy farmers would lose \$200 million under the USDA proposal scheduled to go into effect October 1. In the Northeast, dairy farm income would be reduced by \$84 million annually. In my State of New York alone, dairy farmers would lose \$30 million a year. Just as milk does the body good, H.R. 1402 does the dairy farmer and the economy good.

The critics of the legislation argue that farmers overwhelmingly voted to approve the USDA charges, milking this argument for all it is worth. What they do not point out is that farmers would have risked the loss of all Federal price supports in their region. Essentially, farmers had a choice between a flood or a drought when what they really wanted was a long soaking rain.

So the opponents of H.R. 1402 in the upper Midwest claim that the Administration's final rule helps to balance out a system that they claim results in lower prices to farmers in their region.

But a Hoard's Dairyman study shows that in 1998, the mailbox prices, the actual dollar amount that a farmer receives in the upper Midwest, were among the highest in the country. Despite this fact, the modified Option 1B that the Secretary of Agriculture has proposed actually further raises the prices in the upper Midwest while lowering prices paid to producers in most of the rest of the country.

Opponents also argue that the 1996 farm bill required USDA to develop a new, more market-oriented Federal Order system. However, Option 1A, also developed by USDA, is a more market-oriented system, yet will not result in concentrating milk production into one small region of the country.

If this concentration occurred, not only will thousands of dairy farmers be forced out of business, but consumers will also suffer increased prices as a reflection of forced transportation costs.

Some critics of H.R. 1402 have argued that this bill would mandate higher milk prices, milking the consumers' fears for all they are worth. The USDA even says that consumers would not pay more than 1 percent per gallon more for milk. An independent analysis conducted for the House Committee on Agriculture by the University of Missouri's Food and Agriculture Policy Research Institute, one I am sure the

chairman knows well, also supports this finding. This means, in the worst case scenario, an average American will pay no more than 24 cents a year. That is less than one cup of coffee.

Opponents also argue that this bill will affect the cost of other milk products, such as cheese. But the provisions of H.R. 1402 that affect milk used to produce cheese, Class III, will not increase prices paid for this milk, and therefore will not affect the price of cheese to consumers.

In addition, a 1-year extension of the dairy price support program will actually reduce the cost of the dairy program by over \$100 million. That is according to the Congressional Budget Office.

Very simply, taxpayers will not see increased costs because of the bill, farmers did not have a choice when the referendum was held, and consumers will not see savings if the bill is defeated.

Madam Speaker, I urge my colleagues to support the bipartisan H.R. 1402 and this rule.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST), the distinguished chairman of the Committee on Agriculture.

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

Madam Speaker, while we will see tomorrow how contentious debate on dairy policy can be, I want to make a brief statement this evening about the process that we have followed.

From the beginning, the Committee on Agriculture has tried to ensure a process that was fair and open to all Members. We announced our schedule well in advance, we provided an opportunity for all Members to offer their amendments, and we gave everyone an opportunity to vote on the policy option that they preferred.

I commend the Committee on Rules for continuing in this spirit. While not all of the amendments were made in order, it is my belief that the more than 6 hours of debate time that is permitted under this rule gives every Member an opportunity to make their case and cast their votes.

This is a fair rule, Madam Speaker. I urge its adoption so we can proceed with this much-anticipated debate, and I thank the Committee on Rules for the work they have done.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I will admit that the distinguished chairman has done a good job in terms of providing us with opportunities to offer amendments and to debate this bill. However, we need to go back to what happened when we passed the last farm bill and review that a little bit.

Madam Speaker, I am a member of the committee who has dealt with this all through the process. If Members will remember, back in 1995-1996 we tried to overhaul legislatively the dairy system in this country. We were told at that time that it is too complicated, that we did not have enough input for the public, so we should put this over to the Department and let them go through a process so everybody in the country could be heard.

That is what ended up happening. Since that time, the Department has gone out and held hearings all over this country, taken thousands of pages of testimony, taken letters and e-mails and telephone calls from all over the country, listened to lots of folks, studied the best economists in the country, and have ended up with this rule which we in the Midwest think moves us in the right direction, but we would like to see go frankly even further towards a more market-oriented, sensible dairy policy.

So we feel like the bargain that we struck to have this go through the process within the Department is now being violated by bringing this rule forward and by bringing this bill forward, because we entered into this in good faith, and we feel like now we are being a little bit blind-sided.

People need to understand, as I said, that the Department put a lot of time into this. They did not come up with this out of thin air. They took the Cornell model, which is, by all of the dairy folks, determined to be one that best understands how this milk pricing system works in this country.

They have tried to set up a system whereby we do not use the Federal Government's power to distort the way milk is produced in this country.

Members have to remember that we are operating under a system on the fluid milk side that was developed by Tony Coelho in this body in 1985, which is basically a legislative, political fix that was put in place, and there never was any real economics put into that.

What we are trying to do today is more closely mirror the economics of the dairy industry. In this rule, they took into account how much it takes, how much money it takes to move milk from one area of the country to the other. They have tried to establish a system that does not price fluid milk above what it is actually worth, so those parts of the country that have these higher differentials end up producing more milk that gets dumped into manufacturing markets like Minnesota and other parts of the country.

Probably a lot of people do not even realize that in this rule is a new Class III and Class IV milk pricing system which, in my opinion, is more important than the fluid milk part of this bill, but hardly anybody talks about it.

This bill that is before us only addresses the Class I fluid milk part of that rule. It is the thing that we have been concerned about. Again, in summarizing, we feel that people have gone

back on their word. I would encourage us to not support this rule and not support this bill.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, this bill, H.R. 1402, is an attempt to force this Congress to continue to operate an antiquated system of price-fixing that violates the free market principle.

What we are talking about today, and the legislation we are bringing to the floor tomorrow, should this rule pass, is basically this. In 1937 we started with a milk pricing system that said, the farther away from Eau Claire, Wisconsin, you live, the higher you get a price for milk.

We have this in law today. In 1937, we did not have an interstate highway system. We did not have refrigerated trucks or railcars to ship milk around. Wisconsin was the only surplus-producing milk State at that time.

That was 1937. This is 1999. We have interstates, we have very good highways, we have refrigerated milk trucks. Yet, we have an antiquated, socialistic style milk-pricing system that says if you live farther away from Eau Claire, Wisconsin, you are going to get more for your production of milk.

This is a system that is anti-free market, it is anti-free market principles that we all espouse to support, but more importantly, it comes right at the bottom line of upper Midwest dairy farmers.

□ 1730

This is a system, should this rule pass and should this bill pass, that will stop the USDA from implementing very modest reforms that they are proposing to implement 9 days from now.

So let us make this very clear. What we are about to do here is pass the bill, if this passes, that blocks the USDA from putting together modest reforms on behalf of all Nation farmers, all of our farmers so that they can go back to farming regardless of where they live in this country.

I urge a "no" vote on this rule, and I urge a "no" vote on final passage on H.R. 1402.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, for the last 10 years, we have had a lot of people on this House floor demanding that Russia move from a Marxist market system to a free market system. Yet, they are going to come to the floor tomorrow and support this bill which says that we must keep in place the most Soviet-style pricing system in the history of this country. That is what the existing status quo is.

What they are saying is, if it was good enough for us in 1937, it is good enough for us right now. With all due respect, I disagree. What existing law

says and what this bill seeks to continue is that, if one produces 100 pounds of milk in one place in this country, one is mandated by the government to get \$2 to \$3 more for 100 pounds of milk than one would if one produced that same amount of pounds of milk someplace else in the country. That is nuts. That is absolutely nuts.

So what we are trying to do is to have this Congress live up to the promise it made a few years ago. When the Freedom to Farm bill was on this floor a few years ago, Congressman Gunderson, Republican, chairman of the dairy subcommittee, was trying to get on this floor an amendment to change the existing system. He was told by his own party leadership, "Sorry, you are not going to get a legislative remedy. You are going to have to rely on what USDA does." So that is what we did.

Under that limited authority, USDA tried in a modest way to make the system more equitable. Now that the folks who denied us the legislative remedy 3 years ago do not like what the administrative remedy has produced, they are now flipping their word. Now what they are saying is, oh, forget what we said about doing it administratively, we are now going to overturn the USDA and impose our own will.

What does that mean? It means this decision will not be made on the basis of economics. It will not be made on the basis of economic fairness. It will be made on the basis of raw political power. Simply put, that is what the issue is before us. That is why this rule should be defeated. That is why this bill should be defeated.

The folks who are defending the status quo told us, Rely on the fair shake that we can get from USDA. We did it. Now they are trying to bust the deal. That is not the way the people's house is supposed to work.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I would agree with my colleague that the chairman of the Committee on Rules, I think, did a good job in trying to balance the opportunities for Members to make comment. But I think the larger issue is that we should not even be here today. We should not be here in this House today taking up this rule or taking up H.R. 1402 tomorrow.

The gentleman from Minnesota (Mr. PETERSON), I think, has eloquently talked about the institutional history here about the fact that bringing this bill up breaks a deal that was struck across the Nation some years ago when this institution was floundering over dairy reform, unable to reach a consensus.

So it was agreed to refer this to an outside observer. Now that that outside observer, the USDA, has come forward, it seems as though a number of Members want to take their marbles and go home.

Also, as the gentleman from Wisconsin (Mr. OBEY) has said, consideration of this bill contradicts our work in the international community. At the very time that we are preaching the gospel of free trade, forcing nations all across the world to break down barriers, to lower tariffs, we are poised in this House to reinforce and reimpose those very trade barriers between the States.

Late last week, USDA Secretary Glickman has disclosed or did disclose that he was recommending a Presidential veto.

So why are we taking this bill up? Why are we taking on another fight with the White House at the very time that our constituents want us to get down to work and do the people's business, tax cuts, saving Social Security, not to get once again bogged down in these regional interests?

Finally, let us not forget who opposes H.R. 1402. A coalition ranging from Americans for Tax Reform to the AFL-CIO, Citizens Against Government Waste, the Teamsters, group after group is telling us this is the wrong thing to do, and, yet, this House wants to move forward.

I urge a "no" vote on the rule and a "no" vote on the bill.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Madam Speaker, I thank the gentlewoman from New York for yielding me this time.

Madam Speaker, I rise today urging my colleagues for a "no" vote on the rule and a "no" vote on H.R. 1402. We are going to have plenty of time over the next day, 24 hours, to talk about the policy merits of H.R. 1402, the bad policy implications involved with it.

I think we can all stipulate that family farmers across the country, no matter what region they happen to be living and working in, are going through some very tough times. The farmers in western Wisconsin who I represent and one of the largest dairy producing districts in the Nation do not want any further hardship to fall on any other family farmer, in any other aspect of the country.

They are not looking for any special advantage. All they are asking for is a level playing field and the ability to compete fairly in our own domestic market when it comes to making a living on a dairy farm. That is all they want.

We will have time to get into the policy implications behind H.R. 1402, but I think the Members should vote against H.R. 1402 because this legislation should never have been brought to the floor to begin with. I believe that the institutional integrity of this place is on the line with the introduction of this legislation in the 11th hour.

Let me explain. Back in 1996, my predecessor, Steve Gunderson, who was

chairing the dairy subcommittee was going to legislate in the Freedom to Farm bill some corrective changes on the milk pricing system, a system that was in place during the Great Depression, a stopgap, short-term measure in order to deal with the problems that this country was experiencing during the Great Depression.

But sometimes one of the hardest things to change in this place is the status quo. But instead of allowing Representative Gunderson and his supporters to go forward with legislation in Freedom to Farm, they said, no, instead, let us let the regulatory and rulemaking process at the Department of Agriculture deal with this. They have through that mandate in Freedom to Farm.

Over the last few years, they have held countless hearings across the country. They have taken testimony from experts in the field, from the dairy producers, public comments through e-mail, letters, personal testimony even from Representatives of Congress.

They have come forward with a proposed reform that is due to take effect on October 1, a reform that was voted by over 96 percent of the dairy producers in this country, to take effect on October 1.

Now, in the 11th hour, regardless of the agreement that was reached back in 1996 in the Freedom to Farm debate, this legislation is coming to the floor; and that is wrong.

I fear to think what this place will become if people's words do not count for anything anymore, if agreements do not matter. I believe that is what is at stake here. Besides the fairness and the policy implications behind reforming the milk pricing system, if we cannot reach agreements in this body and live up to those agreements in future years, then I shudder to think what this environment is ultimately going to look out.

So I would encourage my colleagues vote against the rule, to vote against final passage, and cast a vote in favor of the institutional integrity of this House of Representatives.

Mr. REYNOLDS. Madam Speaker, will the Chair please inform me how much time is remaining on both sides.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) has 16½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 16 minutes remaining.

Mr. REYNOLDS. Madam Speaker, because this rule is so fair, we want to continue to allow the debate even though we have taken warning of the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture, that we will see some of that debate tomorrow. I am sure it will spill over in some of our rule today, but we will continue on the debate.

Madam Speaker, I yield to the gentleman from Wisconsin (Mr. RYAN) for 2 minutes.

Mr. RYAN of Wisconsin. Madam Speaker, I thank the gentleman from New York for his inherent fairness.

But what is unfair is the current milk pricing system we have in this country today. The farmers of Wisconsin, the farmers of my district, the First District of Wisconsin, are suffering because they live too close to Eau Claire, Wisconsin. They are not suffering because they run a shoddy operation or it is inefficient. No, they are suffering because they live too close to Eau Claire, Wisconsin. Does that make sense to anybody?

We are losing more family farms in Wisconsin than many of my colleagues have in their States in totality. The USDA reform initiative is a small step to alleviate a situation that has been plaguing dairy farmers in the midwest for far too long. This system needs to be reformed not because it unfairly penalizes the midwest dairy farmers but because it hurts taxpayers and consumers.

They are being asked to subsidize inefficiencies in the production of dairy product. They are being asked to pay for a program that continues to waste their taxpayer dollars. They are being asked to pay higher prices at the supermarket.

We are no longer giving farmers in certain areas of the country an incentive to produce milk. We are now giving them an incentive to overproduce milk. That is where we are today.

This type of system does not provide an incentive for farmers to operate efficiently or produce items that are natural to their agricultural environment.

If this bill passes, we will be silencing the voices of millions of farmers around the country who have already been heard on this issue by the USDA and deserve a right to vote on this reform. This reform in this August was supported by over 95 percent of farmers nationwide. If we pass this bill, we are rolling back that mandate. I urge a "no" vote on this bill.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Madam Speaker, while this rule makes in order several amendments, it does not make in order any amendments that focus on the negative impact that the underlying bill has on taxpayers and consumers, especially low-income families.

This bill would scrap the very modest market-oriented reforms put forward by the Department of Agriculture. In fact, instead of just leaving the current pricing scheme in place, which is still terribly unfair to upper Midwestern dairy farmers, the bill actually raises prices of milk beyond the current pricing structure in some locations. The increase in milk prices given to some dairy farmers will be passed on to consumers. It is an economic reality. Low-income families will be hurt most because they spend a higher proportion of their income on food.

For example, the Women, Infants, and Children program, commonly

known as WIC, provides assistance to low-income families to buy nutritious food. But under this bill, because of the increased cost of purchasing milk, a nutritious staple food, the WIC program will be short over \$10 million per year. The WIC program is not an entitlement. So without additional tax dollars put into this program, H.R. 1402 could squeeze about 3,700 women, infants, and children out of the program every year.

Madam Speaker, this bill is unfair to Midwestern dairy farmers, to taxpayers, to consumers.

I am sorry that the rule did not permit consideration of an amendment to protect consumers and taxpayers from the effects of H.R. 1402.

I urge a "no" vote on the underlying bill.

Mr. REYNOLDS. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Madam Speaker, I rise today in support of this well-crafted rule which would allow us to consider legislation that is vital to dairy farmers throughout the vast majority of the country.

Support for the bill, H.R. 1402, for which this rule is being considered, is overwhelming. Irregardless of what we have just heard in the last few minutes, let us look at the numbers. Two hundred twenty-nine Members of Congress representing 43 States have cosponsored H.R. 1402.

□ 1745

One of those represented States is my home State of Pennsylvania. We are the fourth largest producer of fluid milk in the country, behind California, Wisconsin, and New York. Now, of those top four States, not to mention all the other 43 States, the only one that would benefit by Dan Glickman's mistake would be Wisconsin. And if we cannot in this House correct a mistake that the Secretary of Agriculture made, what are we here to do?

All these scare tactics about the raise in the price of milk and people on WIC and so forth are just that. The biggest scare would be that we do not have farm fresh, locally produced milk in all areas of the country from our family farm system. If we do not pass this bill, we will sacrifice the family farm on the altar of agribusiness and a few large cooperatives in the upper Midwest.

Madam Speaker, I will leave my colleagues with one final statistic. According to the dairy farmers of America, 25 percent of the dairy farms in the United States have ceased to exist in the last 6 years. We must stop this unacceptable trend by passing this rule and then passing the bill H.R. 1402 offered by my esteemed colleague, the gentleman from Missouri (Mr. BLUNT).

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Madam Speaker, I thank the gentlewoman for yielding me

this time, and I rise in strong support of our Nation's dairy family farmers, strong support for this rule, and strong support for H.R. 1402, without the poison pill amendments.

What this legislation is about is protecting family farms all over this country. I have heard some discussion tonight that what we are doing here is not democratic. Well, when we have 229 Members who are cosponsoring this legislation, I think that is democratic. If we have legislation which protects family farmers in 45 out of 50 States, I think that that is democratic. And I think we should pass this rule and pass the legislation.

This legislation would implement the Class I milk price structure known as Option 1-A as part of the final rule to consolidate federal milk marketing orders. It will protect family dairy farmers in Vermont and throughout this country from the drop in fluid milk prices that is expected in just 9 days if the proposal introduced by Secretary Glickman and the United States Department of Agriculture is implemented.

I understand that there is some confusion about the recent referendum results on USDA's federal milk market order reform plan. I have heard from many dairy farmers in Vermont saying that they had no choice. I have heard about Soviet-style legislation. This is what Soviet style legislation is: either you vote for it or you vote for nothing. And that is why the Soviet rulers always used to get 96 percent of the vote, which is what I gather this legislation has gotten. Well, the farmers in Vermont want something, not nothing, and what they want is 1-A. They want a fair price for their product.

In my State, and in virtually every State in this country, a great tragedy is occurring in rural America. It is heartbreaking and it is terrible for consumers, terrible for the environment, and terrible for the economy. What we are seeing throughout this country in rural America are family farmers, many whose families have owned the land generation after generation being driven off the land.

And if the opponents of this legislation think that it is a good idea that a handful of agribusiness corporations will control the production and the distribution of dairy products in this country, they are dead wrong. It will not be good for the consumer. The best thing that we can continue to have and to expand is family farming all over this country; to know that in our own communities, in our own States there will be family farmers producing fresh dairy products and other commodities that we desperately need.

This is a life and death issue for family farmers all over this country. I urge support of the rule and support of the legislation.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding me this

time and for bringing this issue to the floor today for this rule to be voted on.

I, of course, encourage that the rule be approved. I think it does give plenty of opportunity to debate the issue and a number of amendments that the will of the House will be known on. As my colleague from Vermont just said, there are 229 cosponsors of this legislation. A handful or more Members contacted me in the last 2 weeks, after it was too late, to cosponsor and ask what could they do to join this legislation.

One of the things that prompted them to want to become part of this was the calls they were getting, the frustrated calls they were getting from their dairy farming families who saw the choice they had of no milk marketing structure at all or 1-B as the choice between capital punishment and cutting off their hand. Well, given those two choices, you will always vote to cut off your hand. That is what American dairy farm families felt like they did as they cast those votes. They are overwhelmingly for the 1-A marketing structure. They overwhelmingly believe that the mapping consolidation, where we have now 11 orders, is a good thing.

But this is about families. It is about dairy farming families and whether they continue to be able to have a family farm, a family dairy farm. It is about American consuming families and whether they continue to have a fresh supply, a locally produced supply of milk, something that this Government and State governments have been committed to for a long time.

This is about families, and it is about dairy farming families that would lose its estimated \$200 million every single year if 1-B goes into effect. If 1-B had been a hurricane, it would be in the top 10 most destructive hurricanes in the history of the country. Well, let us not let American dairy farming families be hit by Hurricane Dan. Let us get to work and let us pass this rule today, have this debate for American families tomorrow and pass this legislation.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Madam Speaker, I rise in opposition to the rule, and I rise also in opposition to the bill.

It was back in 1933, during the depths of the Great Depression, that Secretary of Agriculture Henry Wallace introduced our farm programs with the statement that these are temporary solutions to deal with an emergency. Well, here we are, almost 70 years later, and we are still utilizing some emergency solutions, temporary solutions, to deal with a different time and a different era.

The reason why we should oppose this legislation is it does not embrace the modest reforms that the Secretary of Agriculture put in place that would move our dairy industry in a more market-oriented direction, a direction

that would ensure that dairy families, farming families, in an area that had a relative advantage, maybe because of climate, maybe because of feed cost, would be able to recognize that relative advantage.

It is a step away from an old program that put in place arbitrary differentials, which means that we have the Government dictating that some dairy farmers in a particular region of the country are going to be getting more income, not because they are more efficient producers, but only because they live a further distance away from Eau Claire, Wisconsin. That does not make any sense.

It might have made sense in the 1930's, when we did not have refrigeration. But it is remarkable, today every house in America has a refrigerator. We did not have refrigerated trucks back then that could transport milk products to make sure that we could have an adequate supply of fluid milk in every region of the country. But today we have refrigerated trucks. We even have an interstate system today that allows us to ship milk from Wisconsin to parts of the country that, unfortunately, because of climate conditions and feed costs cannot be competitive in the marketplace with producing milk.

Does this mean that we are attacking family farms? Nonsense. It means that we are ensuring that those family farmers that have an opportunity to be most cost effective, that have a relative advantage, will be able to recognize that.

Where else in this economy do we dictate that we are going to have a Government program that ensures that we are going to have something produced in a particular region? Where else do we dictate by the Government that we are going to ensure that we have the production of a particular product in an area which might not have the level of efficiencies? This is a wrong policy to embrace. We need to move forward. We are making these modest reforms that ensure that we are not prejudicing those family farmers that do have the advantage.

I would also like to state that there will be one amendment that I am going to offer that is going to do something that is very simple, that can make this bill much better, and that is to ensure that a dairy farmer can enter into a contract with a private processor, something that every businessperson in America can do today.

It is a reform that will ensure that a dairy farmer will have the ability to manage the volatility and prices, to manage the risk that is incumbered upon them by fluctuating milk prices, and is something that will make this bad bill a little better. I hope people will support my amendment to Stenholm-Pombo.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Madam Speaker, I thank the gentleman for yielding me

this time, and, Madam Speaker, I rise in strong support of this fair rule, and I rise in strong support of 1402.

Over the past 3 years, the Department of Agriculture has undertaken a biased march toward implementing a new program which will slash upwards of \$300 million per year in on-farm revenue to dairy farmers nationally. It is \$30 million to the dairy farmers in New York State.

In 1996, during the farm bill debate, a battle was waged over dairy policy, and in that debate efforts to scale back and eliminate the federal milk marketing order program were convincingly defeated on this floor in favor of the preservation of the milk marketing order program. Yet today, here we are again listening to some of those same arguments, as if that debate never took place.

H.R. 1402 is an effort on the part of a bipartisan majority of this House to reaffirm the intent of Congress in the 1996 farm bill to preserve dairy farm income and to hold the Department of Agriculture accountable for ignoring the will of Congress and the best interest of nearly all of the many dairy producing regions in this country, 45 out of the 50 States, as my colleague, the gentleman from Vermont (Mr. SANDERS), pointed out.

This debate is very simple. Do you support a balanced program that is responsive to all regions of the country, or do you seek to pull the rug out from under the farmers in those 45 States? Let me repeat, 45 States lose money under the USDA plan.

The federal dairy program is a reasonable industry-funded safety net that ensures fair treatment of farmers throughout the country, even in the upper Midwest. That is why farmers, by over 90 percent, voted in support of the system. We have an obligation to ensure that it is preserved.

The dairy program may be complex, and many Members will claim they do not understand it; but my colleagues should know that their farmers understand very well the impacts these policies have on their livelihoods. They know without passage of 1402 the dairy industry will become a monopolized disaster, unfair to consumers and farmers.

I urge strong support for this rule and support for 1402.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Madam Speaker, I thank the gentlewoman for yielding me this time.

I understand where many of the Members of this chamber feel they have to stand up for their farmers. They feel this is a bill that is in the best interest of their farmers. But it reminds me a little bit of a holiday coming up in the next month, and that is Halloween. We have a situation at Halloween where little kids are going around trick or treating. Some of the little kids realize there are bigger kids

who are getting all the candy, and this is wrong. They feel they have to do something so that they get more candy. Now, they can do one of two things. They can go after the bigger kids to get the candy, or they can pick on other little kids.

Make no mistake about it, that is exactly what is going on in this bill. Little kids who feel that they have been picked on have decided to pick on other little kids. Does that make it right? Absolutely not. In fact, that is even worse than anything else that can be done.

The people that we are talking about here, these horrible people, are small dairy farmers in the Midwest and other parts of this country. They are not huge conglomerates. In fact, in many parts of this country farms are being destroyed on a daily basis.

□ 1800

But the solution is not to come in and destroy more farmers. And when I hear people say, well, there are Members of this chamber from 43 different States or 45 different States supporting this, that does not make it right. Because you can have 45 bullies picking on five little kids and it does not make it right.

Notwithstanding that, what is amazing about this bill, as the gentleman from California (Mr. DOOLEY) and others have pointed out, that we are in an economy right now where people are talking about let us have open trade around the world.

I may not agree with all of that, but it blows my mind that in our own country we have picked out one product, one product alone, and said we are not going to have open trade when it comes to dairy products.

Name another product in this country where we will penalize someone for doing a good job of producing that product. That is not the American way and all it does, all it does is pick on small farmers in the Midwest, California, and other parts of this country.

This bill may pass today, but it should not pass. It is bad for farmers, and it is bad for the American public.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I want to thank my colleague from New York for yielding me the time.

Obviously, we have having a little disagreement here on the floor today. It is obviously not partisan because we have got Members from both sides of the aisle on different sides of this fight.

The fact is that, as much as I would rather not be here debating this bill tonight and tomorrow, the fact is a majority of the House wants to debate it, we have moved it through the committee, and we are going to debate it. And the fact is, I think the Committee on Rules did a nice job in putting the rule together, I think it is fair, it gives us an open debate, and then we can have at it with our differences fairly.

But when I hear Members up here talking about the USDA making a mistake and how they went about putting this rule together, let me remind the Members that in the 1996 farm bill we tried for almost a year to bring some reform to the dairy program. We were unable to come to an agreement except that we were able to get some language into the bill agreed to by all parties that there would be a consolidation of these marketing orders and that we would allow the Secretary to implement this most modest of reforms.

The Secretary went around the country and had hearings, listened to dairy farmers around the country, came up with two options, option 1(a)/option 1(b), had comments from around the country, a comment period; and then the Secretary made a decision to go with a modified option, somewhere between 1(a) and 1(b), that is supposed to go into effect next week. What is underway here is an effort to stop that.

The fact of the matter is, when we look at the numbers, whether it is 1(a) or 1(b), it does not make a dime's worth of difference to almost any farmer in America. Nobody here is against the dairy farmer. The question is how do we best help the dairy farmer. Many of us believe that if we allow the market to work, that we get rid of this antiquated system in effect since 1937, we can actually help the farmers.

Let us pass this rule and have the debate tomorrow.

Ms. SLAUGHTER. Madam Speaker, at this time I have no other requests for time on this rule, but I would like to yield 1 minute to the gentlewoman from California (Ms. LOFGREN) to speak out of order.

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

There was no objection.

(Ms. LOFGREN asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

The form of the motion is as follows:

"Ms. LOFGREN 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. 1501, be instructed to insist that the committee of conference recommend a conference substitute that,

(1) includes a loophole-free system that assures that no criminals or other prohibited purchasers, (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers and batterers) obtain firearms from non-licensed person and federally licensed firearm dealers at gun shows;

(2) does not include provisions that weaken current gun safety law; and

(3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers)."

While I understand that House Rules do not allow Members to co-offer motions to instruct, I would like to say that the gentlewoman from New York (Mrs. MCCARTHY) supports this motion and intends to speak on its behalf tomorrow.

Mr. REYNOLDS. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank my colleague for generously yielding me additional time.

Madam Speaker, I want to make an important point here. We have heard a lot this evening about how dairy farms all across America are hurting. And that is true. I agree with the speakers who have made that point. But let me direct everyone's attention to our situation in the upper Midwest.

In the State of Wisconsin, by the time this bill comes up for a vote tomorrow, we will have lost five more dairy farms. We are losing five farms a day. In the last 10 years, we have lost more dairy farms than nearly every other State ever had.

So when we are talking about alleviating the pain and suffering of our dairy farmers, clearly 1402 is not the answer.

Understand that as each of us gets up here and talks about the pain that our farmers are facing, 1402 is the current system. We should not be here voting on 1402.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Madam Speaker, I thank the gentleman from New York for yielding me the time and for the good work that he has done on this bill.

This is a good bill, and it is a good rule. I have been listening to the debate; and with several few exceptions, all of the opponents to this rule and this bill has been from Minnesota and Wisconsin, the home of some of the finest dairy farmers in America and some of the best legislators in America. They are so good, they are trying to convince the rest of the country that we should lose at what they say is to the benefit of their farmers.

Why would anyone pass a Federal dairy policy that hurts the rest of the country to try to prop up two States? As I understand it, this option 1(b) takes \$200 million out of the pockets of dairy farmers all across the country and does not really help Minnesota or Wisconsin. Whereas, the option 1(a) that I support holds everyone harmless.

Now, what is the sense of passing a reform that hurts 90 percent of the country when we could pass a reform that keeps everybody whole and in fact

helps stabilize prices and ensures that there is a fresh supply of milk all across the country? It does not make sense.

Mr. REYNOLDS. Madam Speaker, I yield 2½ minutes to the gentleman from New York (Mr. MCHUGH).

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

Madam Speaker, I had not intended to speak today on this rule because I think it is a good one, a fair one. But in the hopes of perhaps injecting some reality and facts into the debate tomorrow, I want to rise and just make a few points.

First of all, my friend from Minnesota, and he is my friend, spoke about the good faith of the Department of Agriculture's policy and development of 1(b). And frankly, that is the problem. It was a total lack of good faith by the Secretary that brings us to this point here today.

How do I know? Well, frankly, as they listened as we have heard today to so many farmers, the hearing record shows that in response to the 1(a)/1(b) proposal, 4,217 total comments were received. Of those, 3,579 supported 1(a). How many supported 1(b)? 436. Eighty-five percent of the hearing record supported 1(a). The lack of good faith is evident.

Not only that, Madam Speaker, we must remember that the Secretary's own dairy price structure committee, the internal organization, the experts in the Department of Agriculture assigned to make these kinds of decisions supported 1(a), as well.

The other thing I wanted to mention is we have heard about market orientation in Eau Claire, Wisconsin and such. It may not be nice to hear but the facts are H.R. 1402 as well as 1(b), in fact, change and make adjustments to the current system so that the Eau Claire pricing system is no longer applicable. And, in fact, under 1(b), 408 counties in 10 States will have class 1 differentials equal to or lower than Eau Claire, Wisconsin.

So it is not an issue of Eau Claire and it is not an issue of market orientation because, indeed, both of the plans operate in essentially the same way.

Lastly, modest reforms, \$200 million. The Congress spoke as to the wisdom of this policy when we debated the 1996 farm bill. As my colleague from Vermont so eloquently stated, we spoke when we wrote to the Secretary of Agriculture on this issue. We have to now take the matter back into our hands into this, the people's House, where the answers lie. We have to pass this rule and support H.R. 1402.

Mr. REYNOLDS. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

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

Madam Speaker, we continue to hear how Wisconsin dairy farmers got a raw deal back in the 1985 farm bill and how

the dairy farmers in other parts of the country are doing better at their expense. But it is interesting, the Department of Agriculture records show dairy farmers' take-home pay is higher in Wisconsin than in the majority of farmers in the rest of the country.

I urge all of us to support this bill, to support fair play for dairy farmers in all 50 States by voting for the option 1(a) proposal in H.R. 1402.

Ms. SLAUGHTER. Madam Speaker, I believe we have heard from everybody from Wisconsin on our side, and I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, I urge my colleagues to support this fair rule and the underlying bill, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

The votes will be taken in the following order:

H.R. 2116, by the yeas and nays;

H.R. 1431, by the yeas and nays; and

H.R. 468, 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.

#### VETERANS' MILLENNIUM HEALTH CARE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill H.R. 2116, 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 Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 2116, as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 46, not voting 18, as follows:

[Roll No. 427]

YEAS—369

Abercrombie	Barrett (WI)	Blagojevich
Aderholt	Bartlett	Bliley
Allen	Barton	Blumenauer
Archer	Bateman	Blunt
Armey	Becerra	Boehlert
Bachus	Bentsen	Boehner
Baird	Bereuter	Bonilla
Baker	Berkley	Bonior
Baldacci	Berman	Bono
Baldwin	Berry	Borski
Ballenger	Biggert	Boswell
Barcia	Bilbray	Boucher
Barr	Bilirakis	Boyd
Barrett (NE)	Bishop	Brady (PA)

Brady (TX)	Hastings (FL)	Napolitano
Brown (FL)	Hastings (WA)	Neal
Brown (OH)	Hays	Nethercutt
Bryant	Hayworth	Ney
Burr	Hefley	Northup
Burton	Herger	Norwood
Callahan	Hill (IN)	Nussle
Calvert	Hill (MT)	Oberstar
Camp	Hillery	Obey
Campbell	Hilliard	Ortiz
Canady	Hinojosa	Ose
Cannon	Hobson	Owens
Capps	Hoeffel	Oxley
Capuano	Hoekstra	Packard
Cardin	Holden	Pastor
Carson	Hooley	Pease
Castle	Horn	Pelosi
Chabot	Hostettler	Peterson (MN)
Chambliss	Hulshof	Peterson (PA)
Chenoweth	Hutchinson	Petri
Clyburn	Hyde	Phelps
Coble	Insee	Pickering
Coburn	Isakson	Pickett
Collins	Istook	Pitts
Combest	Jackson (IL)	Pombo
Condit	Jackson-Lee	Pomeroy
Cook	(TX)	Porter
Cooksey	Jenkins	Portman
Costello	John	Price (NC)
Cox	Johnson (CT)	Pryce (OH)
Coyne	Johnson, E. B.	Quinn
Cramer	Johnson, Sam	Radanovich
Crane	Jones (NC)	Rahall
Cubin	Jones (OH)	Ramstad
Cummings	Kanjorski	Rangel
Cunningham	Kaptur	Regula
Danner	Kasich	Reyes
Davis (FL)	Kildee	Reynolds
Davis (IL)	Kilpatrick	Riley
Davis (VA)	Kind (WI)	Rivers
Deal	Kingston	Rodriguez
DeFazio	Klecza	Roemer
DeGette	Klink	Rogan
DeLauro	Knollenberg	Rogers
DeLay	Kolbe	Rohrabacher
DeMint	Kuykendall	Ros-Lehtinen
Deutsch	LaFalce	Roybal-Allard
Diaz-Balart	LaHood	Royce
Dickey	Lampson	Ryan (WI)
Dicks	Lantos	Ryun (KS)
Dixon	Largent	Sabo
Doggett	Larson	Salmon
Dooley	Latham	Sanchez
Doolittle	LaTourrette	Sandlin
Doyle	Leach	Sawyer
Dreier	Lee	Schaffer
Duncan	Levin	Schakowsky
Dunn	Lewis (CA)	Scott
Edwards	Lewis (GA)	Sensenbrenner
Ehlers	Lewis (KY)	Sessions
Ehrlich	Linder	Shadegg
Emerson	Lipinski	Shaw
English	Lofgren	Shays
Eshoo	Lucas (KY)	Sherman
Etheridge	Lucas (OK)	Sherwood
Evans	Luther	Shimkus
Everett	Maloney (CT)	Shows
Ewing	Manzullo	Shuster
Farr	Markey	Simpson
Fattah	Martinez	Sisisky
Finler	Mascara	Skeen
Fletcher	Matsui	Skelton
Foley	McCarthy (MO)	Smith (MI)
Ford	McCollum	Smith (NJ)
Frank (MA)	McCrery	Smith (TX)
Frost	McDermott	Smith (WA)
Gallegly	McHugh	Snyder
Ganske	McInnis	Souder
Gejdenson	McIntosh	Spence
Gekas	McIntyre	Spratt
Gephardt	McKeon	Stabenow
Gibbons	Meehan	Stark
Gilchrist	Meek (FL)	Stearns
Gillmor	Metcalf	Stenholm
Gonzalez	Mica	Strickland
Goode	Millender-	Stump
Goodlatte	McDonald	Stupak
Goodling	Miller (FL)	Sununu
Gordon	Miller, Gary	Talent
Goss	Miller, George	Tancredo
Graham	Minge	Tanner
Granger	Mink	Tauscher
Green (TX)	Mollohan	Tauzin
Green (WI)	Moore	Taylor (MS)
Greenwood	Moran (KS)	Taylor (NC)
Gutierrez	Moran (VA)	Terry
Gutknecht	Morella	Thomas
Hall (OH)	Murtha	Thompson (CA)
Hansen	Myrick	Thornberry

Thune	Vitter	Whitfield
Thurman	Walden	Wicker
Tiahrt	Walsh	Wilson
Toomey	Watkins	Wise
Trafficant	Watt (NC)	Wolf
Turner	Watts (OK)	Woolsey
Udall (CO)	Waxman	Wu
Udall (NM)	Weldon (FL)	Wynn
Upton	Weldon (PA)	Young (AK)
Vento	Weller	Young (FL)
Visclosky	Wexler	

#### NAYS—46

Ackerman	Kennedy	Payne
Andrews	King (NY)	Rothman
Conyers	Kucinich	Roukema
Crowley	Lazio	Sanders
Delahunt	LoBiondo	Sanford
Engel	Lowe	Saxton
Forbes	Maloney (NY)	Serrano
Fossella	McCarthy (NY)	Slaughter
Franks (NJ)	McGovern	Sweeney
Frelinghuysen	McNulty	Tierney
Gilman	Meeks (NY)	Towns
Hinchesy	Menendez	Waters
Holt	Nadler	Weiner
Houghton	Olver	Weygand
Hoyer	Pallone	
Kelly	Pascrell	

#### NOT VOTING—18

Bass	Fowler	Paul
Buyer	Hall (TX)	Rush
Clay	Hunter	Scarborough
Clayton	Jefferson	Thompson (MS)
Clement	McKinney	Velazquez
Dingell	Moakley	Wamp

□ 1836

Messrs. LOBIONDO, PAYNE, ANDREWS, SAXTON, KING, NADLER, WEYGAND, ENGEL, TOWNS, DELAHUNT, MCGOVERN, WEINER, ACKERMAN, OLVER, and TIERNEY changed their vote from "yea" to "nay."

Mr. GEJDENSON changed his vote from "nay" to "yea."

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. PEASE.) Pursuant to clause 8 of rule XX, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

#### COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1431, 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 New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1431, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 309, nays

106, answered "present" 1, not voting 17, as follows:

[Roll No. 428]

YEAS—309

Abercrombie	Gallegly	Millender-
Aderholt	Ganske	McDonald
Andrews	Gekas	Miller (FL)
Archer	Gephardt	Miller, Gary
Army	Gibbons	Miller, George
Bachus	Gilchrest	Mink
Baker	Gillmor	Mollohan
Ballenger	Gilman	Moore
Barcia	Goode	Moran (KS)
Barr	Goodlatte	Moran (VA)
Barrett (NE)	Goodling	Morella
Bartlett	Gordon	Murtha
Barton	Goss	Myrick
Bateman	Graham	Nethercutt
Becerra	Granger	Ney
Bentsen	Green (TX)	Northup
Berman	Green (WI)	Norwood
Berry	Greenwood	Nussle
Biggert	Gutierrez	Obey
Bilbray	Gutknecht	Ortiz
Bilirakis	Hall (OH)	Ose
Bishop	Hall (TX)	Owens
Blagojevich	Hansen	Oxley
Bliley	Hastings (FL)	Packard
Blunt	Hastings (WA)	Pastor
Boehlert	Hayes	Pease
Boehner	Hayworth	Peterson (PA)
Bono	Hefley	Petri
Boswell	Herger	Pickering
Boyd	Hill (IN)	Pickett
Brady (TX)	Hill (MT)	Pitts
Brown (FL)	Hinojosa	Porter
Bryant	Hobson	Portman
Burr	Hoekstra	Price (NC)
Burton	Horn	Pryce (OH)
Callahan	Hostettler	Quinn
Calvert	Houghton	Radanovich
Camp	Hulshof	Rahall
Campbell	Hutchinson	Ramstad
Canady	Hyde	Rangel
Cannon	Isakson	Regula
Capps	Istook	Reyes
Castle	Jackson-Lee	Reynolds
Chabot	(TX)	Riley
Chambliss	Jenkins	Rodriguez
Coble	John	Rogan
Coburn	Johnson (CT)	Rogers
Collins	Johnson, Sam	Rohrabacher
Combest	Jones (NC)	Ros-Lehtinen
Condit	Jones (OH)	Roukema
Cook	Kaptur	Roybal-Allard
Cooksey	Kasich	Royce
Cox	Kelly	Ryun (KS)
Coyne	Kildee	Salmon
Cramer	Kilpatrick	Sanchez
Crane	King (NY)	Sandlin
Cubin	Kingston	Sawyer
Cummings	Knollenberg	Saxton
Cunningham	Kolbe	Schaffer
Danner	Kucinich	Scott
Davis (FL)	Kuykendall	Sensenbrenner
Davis (VA)	LaFalce	Serrano
Deal	LaHood	Sessions
DeLay	Lampson	Shadegg
DeMint	Lantos	Shaw
Deutsch	Largent	Sherman
Diaz-Balart	Latham	Sherwood
Dickey	LaTourette	Shimkus
Dicks	Lazio	Shows
Dixon	Levin	Shuster
Dooley	Lewis (CA)	Simpson
Doolittle	Lewis (KY)	Sisisky
Doyle	Linder	Skeen
Dreier	Lipinski	Skelton
Duncan	LoBiondo	Smith (MI)
Dunn	Lofgren	Smith (NJ)
Edwards	Lucas (KY)	Smith (TX)
Ehlers	Lucas (OK)	Smith (WA)
Ehrlich	Maloney (NY)	Souder
Emerson	Manzullo	Spence
English	Martinez	Spratt
Eshoo	Mascara	Stabenow
Etheridge	McCollum	Stenholm
Everett	McCrery	Strickland
Ewing	McHugh	Stump
Farr	McInnis	Sununu
Foley	McIntosh	Sweeney
Forbes	McIntyre	Talent
Fossella	McKeon	Tancredo
Frank (MA)	McNulty	Tanner
Franks (NJ)	Meek (FL)	Tauscher
Frelinghuysen	Metcalf	Tauzin
Frost	Mica	Taylor (MS)

Taylor (NC)	Visclosky	Wexler
Terry	Vitter	Whitfield
Thomas	Walden	Wicker
Thompson (CA)	Walsh	Wilson
Thune	Watkins	Wise
Thurman	Watt (NC)	Wolf
Tiahrt	Watts (OK)	Woolsey
Toomey	Waxman	Wynn
Trafficant	Weldon (FL)	Young (AK)
Turner	Weldon (PA)	Young (FL)
Upton	Weller	

NAYS—106

Ackerman	Gonzalez	Oberstar
Allen	Hilleary	Olver
Baird	Hilliard	Pallone
Baldacci	Hinchee	Pascarell
Baldwin	Hoefel	Payne
Barrett (WI)	Holden	Pelosi
Bereuter	Holt	Peterson (MN)
Berkley	Hooley	Phelps
Blumenauer	Hoyer	Pombo
Bonilla	Inslee	Pomeroy
Bonior	Jackson (IL)	Rivers
Borski	Kanjorski	Roemer
Boucher	Kennedy	Rothman
Brady (PA)	Kind (WI)	Ryan (WI)
Brown (OH)	Klecza	Sabo
Capuano	Klink	Sanders
Cardin	Larson	Sanford
Carson	Lee	Schakowsky
Chenoweth	Lewis (GA)	Shays
Clyburn	Lowey	Slaughter
Conyers	Luther	Snyder
Costello	Maloney (CT)	Stark
Crowley	Markey	Stearns
Davis (IL)	Matsui	Stupak
DeFazio	McCarthy (MO)	Thornberry
DeGette	McCarthy (NY)	Tierney
Delahunt	McDermott	Towns
DeLauro	McGovern	Udall (CO)
Doggett	Meehan	Udall (NM)
Engel	Meeke (NY)	Vento
Evans	Menendez	Waters
Fattah	Minge	Weiner
Filner	Moakley	Weygand
Fletcher	Nadler	Wu
Ford	Napolitano	
Gejdenson	Neal	

ANSWERED "PRESENT"—1

Johnson, E. B.

NOT VOTING—17

Bass	Fowler	Rush
Buyer	Hunter	Scarborough
Clay	Jefferson	Thompson (MS)
Clayton	Leach	Velazquez
Clement	McKinney	Wamp
Dingell	Paul	

□ 1844

Messrs. HINCHEY, BROWN of Ohio, NADLER, WEINER, PETERSON of Minnesota, and Mrs. LOWEY changed their vote from "yea" to "nay."

Mrs. NORTHUP and Mr. FRANK of Massachusetts changed their vote from "nay" to "yea."

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.

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 468, 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 Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 468, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 21, as follows:

[Roll No. 429]

YEAS—410

Abercrombie	DeMint	Jenkins
Ackerman	Deutsch	John
Aderholt	Diaz-Balart	Johnson (CT)
Allen	Dickey	Johnson, E. B.
Andrews	Dicks	Johnson, Sam
Archer	Dixon	Jones (NC)
Army	Doggett	Jones (OH)
Bachus	Dooley	Kanjorski
Baird	Doolittle	Kaptur
Baker	Doyle	Kasich
Baldacci	Dreier	Kelly
Baldwin	Duncan	Kennedy
Ballenger	Dunn	Kildee
Barcia	Edwards	Kind (WI)
Barr	Ehlers	King (NY)
Barrett (NE)	Ehrlich	Kingston
Barrett (WI)	Emerson	Klecza
Bartlett	Engel	Klink
Barton	English	Knollenberg
Bateman	Eshoo	Kolbe
Becerra	Etheridge	Kucinich
Bentsen	Evans	Kuykendall
Bereuter	Everett	LaFalce
Berkley	Ewing	LaHood
Berman	Farr	Lampson
Berry	Fattah	Lantos
Biggert	Filner	Largent
Bilbray	Fletcher	Larson
Bilirakis	Foley	Latham
Bishop	Forbes	LaTourette
Blagojevich	Ford	Lazio
Bliley	Fossella	Leach
Blumenauer	Frank (MA)	Lee
Blunt	Franks (NJ)	Levin
Boehlert	Frelinghuysen	Lewis (CA)
Boehner	Frost	Lewis (GA)
Bonilla	Gallegly	Lewis (KY)
Bonior	Ganske	Linder
Bono	Gejdenson	Lipinski
Borski	Gekas	LoBiondo
Boswell	Gephardt	LoFgren
Boucher	Gibbons	Lowey
Boyd	Gilchrest	Lucas (KY)
Brady (PA)	Gillmor	Lucas (OK)
Brady (TX)	Gilman	Luther
Brown (FL)	Gonzalez	Maloney (CT)
Brown (OH)	Goode	Maloney (NY)
Bryant	Goodlatte	Manzullo
Burr	Goodling	Markey
Burton	Gordon	Martinez
Callahan	Goss	Mascara
Calvert	Graham	Matsui
Camp	Granger	McCarthy (MO)
Campbell	Green (TX)	McCarthy (NY)
Canady	Green (WI)	McCollum
Cannon	Greenwood	McCrery
Capps	Gutierrez	McDermott
Capuano	Gutknecht	McGovern
Cardin	Hall (OH)	McHugh
Carson	Hall (TX)	McInnis
Castle	Hansen	McIntosh
Chabot	Hastings (FL)	McIntyre
Chambliss	Hastings (WA)	McKeon
Clyburn	Hayes	McNulty
Coble	Hayworth	Meehan
Coburn	Hefley	Meek (FL)
Collins	Herger	Meeks (NY)
Combest	Hill (IN)	Menendez
Condit	Hill (MT)	Metcalf
Conyers	Hilleary	Mica
Cook	Hilliard	Millender-
Cooksey	Hinchee	McDonald
Costello	Hinojosa	Miller (FL)
Cox	Hobson	Miller, Gary
Coyne	Hoefel	Miller, George
Cramer	Hoekstra	Minge
Crane	Holden	Mink
Crowley	Holt	Moakley
Cubin	Hooley	Mollohan
Cummings	Horn	Moore
Cunningham	Houghton	Moran (KS)
Danner	Hoyer	Moran (VA)
Davis (FL)	Hulshof	Morella
Davis (IL)	Hutchinson	Murtha
Davis (VA)	Hyde	Myrick
Deal	Inslee	Nadler
DeFazio	Isakson	Napolitano
DeGette	Istook	Neal
Delahunt	Jackson (IL)	Nethercutt
DeLauro	Jackson-Lee	Ney
DeLay	(TX)	Northup

Norwood	Ryan (WI)	Tauscher
Nussle	Ryun (KS)	Tauzin
Oberstar	Sabo	Taylor (MS)
Obey	Salmon	Taylor (NC)
Olver	Sanchez	Terry
Ortiz	Sanders	Thomas
Ose	Sandlin	Thompson (CA)
Owens	Sawyer	Thornberry
Oxley	Saxton	Thune
Packard	Schaffer	Thurman
Pallone	Schakowsky	Tiahrt
Pascrell	Scott	Tierney
Pastor	Sensenbrenner	Toomey
Payne	Serrano	Towns
Pease	Sessions	Trafficant
Pelosi	Shadegg	Turner
Peterson (MN)	Shaw	Udall (CO)
Peterson (PA)	Shays	Udall (NM)
Petri	Sherman	Upton
Phelps	Sherwood	Vento
Pickering	Shimkus	Visclosky
Pitts	Shows	Vitter
Pombo	Shuster	Walden
Pomeroy	Simpson	Walsh
Porter	Skeen	Waters
Price (NC)	Skelton	Watkins
Pryce (OH)	Slaughter	Watt (NC)
Quinn	Smith (MI)	Watts (OK)
Radanovich	Smith (NJ)	Waxman
Rahall	Smith (TX)	Weiner
Ramstad	Smith (WA)	Weldon (FL)
Rangel	Snyder	Weldon (PA)
Regula	Souder	Weller
Reyes	Spence	Wexler
Reynolds	Spratt	Weygand
Riley	Stabenow	Whitfield
Rivers	Stark	Wicker
Rodriguez	Stearns	Wilson
Roemer	Stenholm	Wise
Rogan	Strickland	Wolf
Rogers	Stump	Woolsey
Rohrabacher	Stupak	Wu
Ros-Lehtinen	Sununu	Wynn
Rothman	Sweeney	Young (AK)
Roukema	Talent	Young (FL)
Roybal-Allard	Tancredo	
Royce	Tanner	

## NAYS—2

Hostettler Sanford

## NOT VOTING—21

Bass	Fowler	Portman
Buyer	Hunter	Rush
Chenoweth	Jefferson	Scarborough
Clay	Kilpatrick	Sisisky
Clayton	McKinney	Thompson (MS)
Clement	Paul	Velazquez
Dingell	Pickett	Wamp

□ 1851

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.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). 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.

## STEWART B. MCKINNEY HOMELESS EDUCATION ASSISTANCE IMPROVEMENTS ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, being without a home should not mean being without an education. Yet, that is what homelessness has meant for far too many of our children and youth today;

red tape, lack of information, and bureaucratic delays that result in their missing school and missing the chance at a better life.

That is why I rise today to introduce the McKinney Homeless Education Assistance Improvements Act of 1999. This legislation reflects the best ideas of some of the most dedicated people throughout Illinois and nationwide: homeless advocates, educators and experts at the U.S. Department of Education.

When we say the word "student," what kind of individual do we envision? More than likely, the images of a youngster sitting at a desk, taking an exam, or sitting at the kitchen table doing his homework. What we do not imagine is a student who is homeless, living in a shelter or living in a car. Yet, an estimated 1 million children and youth will experience homelessness this year, a situation that has a devastating impact on their educational advancement.

Congress recognized the importance of school to homeless children by establishing in 1987 the Stewart B. McKinney Education of Homeless Children and Youth Program. This program is designed to ensure that homeless children have the opportunity to enroll in and attend and succeed in school, and it has made a positive difference. Yet, today, more than 10 years after the passage of that important program, inadequacies in the Federal law inadvertently are acting as barriers to the education of homeless children.

There is no better time for Congress to renew our commitment to homeless children. As the 106th Congress pushes to reauthorize our federal K through 12 education programs, we must act to ensure that all homeless children remain in school so that they acquire the skills needed to escape poverty and lead productive lives.

This legislation will incorporate into federal law provisions and practices that remove the educational barriers faced by homeless youth. Several of these provisions are derived from the Illinois Education for Homeless Children State Act, which many consider to be a model for the rest of the Nation. This bill will ensure that a homeless child is immediately enrolled in school. Our bill helps to ensure that red tape does not make children miss school.

The bill also allows homeless children to remain enrolled in the school they originally attended or to enroll in the one that is currently nearest to them. Homeless families move frequently because of limits on length of shelter stays, extended searches for affordable housing or employment, or to escape an abusive situation. It allows the States to select a liaison to provide resource information and resolve disputes relating to homelessness. Because many schools do not currently have a point of contact for homeless students, these children frequently go unseen and unserved.

Finally, this bill strengthens the quality of local programs by making subgrants more competitive and by enhancing State and local coordination. This bill also strengthens the quality and collection of data on homeless students at the Federal level. This is particularly crucial as the lack of a uniform method of data collecting has resulted in unreliable national data and a likely underreporting of the numbers of homeless students.

Mr. Speaker, Congress must take advantage of this window of opportunity to renew its commitment to helping provide homeless children with a quality education. I am a strong supporter of local control of education and believe the McKinney Homeless Education Improvements Act of 1999 meets this principle while making the best use of limited federal resources.

Regrettably, homelessness is and will likely be for the immediate future a part of our society. However, being homeless should not limit a child's opportunity to learn.

In closing, let me take a moment to thank Illinois State Representative Cowlshaw, as well as Sister Rose Marie Lorentzen and Diane Nilan and the Hesed House in Aurora, Illinois for bringing this issue to my attention and for their tireless work on behalf of the homeless. I also want to thank Barbara Duffield with the National Coalition for the Homeless for her help in putting together this bill; and the gentleman from California (Mr. OSE), the gentlewoman from New York, (Ms. SLAUGHTER), and the gentlewoman from Illinois (Ms. SCHAKOWSKY), my friends and colleagues, for being original cosponsors.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this bill.

Mr. Speaker, I insert the following letters for printing in the RECORD.

MARYLAND STATE  
DEPARTMENT OF EDUCATION,  
Baltimore, MD, August 20, 1999.

Hon. JUDY BIGGERT,  
U.S. House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE BIGGERT: I am writing to support your efforts to strengthen the McKinney Education for Homeless Children and Youth Act by amending it to include provisions from the Illinois State Education for Homeless Children Act.

In particular, the Illinois provisions relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration homelessness, would be of great benefit to homeless children in Maryland. These issues still challenge our public schools as they try to meet the educational needs of homeless children and youth. A stronger federal law based on the Illinois law would assist the efforts of schools, service providers, and families in Maryland to ensure homeless children and youth's access to and success in school.

In Maryland, The State Board of Education will publish on August 27, 1999 in the Maryland's Register, a set of regulations to cover programs for Homeless children. These regulations provide a standard that all school systems in Maryland must follow.

I thank you for your leadership on this critical issue. Please do not hesitate to contact me should you have any questions or need more information.

Sincerely,

WALTER E. VARNER,  
*Specialist, Homeless Education and Neglected  
and Delinquent Programs, State Coordinator  
for Homeless Education.*

DEPARTMENT OF EDUCATION,  
*Des Moines, IA, August 17, 1999.*

Hon. JUDY BIGGERT,  
*U.S. House of Representatives,  
Washington, DC.*

DEAR REPRESENTATIVE BIGGERT: I am writing to support your efforts to strengthen the McKinney Education for Homeless Children and Youth Act by amending it to include provisions from the Illinois State Education for Homeless Children Act.

In particular, the Illinois provisions relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration homelessness, would be of great benefit to homeless children in Iowa. These issues still challenge our public schools as they try to meet the educational needs of homeless children and youth. A stronger federal law based on the Illinois law would assist the efforts of schools, service providers, and families in Iowa to ensure homeless children and youth's access to and success in school.

Presently, Iowa is experiencing just over twenty-six thousand homeless individuals per year and 53% of those are children. We do not have enough support under the McKinney Act to assist all the communities wanting to improve services for the homeless. We are now very busy trying to assist schools to develop school improvement plans that address the homeless. More and more needs are surfacing as we work on this issue. We are trying to direct existing resources to assist the homeless and also develop new resources.

I thank you for your leadership on this critical issue. Please do not hesitate to contact me should you have any questions or need for more information.

Sincerely,

Dr. ROY MORLEY,  
*Iowa Dept. of Education.*

TEXAS HOMELESS NETWORK,  
*Austin, TX, August 18, 1999.*

Hon. JUDY BIGGERT,  
*U.S. House of Representatives,  
Washington, DC.*

DEAR REPRESENTATIVE BIGGERT: I am writing to support your efforts to strengthen the McKinney Education for Homeless Children and Youth Act by amending it to include provisions from the Illinois State Education for Homeless Children Act.

Texas has significantly strengthened its state laws regarding the enrollment of children in homeless situations, but we believe there is still room for improvement. In particular, the Illinois provisions relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration homelessness, would be of great benefit to homeless children in our state. These issues still challenge a number of our public schools as they try to meet the educational needs of homeless children and youth. A stronger federal law based on the Illinois law would assist the efforts of schools, service providers, and families in Texas to ensure homeless children and youth's access to and success in school.

The Texas Homeless Network is actively involved in helping local homeless service providers across the state form active, effective coalitions that meet the needs of those

experiencing homelessness. In my work with both established and forming coalitions, I have seen and heard reports that homelessness is on the rise for families and unaccompanied youth, in spite of Texas' robust economy. A recent estimate by the Texas Office for the Education of Homeless Children and Youth puts the number of school age children in homeless situations at over 125,000 per year. A little over \$2 million in McKinney funds is available to assist these children, but it is simply not enough.

I thank you for your leadership on this critical issue and applaud your efforts to assist children and families in the most dire circumstances. Please do not hesitate to contact me should you have any questions or need more information.

Sincerely,

KATHY REID,  
*Executive Director.*

COALITION ON HOMELESSNESS  
AND HOUSING IN OHIO,  
*Columbus, OH, August 19, 1999.*

Hon. JUDY BIGGERT,  
*U.S. House of Representatives,  
Washington, DC.*

DEAR REPRESENTATIVE BIGGERT: I would like to take this opportunity to voice support for your efforts to strengthen the McKinney Education for Homeless Children and Youth (EHCY) Act, by amending it to include provisions based upon the Illinois State Education for Homeless Children Act. Homeless children's access to education has significantly improved as a result of the McKinney EHCY program, however, many obstacles persist. Obstacles to the enrollment, attendance, and success of homeless children in school still exist, nearly twelve years after the EHCY Act was established.

The provisions of the Illinois law relating to the immediate enrollment of homeless children and youth, clarification of responsibilities for transportation, and the application of the Act to cover the entire duration of homelessness, would be of great benefit to homeless children in the State of Ohio.

The aforementioned issues continue to challenge our public schools, as they try to meet the educational needs of homeless children and youth. A stronger EHCY Act built around the Illinois law, would go a long way toward assisting the efforts of schools, service providers, and families in Ohio to ensure that homeless children and youth have access to a quality education.

In Ohio, as in most other states, children are by most accounts the fastest growing segment of the homeless population. The State Department of Education estimates that in 1998, some 27,000 children in the twelve McKinney funded districts experienced homelessness. The numbers for the non-McKinney funded school districts are just as staggering. It is estimated that as many as 90,000 school-aged children in these districts experienced homelessness in 1998. In the coming years, these figures are likely to increase if proactive steps are not taken now. This is why your efforts to strengthen the Education for Homeless Children and Youth Act are of the utmost importance. "School is one of the few stable, secure places in the lives of homeless children and youth; a place where they can acquire the skills needed to help them escape poverty."

Again, thank you for your leadership on this critical issue. Please do not hesitate to contact me should you have any questions or require additional information.

Respectfully,

RICK TAYLOR,  
*Supportive Housing Director.*

□ 1900

#### HURRICANE FLOYD

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentleman from North Carolina (Mr. MCINTYRE) is recognized for 5 minutes.

Mr. MCINTYRE. Mr. Speaker, eastern and southeastern North Carolina have been decimated by the recent hurricanes which have come through our area. Thousands of homes are under water as we speak right now, or have been destroyed. Roads are closed. The State's agriculture industry has been severely hit, and our beautiful beaches have been eroded.

Congress' help is greatly needed in order for the citizens of our State to begin rebuilding their lives once more. I urge my colleagues not to delay in working with us from the North Carolina delegation and our colleagues up and down the East Coast to pass a relief package.

Let me give the Members a sense of what has happened alone in my district, the Seventh Congressional District of North Carolina, the southeastern part of our State where this terrible storm came ashore, Hurricane Floyd, last week when we adjourned to go and work with our citizens in this part of our country.

Brunswick County has estimated damage amounts of more than \$100 million for the 200 homes along the ocean. Local landfills have been closed. Piers have been destroyed.

In Columbus County, 2,300 homes have water and septic problems. There has been extensive damage to sweet potato and corn crops.

In Duplin County, millions of hogs, turkeys, and chickens have been lost, creating severe environmental concerns. The southern area of this county has had several incidents of stranded persons requiring helicopter and boat assistance. Rescue workers have been working around the clock, and are experiencing danger to themselves. There have been reports of persons in the flood area with guns threatening others. Two thousand acres of the tobacco crops for our farmers have also been lost while still in the field.

People's homes have become islands in all three of these counties, Brunswick, Columbus, and Duplin, that I have just described.

In New Hanover County, Wilmington, North Carolina, near where the storm came ashore at Cape Fear near Bald Head Island, contamination of surface water has occurred from the heavy rainfall. The county in that area recommends no swimming or other bodily contact with all coastal and inland water areas until further notice. Residents in many areas have to boil or drink bottled water. There have been contaminated wells.

People have been stranded in rural areas. Even Interstate 40, one of our premier new superhighways in eastern North Carolina, has been closed because of heavy flooding. Eighty feet of

beach have been lost in areas such as Bald Head Island near Cape Fear.

In Robeson County, my home county, and in my hometown, Lumberton, North Carolina, damage estimates have been at \$20 million.

Bladen and Pender Counties have suffered almost immeasurable damage with regard to people's homes, businesses, farms, and livestock. The Black River has caused extensive flooding from this terrible storm.

Sampson and Cumberland Counties have also suffered from this vicious storm, especially with regard to agriculture.

Other needs throughout this area include more than 400 roads that have been impassable due to flooding, nearly 600 sections of highway washed out, ten bridges and drainage systems destroyed, many more under water and not yet accessible, and 600 pipelines damaged.

Water and sewage systems have bacteria, nitrates, and other pollutants that have contaminated them and many wells in the area. We are facing agricultural losses of more than \$577 million in crops and \$230 million in rural development needs. Forestry, 40,000 acres of trees have been blown down or destroyed, and 400,000 acres of our forest area is flooded. More than 30,000 homes have been flooded. Nearly 6,500 people are still in shelters.

The problems for health include raw sewage and animal waste. We have found dead animals on dry land attracting diseases and attracting flies, spreading disease. Our rivers and estuaries are facing raw and untreated sewage.

Our beaches, of course, have obviously faced significant erosion, thus adding and complicating the problem of future damage, as this area alone in the last 3 years has unfortunately seen five hurricanes.

This is a disaster of truly gargantuan proportions. The quick response by State and Federal emergency agencies has been tremendous. Once we know the full extent of the damage which we are even now assessing, it will be imperative that our fellow colleagues join us here in the U.S. Congress together to pass an emergency relief bill to address the devastation to our fellow American citizens, and especially those who have suffered such dire consequences in North Carolina.

We need help. I reach out to my colleagues from across the Nation. I rushed out of here last Wednesday as the hurricane was getting ready to strike. As I went home and saw again the devastation that our area and our homeland has faced in North Carolina, we are asking for help.

We are grateful for those who have responded personally with time and treasure and talent, for the help that we have seen come across the country, from electrical power workers to rescue workers to those in military positions to those who have given of their own food, and sent water to people who

do not even have clean water to drink, much less to bathe in. This is a disaster that has affected everyone.

We ask for help, we ask for common sense, and we ask for encouragement to help those who have suffered so much.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

#### THE MINING INDUSTRY IS SUFFERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, America's mining industry is suffering. The obvious culprits are predictable in a market economy. They include rising costs, declining profits, and increasing competition. However, there is one more obstruction that is not predictable, surmountable, or logical. That is, the United States Department of the Interior.

Even though mining is a basic national economic activity supplying strategic metal and minerals essential to agriculture, construction, and manufacturing, it may be dealt a fatal blow by the agenda of a hostile Washington bureaucracy. Instead of moving to bolster the mining industry, the Department of the Interior is hastening mining's demise.

Several recent opinions by the Department of the Interior's Solicitor herald a new era of bureaucratic bullying by unelected, unaccountable Federal administrators.

The first, unilateral, untouchable decision by Solicitor Leshy reinterprets the 1916 Organic Act, allowing the National Park Service to block mining activity if it can prove waters flowing into the park will be impacted. This will have the immediate effect of ending all prospecting for lead in southwest Missouri, which accounts for 85 percent of all U.S. lead production.

The second, more far-reaching and devastating Solicitor opinion reinterprets the Magna Carta mining law, the 1872 Mining Act. In this instance, the Solicitor reversed over 125 years of history and precedent with the stroke of a pen, declaring the 1872 Mining Law restricts the number of 5-acre millsites to one per lode claim. Previously, the 1872 law allowed as many five-acre millsites as necessary for the safe and practical operation of a mine. If left unchanged, this opinion will effectively end mine operation and public land exploration nationwide.

Although the decision is currently blocked by legislative action, there is no guarantee that our prohibition will remain in place.

Unfortunately, Mr. Speaker, matters get worse. The Bureau of Land Management, BLM, another Interior Department agency, has issued new hardrock mining regulations, in direct violation of congressional intent.

The BLM was directed by Congress to postpone new directives until a report by the National Academy of Sciences was issued regarding the need to revise 43 CFR, subpart 3809, concerning hardrock mining operations. Of course, the BLM pushed forward, lacking demonstrable need, with proposed regulations that will go into effect November 1 of this year.

Incorporating flawed science and flouting the will of Congress, these regulations may end any chance for mining to exist in America.

While Congress is considering a stay on this blatant power grab, we should take a moment to consider the commonsense recommendations the General Assembly of the State of Colorado has expressed in Colorado's House Joint Resolution 99-1023, sponsored by State Representative Carl Miller and State Senators Ken Chlouber and Doug Lamborn.

I submit for the RECORD the official position of the State of Colorado regarding BLM's proposed revisions to hardrock mining regulations.

Furthermore, I urge my colleagues to act favorably upon the instruction offered by the great State of Colorado.

House Joint Resolution 99-1023 is as follows:

#### HOUSE JOINT RESOLUTION 99-1023

Whereas, The mining industry is vital to the economy of Colorado, with direct and indirect contributions to the state's economy that exceed \$7.7 billion annually; and

Whereas, Hardrock miners are the highest paid industrial workers in Colorado, earning average annual wages of approximately \$60,000; and

Whereas, The producers of gold, silver, lead, zinc, molybdenum, gypsum, and other minerals located under the general mining laws provide a source of high paying jobs in rural areas of Colorado whose economies are highly dependent upon resource extraction; and

Whereas, Lower mineral commodity prices and other economic factors continue to challenge this industry making it important that state and local governments fashion regulatory programs that are cost effective and yet sufficient to regulate the environmental impacts of hardrock mining activities on public and private lands; and

Whereas, The "Federal Land Policy and Management Act of 1976" requires that mineral activities on federal lands protect the environment and prohibits any mining activity that would result in unnecessary and undue degradation of these areas; and

Whereas, The Bureau of Land Management within the United States Department of the Interior implements the mandate of federal law through regulations codified at 43 C.F.R. subpart 3809, and these laws and regulations are among the many laws that require mineral producers to protect air, water, cultural,

historic, fish, wildlife, and other resources; and

Whereas, The division of minerals and geology in the Colorado department of natural resources, through a cooperative agreement with the Bureau of Land Management, is the lead agency responsible for regulating mining activity on both public and private lands; and

Whereas, Colorado effectively regulates mining operations pursuant to the "Colorado Mined Land Reclamation Act", part 1 of article 32 of title 34, Colorado Revised Statutes, that sets forth very comprehensive permitting, bonding, environmental management, monitoring, and reclamation requirements for hardrock mining activities on both public and private lands; and

Whereas, The Colorado General Assembly strengthened this law in 1993 requiring that mining operators using certain toxic chemicals in mineral extraction meet more stringent standards before receiving authorization to mine; and

Whereas, The United States Department of the Interior, through the Bureau of Land Management, has announced its intention to propose revisions to 43 C.F.R. subpart 3809, that would preempt, conflict with, and duplicate the very effective state program now in place, and replace, it with a plenary federal program that may well lessen the environmental protections available under state law; and

Whereas, In 1998 the United States Congress enacted legislation directing the National Academy of Sciences to perform a study of the adequacy of state and federal laws governing hardrock mining on public lands and submit its findings and recommendations before the Department of the Interior's Bureau of Land Management may finalize changes to regulations under 43 C.F.R. 3809; and

Whereas, Notwithstanding the express mandate of Congress, the Bureau of Land Management proposed revisions to the regulations promulgated under 43 C.F.R. subpart 3809, in February, 1999, before the National Academy of Sciences has concluded, much less submitted, its study and recommendations, and the Bureau of Land Management has failed to consider the National Academy of Sciences' findings or process in fashioning the various regulatory revisions currently awaiting public comment; and

Whereas, Any changes to the regulations promulgated under 43 C.F.R. subpart 3809 must be based upon sound science and compelling policy reasons, and must take into account the findings and recommendations of the National Academy of Sciences' study before the Bureau of Land Management submits its proposal for public comment, yet the comment period on the proposed rules is set to expire on May 10, 1999, before the National Academy of Sciences completes its study of existing laws; now, therefore,

*Be it Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:*

1. That the General Assembly calls upon the United States Department of the Interior and the Bureau of Land Management to withdraw the current proposal to amend the federal regulations, 43 C.F.R. subpart 3809 and published at 64 F.R. 6422 on February 9, 1999, governing hardrock mining activity.

2. That the General Assembly calls upon the Bureau of Land Management to await completion of the study currently underway by the National Academy of Sciences of the adequacy of hardrock mining regulations, which must be completed prior to July 31,

1999, and that the Bureau of Land Management refrain from publishing any further changes to the existing rules before it has fully considered the results of the study.

3. That the General Assembly calls upon the Bureau of Land Management, if it decides that further revisions to 43 C.F.R. subpart 3809 are necessary, to fully explain in the preamble to the new regulations how it fashioned its proposals in response to the anticipated findings and conclusions of the National Academy of Sciences' study and give the public at least 90 days to comment on the proposed changes.

4. That the General Assembly opposes changes to 43 C.F.R. subpart 3809 that would preempt the existing Colorado regulatory program or that would duplicate permitting and other requirements.

5. That the General Assembly calls upon the United States Department of the Interior to consider that the mining industry is one of the most heavily regulated industries in the United States and that unreasonable delays in obtaining permits are a significant disincentive to the location of new mines or expansion of existing mines in the United States.

6. That the General Assembly opposes the concept developed as a result of 43 C.F.R. subpart 3809 of using the "Most Appropriate Technology and Practices" which allows the Bureau of Land Management to dictate what type of equipment and technologies are employed by mining operators. Using the "Most Appropriate Technology and Practices" would replace the existing regulatory scheme that requires mining operators to meet performance standards, but allows the individual operators to decide how the individual operator will meet environmental standards.

7. That the General Assembly calls upon the Bureau of Land Management to consider the economic impact on mining and the communities dependent upon mining in Colorado and other states.

8. That the Bureau of Land Management specifically consider the conclusions in the Fraser Report that found that Colorado and many other states were ranked low in investment attractiveness due, in part, to the burden that government regulation imposes on the industry. Colorado received a score of only 24 out of a possible 100 in the Fraser Report.

9. That the General Assembly calls upon the Congress of the United States to impose a moratorium on any appropriations for the continuation or completion of the current rulemaking until the Department of the Interior withdraws the current rulemaking and agrees to fully consider the findings and recommendations of the National Academy of Sciences' study.

*Be it further resolved,* That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the President of the United States, the Vice-president of the United States, the Secretary of the United States Department of the Interior, the Director of the Bureau of Land Management, and each member of the Colorado Congressional delegation.

#### HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to call attention to a dev-

astating storm that hit eastern North Carolina just in the last few days. People in North Carolina urgently need the help of this Congress to respond to one of the worst disasters to hit our State in recent memory.

Hurricane Floyd devastated much of eastern North Carolina from I-95 east, and some even west of it. Much of it was in my district, but some was in four other congressional districts in eastern North Carolina.

Tonight people are in shelters. Their homes are under water. For some of those people, they have lost everything that they own. Some of them are living on the edge. Others have lost their crops, all their crops for this year.

I have had the occasion to visit farms. I went into homes today, I went into one home of a lady where everything she had was on the street. She was inside her house seated in a lawn chair. That was all she had left. She had lost everything she had.

I went to a businessman who had worked all of his life, today. He had five feet of water from a stream that was not in the flood plain. He had paid his taxes all of his life, and tonight he has lost everything, but he was there cleaning out his business.

It is time for this Congress to face up to our obligations. We have helped people around the world. We have helped others in America. We now call on this Congress to help the people in North Carolina and along the Eastern Seaboard who have suffered one of the worst disasters in recent years.

Some parts of our State had as much as 20 inches of water. Tonight that water is still rising in eastern North Carolina. Some Members may have seen on national TV the carcasses of dead animals floating, and homes under water. It is not over. As many as 1 million poultry may be dead and floating, and they are saying now there may be 100,000 or more hogs.

Some of the finest prime farmland in America is in eastern North Carolina. There happens to be a large portion in my district, and a large portion in the district of the gentlewoman from North Carolina (Mrs. CLAYTON), the gentleman from North Carolina (Mr. MCINTYRE) who spoke a few moments ago, and the gentleman from North Carolina (Mr. JONES).

Just yesterday we had the opportunity to travel over eastern North Carolina with the President and a number of his cabinet members, the gentleman from North Carolina (Mr. PRICE), the gentlewoman from North Carolina (Mrs. CLAYTON), and others. We saw the utter destruction and the anguish on people's faces. Yet, they still have hope. They are waiting for us to act.

The latest numbers I have show that we have over 40 people that are now known dead. Yesterday we heard, as

the gentlewoman will remember, in one of the conversations that people went out in the boat checking houses and heard a knock on the roof. They cut a hole in the roof of a house and rescued 11 people and saved their lives. We may find many others who are dead.

That is unfortunate, but the loss in agricultural commodities and to the farm life of our farmers is extensive.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. ETHERIDGE. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, it was a source of encouragement to our State for the President to come to North Carolina yesterday, as the gentleman has said, and to have Secretary Rodney Slater there from the Department of Transportation, to have our small business administrator, Ms. Alvarez, with us; to have, from the Department of Agriculture, the chief of the National Resources Service, Pearlle Reed.

The President brought a message of hope and of solidarity, pointing out that we are all in this together. This is the kind of disaster that makes us realize we are all one community.

As the gentleman said, the agricultural aspect of this is particularly devastating. The U.S. Department of Agriculture there on the scene in North Carolina has come up with some preliminary figures, now well over \$1 billion in damage estimates. That includes everything from housing to community facilities to watershed protection efforts to emergency conservation programs and crop disaster assistance. It comes to \$1.19 billion, the estimates from North Carolina at this moment. And of course the water has not even receded yet.

Mr. ETHERIDGE. Mr. Speaker, that number does not even approach the number, if we look at the houses that are lost, the businesses that are under water, and it is still rising.

□ 1915

#### HURRICANE FLOYD

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, one aspect of this that is going to confront us in the weeks ahead is the environmental disaster that this represents. When we were in the helicopter flying down to Tarboro where the President spoke and where we met with community leaders and people who have been displaced by this disaster, we went to a shelter where people were talking about how difficult it was. They are, of course, happy to be alive; but it is tough in those shelters. The kids get restless. The situation is uncertain. People have no home to go back to in many cases.

But going down there, looking from the air, the unholy stew of hog waste overflowed and municipal systems being overflowed and storage tanks, gasoline storage tanks being uprooted, spilling, it is an awful environmental disaster. The people cannot drink this water. People cannot, of course, have any drainage or any sewage systems.

So it is a disaster that is going to be with us for a long time to come. The cleanup is going to take a long time. It is going to be very expensive. We are going to need our colleagues here to help us with disaster assistance. As this agricultural aid goes through, this very definitely needs to be a part of it.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman will yield, this photograph here I think is one of the photographs taken in eastern North Carolina. The gentlewoman from North Carolina (Mrs. CLAYTON) is here with us, and she was with us yesterday as we went down to Tarboro. I went back today and visited Wilson, parts of Wilson, and into Rocky Mount again and Smithfield.

But in Tarboro yesterday, it was heartening to see people's courage, but it was also heart wrenching to see what they had gone through, the whole town of Smithfield, Tarboro with no water, no sewer, no telling when it will be back up because water has not yet gone down.

Mrs. CLAYTON. Mr. Speaker, if the gentleman from North Carolina (Mr. PRICE) will yield to me, I agree and thank my colleagues for coming to the floor, and I just thank my colleagues for what they are doing so often.

I also visited Wilson today and visited Halifax. I have a map of the 301 that at least a home of 5,000 feet could get in. The railroad was having to be rerouted. The water for schools. I saw at least 50 homes destroyed. I am just coming back from Wayne County where the water has not crested yet.

They are wondering how much they are going to release from the Neuse on Wednesday. They are fearful that the water is going to crest tomorrow. If it released 6,000 cubic feet of water, that goes where? It goes to Wayne County. So we want our colleagues to understand this.

Mr. ETHERIDGE. Mr. Speaker, on the news this morning in Goldsboro, I heard this morning on the news along that point, 14 feet flood stage. The Neuse was supposed to crest today without any release of water right at 30 feet, more than twice flood stage. Water is everywhere. I agree.

Mr. PRICE of North Carolina. Mr. Speaker, reclaiming my time, people talk about 100-year flood. In some areas, this is a 500-year flood. There are areas flooded now that in no one's memory have ever been flooded before. It is unbelievable the extent of devastation, far beyond what could have reasonably been predicted.

Mrs. CLAYTON. Mr. Speaker, I want to just share with my colleagues, the word came from Greenville today that it had to cut all the water off. There

are about 65,000 people that pump there; they were going to lose their utilities. Again, they have not crested. They expect to crest tonight.

What it reaffirms is that we are so interdependent on each other. Someone always lives downstream from somewhere else. So those who are living downstream are beginning to see the manifestation of what it means to have the water come.

There are just thousands of people who are in shelters in Halifax. In fact, there are about 6,000 in Pitt County, about 5,000 in Edgecombe County. I visited today in Wilson, as the gentleman did. Some of the people in Wilson are actually taking people from Greene county as well as Pitt. We find neighbors helping neighbors.

We want to convey to our colleagues we need that same sense of compassion and generosity. By the way, this flood goes all the way to New Jersey.

#### HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, there are heart-rending tales. We spoke with many, many people in Tarboro who have gone through things no one should ever have to endure in losing their homes, losing their possessions, and, in some cases, losing the lives of family members.

But it is also at the same time inspiring to see the way people are working together and to see the spirit and the spunk. Also, I think we should pay tribute here, I think we all feel this, to the cooperative effort that governmental agencies are making.

Our governor, Jim Hunt, has been tireless in his work. Our Secretary of Crime Control and Public Safety, Richard Moore, has been on the scene. State agencies, local law enforcement, the National Guard, and the Federal Government is holding up its end of the bargain.

I must say the work of the Small Business Administration and FEMA. James Lee Witt was with us there yesterday, and he is working with us at this moment on how we can craft a disaster assistance package.

So we are very grateful for what has already happened, but we are going to have to be in this for the long haul.

Mr. ETHERIDGE. Mr. Speaker, if the gentlewoman from North Carolina will yield just a moment on that point, not only are we getting tremendous help, but I think FEMA has done an outstanding job. I would echo that. James Lee Witt has been outstanding. All of our agencies at every level. But a lot of our individuals have come forth to do so much.

I was in Rocky Mount, a district that the gentlewoman from North Carolina

(Mrs. CLAYTON) and I share. Thirty of the public service people in Rocky Mount were out helping others. They had no home to go home to. They were out helping.

Same thing was true in Tarboro yesterday. Two business people, Bob Barnhill who owns a construction company, and Steve Woodsworth, who has another business, they were there providing food and shelter and helping seniors, moving them out in Tarboro out of the Arbermal building when their homes had water in them. But they were there helping.

People of North Carolina have responded, but we still have a long way to go before we are through this. As the gentlewoman said, people are in shelters, are going to be there for several more days before they can even go to temporary quarters.

Mrs. CLAYTON. Mr. Speaker, let me just read a couple of statements that I have, because the pictures reflect that.

In the driving wind and rain last Thursday morning, Mr. Ben Mayo attempted to save his family. Concerned by the rapid rise of the river, he ushered his family of four out of bed and loaded them into a small boat. Reaching out to his neighbors, he also loaded eight of them into the same small boat. The boat capsized. Six of the persons from the boat were able to reach higher ground.

But Mr. Ben Mayo, his wife, his daughter, and granddaughter, Teshika Vines, were swept away by the raging waters.

I had a picture of her because the picture came in our local paper, right, on her horse.

Mr. Mayo's body was later found stuck in a drain pipe. But little Teshika, shown here on a pony, has yet to be found.

The water, an element that we all rely upon to preserve life took a life away.

In North Carolina, we are facing the worst natural disaster in the history of our State.

But like all of my colleagues have said, this traumatic and devastating story is replaying itself over and over. But conversely to that, people's generosity, if there is anything redemptive about this taking of life and this disaster, it is the generosity of people coming together, the governments working together to make that.

We want to convey that we in North Carolina want to join with our colleagues in Maryland or New Jersey or New York who also were devastated by this, and that we do need to craft a bill that would be responsive in a comprehensive way so that we can not only take care of the disaster in terms of the housing and the business but also the health needs that are just so traumatic.

We do not even begin to understand what it means to have more than a million chickens in the water, more than 100,000 hogs, horse farms, goat farms, all of these. I was in Wilson and

the Department of Health director warning people about the water, but also warning people about the rodents and the snakes, the mosquitos that we will have happen and the disease.

So we are in for a long haul. What we want to commend people for is their generosity, but we also want to encourage their patience, because it will take patience with people working together. We want to push our governments to be as responsive as possible. But we know we cannot restore them as quickly. So temporary housing is needed.

Mr. Speaker, in the driving wind and rain last Thursday morning, Mr. Ben Mayo attempted to save his family. Concerned by the rapid rise of the river, he ushered his family of four out of bed and loaded them into a small boat.

Reaching out to his neighbors, he also loaded eight of them into that same small boat. The boat capsized. Six of the persons from the boat were able to reach higher ground. But, Ben Mayo, his wife, his daughter and granddaughter, Teshika Vines, were swept away by the raging waters.

Mr. Mayo's body was later found, stuck in a drainpipe. Little Teshika, shown here on a pony, has yet to be found.

The water, an element that we all rely upon to preserve life, took her life away. In North Carolina we are facing the worst natural disaster in the history of our state.

The winds and water of Hurricane Floyd hit land some days ago, and have left a swath of death and destruction and despair, unprecedented in North Carolina history. Towns have become rivers, and rivers have become towns. Thirty-six are known dead. Many more are unaccounted for, still missing.

A State of Emergency has been declared in 26 counties, and the President has issued a disaster declaration for 60 counties. The Tar, Neuse, Cape Fear and Lumber Rivers are all above the flood stage.

Thousands of homes remain underwater. Evacuation orders were issued in seven counties. More than 300 roads, in 43 counties are closed, and that's down from the original 500 that were closed.

Power remains out in nearly 50,000 households, down from the 1.5 million who were initially without electricity. Water and sewer systems are in disrepair. Shelters are housing thousands of citizens.

One hundred thousand hogs have been lost, 2.4 million chickens and 500,000 turkeys. Disease and contamination is a real and dangerous threat as animal carcasses clutter the roads.

Coffins, dredged up by the flooding, have been seen floating in Goldsboro and Wilson. According to the Charlotte Observer, Floyd is the worst flood in North Carolina, in 500 years.

Rivers have become towns. Towns have become rivers. Yet, among all of this tragedy, there are bright spots.

The President has released another \$528 million to FEMA, to address immediate needs. And, we appreciate the efforts of FEMA to provide "Meals Ready to Eat," Ice, blankets, water and emergency generators.

We also appreciate the hundreds of individuals, on the ground, who are helping out. The Red Cross has opened 49 shelters. The Salvation Army has 31 mobile kitchens. Yet, much more help and support will be needed.

That is why, Mr. Speaker, I intend to join with Members of Congress from other impacted states to try to send a legislative package for further relief to the President for signing.

As part of that package, we need to update the law so that farmers can be treated on equal footing with other families and businesses. We will also need more resources, and that will also be a part of the legislative package.

The people of North Carolina are resilient, and we will bounce back from this situation. But, we will need the help of all Americans.

The winds will go, the rain will go, the rivers will crest, the clean-up will begin and the restoration will take place. The spirit of North Carolina will return, Mr. Speaker, with your help and the help of our colleagues.

#### HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROTHMAN) is recognized for 5 minutes.

Mr. ROTHMAN. Mr. Speaker, first allow me to convey my sincerest condolences and sympathies to the people of North Carolina. This has been such a terrible natural disaster, unprecedented in anyone's memory. I can only imagine the suffering that the people of North Carolina have already experienced and what lies ahead for them. Our prayers are with my colleagues and the people they represent, and we will do our part here in this body to assist my colleagues in assisting them.

But, Mr. Speaker, I want to talk a little bit about the effect of Floyd's fury that was felt in my State of New Jersey. We are now in the process of rebuilding our lives in the Garden State, lives that almost without exception were touched by Floyd.

In my district alone, it was not just the people who live near bodies of water. Virtually every single body of water, whether it was a lake or a stream or river overflowed its banks in unprecedented ways. There are countless tens of thousands of homes all through my district where basements were flooded, first levels were flooded, no, not much loss of life, thank God, but tremendous suffering, heartache, loss of worldly possessions, yes, but thank goodness not much loss of life.

But our people will be spending a great many weeks and months rebuilding their lives as they try to come to terms with what happened in the wake of Floyd.

I will tell my colleagues what they say the amount of damage in New Jersey just in northern New Jersey alone, \$500 million worth of damage.

In addition to the flooding of the homes and businesses and towns washed out, phone service was out. In my neck of the woods in northern New Jersey, a million people were without phone service beyond just their own little towns, more than a million people. Thirty-five thousand people had no phone service whatsoever.

There was no wireless cell phone service which we rely on a great deal in

northern New Jersey, no fax machines, no ATM machines.

Now my colleagues can say, well, why did this happen. We had families who were unable to check in on their loved ones, whether children checking in on their parents or vice versa if they lived out of town. We had patients unable to find their doctors, doctors unable to reach their patients. We had businesses unable to communicate with their customers, the customers with their businesses, suppliers with businesses.

How could this have happened? Well, I have asked that we undertake a Federal inquiry into how a vital industry, a vital utility such as the phone company, could have permitted or how they handled in fact Floyd's aftermath with so many million people and more without phone service for 3, 4, 5 days.

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Tens of millions of dollars were lost in terms of business alone, notwithstanding all of the heartache and emotional isolation felt by so many in my communities.

Well, the switching facility is apparently located near a body of water that had flooded and overflowed its banks in 1977. We are going to learn more about the details, but it is critical that in the year 1999 we find out why there was no redundancy, no duplication of switching devices, which would have prevented all together this tremendous lack of telephone service and the lack of disruption and damage to people's lives and businesses.

I am meeting with representatives from the phone company tomorrow. And we have a great many dedicated men and women who work for the telephone companies who did their utmost to prevent disruption, but I am afraid that there may need to be a new way of thinking on behalf of those planning for the worst. Y2K, the year 2000, is coming upon us. There are always the potentialities for accidents or, God forbid, terrorist incidents. If we are not prepared in the metropolitan area of New York and New Jersey for these kinds of disasters, natural and human-kind, what can we look forward to around the country? That is why we are conducting a federal investigation and will hold hearings on what could have been done to prevent that kind of tragedy.

As my time runs out, I just want to say to the people of New Jersey that we are fighting here in Congress for them, and I ask my colleagues to join me.

Mr. Speaker, I ask unanimous consent to proceed for an additional minute.

The SPEAKER pro tempore (Mr. ADERHOLT). The Chair is unable to recognize that request.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SISISKY) is recognized for 5 minutes.

Mr. SISISKY. Mr. Speaker, I commend my friend, Congresswoman CLAYTON, for taking time to discuss these terrible floods.

I saw her on television with the President when they visited some of the devastated areas in North Carolina.

Late last week, I visited southeast Virginia with our Governor, where we witnessed identical devastation.

I have to confess, I've never seen anything like it. To be faced with back-to-back drought and flood is simply overwhelming.

But our job is to see that these rural areas, communities, families, and businesses are not overwhelmed.

That is going to be a very big job.

Most of the rivers in and along my district are either right at flood stage or significantly over.

The upper Nottaway River was just below flood stage at Rawlings.

But by the time it got to the town of Stony Creek, 25 miles away, it was twelve feet above flood stage.

West of Petersburg, in Matoaca, the Appomattox was holding steady right at flood stage.

The Meherrin River was right at flood stage in Lawrenceville, but over two feet above flood stage by the time it got to Emporia.

I think most of you have seen news reports from Franklin, in the center of my district, where the Blackwater River crested about sixteen feet over flood stage and left most of the city completely under water.

And the effects of this flood have hurt communities like Portsmouth in ways that defy description.

Thankfully, the water is back on, and the same goes for communities in the Petersburg area.

With all this flood water spilling into water treatment facilities, not only were we warned to boil water, Portsmouth was warned to not drink the water even if it was boiled.

I think all of you know, it's one thing to lose electricity. That's bad enough.

But it's a whole different animal to lose your water over an extended period of time.

And in addition to electricity and water, we lost many major highways. Well over two hundred roads, along with interstates, were closed across southside Virginia.

And they stayed that way over the weekend as we waited for rivers and streams to crest, and then subside, so crews could remove debris.

Interstates 64 and 95 were closed, preventing travel to Hampton Roads and North Carolina.

The major highway across my district, U.S. 460, was under several feet of water in several locations.

Interstate 264 was open around Portsmouth, but with some ramps closed due to flood water.

Even highways that are open, like U.S. Routes 13 and 17, were closed at the Carolina border.

And in counties and communities where you can at least get around: Suffolk, Surry, Sussex, Southampton and Greenville, traffic was limited so cleanup crews could get in to make essential repairs.

Many streets in Chesapeake are still flooded.

I'm not going to belabor this any more—but as of today, the Internet list of closed roads is five pages long.

On top of that, we've got phone systems out and simply can't always call, even to check on loved ones.

That brings me to one thing I've got to say: Thank you and God bless all the emergency workers, from the Federal Emergency Management Agency folks and other Federal employees, to the State agencies, especially the National Guard—from the logistics operations to the helicopter pilots, and the VA Department of Transportation, to the local sheriffs and police and fire departments and rescue squads.

And I would also be remiss not to mention Red Cross and the hundreds of volunteers working with them and similar organizations.

I'm afraid we sometimes take these people for granted, but I doubt that anyone in Southside or North Carolina will ever make that mistake again.

Mr. Speaker, if the rain ever stops, we'll need to think about the future.

Drying out and restoring homes and communities will take time and a lot of hard work.

If the Federal, State and local partnership we've seen in the face of this emergency continues over the long term, we'll be in good shape.

One thing we need to do is make sure that in addition to the families, homeowners and businesses in our cities and towns, we remember the devastation this inflicts on rural areas and farmers and agribusiness.

It is my understanding that a Presidential Disaster Declaration carries far more weight than a Secretarial Declaration.

And I'm talking USDA, not FEMA.

I have already contacted the White House to request that areas affected by these floods receive all Federal assistance possible.

If that means we need a full-scale Presidential Disaster Declaration from USDA, that's what I want.

After the President went down there yesterday, I'm sure they would have done that anyway.

But this thing is just so big, so unbelievable, we need to do all we can to help these people get back on their feet.

As I said, this will take a lot of work over a long period of time, but now is the time to begin.

#### HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I would be happy to yield a moment to my colleague from New Jersey if he has more to add.

Mr. ROTHMAN. Mr. Speaker, I thank my friend and colleague, the gentleman from New Jersey (Mr. HOLT).

I just wanted to say that we have people without drinking water who must boil their drinking water and still people without power or phone service. So this is, as my colleague knows, because he has spent so much time over the last few days working on this, this is a real tragedy. The local people, the police, fire, ambulance, emergency services, the people in the power companies and phone companies have done their best to rally.

Mr. Speaker, I thank my colleague for the time. Together, we in Congress can help these people and rebuild our communities.

Mr. HULSHOF. My colleague is absolutely right, and I thank him for those remarks, and I am sure the people of New Jersey appreciate it.

Our hearts do go out to victims in other States. New Jersey has been hard hit. Many States in the East have been hard hit. As the flood waters receded across New Jersey, the death toll from Hurricane Floyd increased in our State. Surging flood waters caused hundreds of millions of dollars of damage and claimed four lives.

As officials struggled to cope with the thousands of refugees and families left to deal with contaminated drinking water and total devastation, in many cases, of their homes, we also have to deal with highway closures and lingering phone and power outages, which interfere with the ability to deal with the problems that families face.

Eight of the counties hardest hit by Floyd have been declared federal disaster areas, including three counties in my district in Central New Jersey, including Middlesex, Mercer, and Somerset Counties. In a number of places the flooding exceeded the boundaries of the hundred-year flood.

Over the past few days, I have seen firsthand the damage that the hurricane has caused. In Lambertville, for example, I toured the middle school, where water had flowed through the school. Mud covered the floors. There were floating school supplies and overturned and floating desks through the building. Officials there told me they expect the cleanup effort to cost up to \$1.5 million just in that one school.

In Branchburg, I have watched as families shoveled mud from their living areas, their shops, their basements, their belongings ruined, and homes permanently damaged. There was water everywhere but none to drink, as flooding contaminated drinking water sources. Still many people are without drinking water. They are advised to boil water. More than 200,000 residents in my district were found without water.

The scenes of devastation, however, did bring forth tails of heroic rescues. Many men and women devoted many exhausting hours to the rescue efforts, and they are to be commended. In this time of devastation, it gives us some comfort to think of the men and women of New Jersey who thought first of their neighbors. This inextinguishable spirit of the citizens of New Jersey has burned brightly in the days of this disaster, and it will continue to burn brightly. But that will not restore the damage caused by Hurricane Floyd.

There will be time in the coming weeks to talk about lessons learned from the flooding, and there are lessons to be drawn from this, lessons about the effect of loss of open space on flooding. But for now our attention goes to assisting the victims of the flood and to extolling the work of the rescue and repair efforts of those involved in those efforts.

While the federal disaster declaration is a substantial step forward in helping

central New Jerseyans start to put their lives back together, more assistance is necessary. I urge my colleagues to join me in supporting a legislative package to provide relief to the citizens that have been hurt and whose lives have been turned upside down by Hurricane Floyd.

#### MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Well, Mr. Speaker, it is a sobering time to be here on the floor and to listen to my colleagues describe the natural disaster that has occurred all along the East Coast from Hurricane Floyd. On behalf of the people of Iowa that I represent, and the entire State of Iowa, we extend our condolences and our sympathies.

We remember very well 6 years ago when we had the floods of the century in our State. I represent Des Moines, Iowa, and we were without water, drinkable water for over 3 weeks. So we understand the problems that people are having, and our hearts go out to the families of people who were lost in this terrible storm.

My State received a lot of help from States around the country, including those on the East Coast. I am sure that we have plans to reciprocate that generosity, and we certainly received our share of federal help in terms of FEMA disaster aid when we had our floods, and I will certainly support helping our neighbors on the East Coast with their terrible problems as well.

Mr. Speaker, I want to speak a little bit about managed care reform tonight. I was very pleased when on this Friday past the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), said that we will have a debate here in the House of Representatives the week of October 3. I would say that it is about time.

We had a very abbreviated debate last year on patient protection legislation. Really only had about an hour of debate on each of the bills. It was not a debate that did this House a lot of credit, and I hope that the debate we will have in 2 weeks will be a much better one and a fair one as well.

I do not expect that it will be easy for those of us who want to see comprehensive managed care reform pass the House. I suspect we will see a lot of amendments. There will be a lot of debate on alternatives. But I firmly believe that a vast majority of the Members of the House of Representatives want to pass a strong patient protection piece of legislation.

We watched the debate that occurred in the other House a few months ago, and a large number of us were very disappointed that the other House did not pass a more substantive bill. We are going to get our chance here in the next couple of weeks.

Why is this important? Well, for months I have been coming to the floor at least once a week to talk about the need for managed care reform. I have talked about a lot of different cases. And as I think about the people that have appeared before my committee, the Committee on Commerce, or that have appeared before other committees, victims of managed care abuses, I think about a family from California, where a father and his children came. Their mother was not with them because she had been denied treatment by her HMO, and it had cost her her life.

I think about a young woman who fell off a cliff, just 60 or so miles from Washington. She lay at the foot of that cliff with a broken skull, broken arm, and broken pelvis. She was air-flighted to a hospital, and then the HMO denied payment because she had not phoned for prior authorization.

I think about a young mother who was taking care of her little infant, a 6-month-old boy, who had a temperature of 104 or 105. And she did all the things she was supposed to with her HMO. She phoned the HMO. And the HMO spokesperson said, well, we will authorize you to take little Jimmy to an emergency room, but the only one we are going to authorize is 60, 70 miles away.

So little Jimmy's mother and father were driving him to a hospital. They had only been authorized to go to one hospital. They had to pass three other hospital emergency rooms enroute, and then he had a cardiac arrest and his mother tried to keep him alive as his dad was driving frantically to the emergency room.

They got him to the emergency room and a nurse runs out, and the mother leaps out of the car with her little baby and screams, Help me, help me. The nurse starts mouth-to-mouth resuscitation, and they put in the IVs and they start the medicines. They managed to save his life. But because of that HMO's decision, they were not able to save all of him. He ended up with gangrene of his hands and his feet and they had to be amputated. All because of that decision that that HMO made that prevented them from going to the nearest emergency room.

My colleagues, under federal law, that health plan which made that medical decision is responsible for nothing other than the cost of his amputations.

Yes, Mr. Speaker, I remember a lot of people who came before our committee and other committees. I remember a young woman who, with her husband sitting next to her, broke down in tears in describing how when, she had been pregnant, towards the end of her pregnancy, and she had a high-risk pregnancy, her doctor said that she needed to be in the hospital so that they could monitor her little baby, who was yet unborn. And the HMO said, Oh no, no, that is not medically necessary. You don't need that. We are not going to pay for it. You go on home. You go home, and we will get you a nurse to

sit with you part of the day. And at a time when the nurse was not there, the baby went into fetal distress and died.

And I can remember Florence Corcoran crying before our committee. But, Mr. Speaker, under federal law, that HMO which made that decision on medical necessity, they are liable for nothing.

There are lots of reasons and lots of people that have come before us, before Congress, in the last few years that have pointed out the need to do some real managed care reform. I remember one lady in particular who appeared before our committee. Her name was Linda Peeno. She was a claims reviewer for several health care plans, and she told of the choices that plans are making every day when they determine the medical necessity of treatment. I am going to tell my colleagues her story.

She started out by saying, I wish to begin by making a public confession. In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called to account for this in any professional or public forum. In fact, just the opposite occurred, I was rewarded for this. It brought me an improved reputation in my job and contributed to my advancement afterwards. Not only did I demonstrate I could do what was expected of me, I exemplified the "good company" employee. I saved a half a million dollars.

Well, Mr. Speaker, her anguish over harming patients as a managed care reviewer had caused this woman to come forth and bear her soul in a tearful and husky-voiced account. And the audience, I remember very well, Mr. Speaker, the audience started to shift uncomfortably, because there were a lot of representatives from the managed care industry sitting there listening. And the audience grew very quiet. And the industry representatives averted their eyes. And she continued.

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She said,

Since that day, I have lived with this act and many others eating into my heart and soul. For me a physician is a professional charged with the care of healing his or her fellow human beings. The primary ethical norm is "do no harm." I did worse, she said, I caused death.

She went on, she said,

Instead of using a clumsy bloody weapon, I used the simplest, cheapest of tools, my words. This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance soothed my conscience.

She was like that voice at the other end of the line of that young mother phoning about her child. "Like a skilled soldier," she said,

I was trained for this moment. When any moral qualms arose, I was to remember I was not denying care; I was only denying payment.

Well, Mr. Speaker, I put this proviso in that. For the vast majority of these

people, when an HMO denies payment, that is a denial of care because most people cannot afford the care if their insurance company denies it.

She went on.

At the time, this helped me avoid any sense of responsibility for my decisions. But now I am no longer willing to accept the escapist reasoning that allowed me to rationalize that action. I accept my responsibility now for that man's death, as well as for the immeasurable pain and suffering many other decisions of mine caused.

At that point, Ms. Peeno described many ways managed care plans deny care. But she emphasized one in particular, Mr. Speaker, and that is going to be an issue that is going to be debated here in about 2 weeks; and that issue is one of the crucial issues of managed care reform, and that is the right to decide what care is medically necessary.

Under Federal law, employer plans can decide what is medically necessary. This is what Ms. Peeno had to say about that.

There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessities denials. Even when medical criteria is used, it is rarely developed in any kind of standard, traditional clinical process. It is rarely standardized across the field. The criteria are rarely available for prior review by the physicians or the members of the plan.

Then she closed with this statement that brought chills to a lot of people's spines because she invoked something that happened about 50 years ago. She said,

We have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry.

Well, Mr. Speaker, I have spoken many times on this floor about how important it is for patients to have care that fits what we would call "prevailing standards of medical care." Let me give my colleagues one example.

One particularly aggressive HMO defines "medical necessity" as the "cheapest, least expensive care."

So what is wrong with that, my colleagues say? Well, before I came to Congress, I was a reconstructive surgeon and I took care of a lot of children born with birth defects, like cleft lips, cleft palates. A cleft palate is a hole that goes right down the roof of the mouth. The child is born with this defect. They cannot eat properly. Food comes out their nose. They cannot speak properly because the roof of their mouth is not together.

The standard treatment for that, the prevailing standard of care, is a surgical repair. But under this HMO's definition of "medical necessity," they say the cheapest, least expensive care is what we define as "medically necessary."

Do my colleagues know what that could mean? That could mean that they could say, hey, this kid does not get an operation. We are just going to provide him with a little piece of plastic to shove up into that hole in the

roof of his mouth. After all, that will kind of help keep the food from going up into his nose.

Of course he will not be able to learn to speak properly. It would be a piece of plastic like an upper denture, and that certainly would be cheaper than a surgical repair. But I tell me colleagues what, Mr. Speaker, that does not speak much to quality.

Well, on this floor in a couple of weeks we are going to see a bill introduced by my colleague and friend, the gentleman from Ohio (Mr. BOEHNER) from Ohio, and I guarantee my colleagues that it will have in it a definition of "medical necessity" that will allow an HMO to continue to define "medical necessity" in any way that it wants to.

I would advise my colleagues to maybe talk to the mother of this little boy who no longer has any hands or feet about definitions of "medical necessity" or speak to this family from California whose mother is no longer alive because the plan arbitrarily defined "medical necessity" in a way that did not fit prevailing standards of care. Or maybe they ought to speak to Florence Corcoran about how now she does not have a beautiful, little baby because of a decision that her HMO made on "medical necessity."

Mr. Speaker, common sense proposals to regulate managed care plans do not constitute a rejection of the market model of health care. In fact, they are just as likely to have the opposite effects. I think if we pass strong, comprehensive, common sense managed care reform that we will be preserving the market model because we will be saving it from its most destructive tendencies.

Surveys show that there is a significant public concern about the quality of HMO care; and if these concerns are not addressed, Mr. Speaker, I think it is likely that the public will ultimately reject the market model. But if we can enact true managed care reform, such as embodied in the Norwood-Dingell-Ganske-Berry bill, then consumer rejection of the market model is less likely.

Mr. Speaker, this is not a novel situation. Congress has stepped in many times in the past to correct abuses in industries. That is why we have child labor laws and food and drug safety laws. That is why Teddy Roosevelt broke up the trusts. Those laws, in my opinion, help preserve a free enterprise system. And Congress would not be dealing with this issue were it not for past Federal law.

For a long time Congress had left health insurance regulation to the States; and, by and large, they have done a good job. But Congress passed a law called the Employee Retirement Income Security Act some 25 years ago in order to simplify pension management and, almost as an afterthought, employer health plans were included in the exemption from State law. Unfortunately, nothing was substituted for

effective oversight in terms of quality, marketing, or other functions that State insurance commissioners or legislatures have effectively done. That that lack of oversight, coupled with lack of responsibility for the medical decisions that they make, has resulted in the abuses for people like little Jimmy Adams or Florence Corcoran or a number of others.

Under current Federal ERISA law, if they receive their insurance from their employer and they have a tragedy, like their little boy loses his hands and feet because of an HMO decision, their health plan, their HMO, is liable for nothing, nothing, other than the care of cost of the treatment, i.e., the cost of the amputations. Congress made this law 25 years ago. Congress should fix it.

The bipartisan Managed Care Reform Act of 1999 would help prevent a case like little Jimmy Adams and it would help make health plans responsible for their actions. To my Republican colleagues, I call out.

We talk about people being responsible for their actions. We think a murderer or a rapist should be responsible for his actions. We think an able-bodied person should be responsible for providing for his family and for his children. Well, my fellow Republicans, HMOs should be responsible for their actions, too. Let us walk the talk on responsibility when it comes to HMOs just as we do for criminals and for deadbeat fathers.

Now, the opponents to real managed care reform always try to inflate fears that the legislation is going to cause premiums to skyrocket, that people would be priced out of coverage. I say to that, not so.

Studies have shown that the price of managed care reform would be modest, probably less than \$35 a year for a family of four. In fact, the chief executive officer of my own Iowa Blue Cross/Blue Shield Wellmark plan told me they are implementing HMO reforms and they do not expect to see any premium increases from those changes.

Now, the HMO industry last year spent more than \$100,000 per congressman lobbying on this issue and they have been running ads all around the country in the last 2 months. Well, take their numbers with a grain of salt. The industry took an estimate of last year's Patients' Bill of Rights, which was scored by the CBO at a 4-percent cumulative increase over 10 years, but the industry in its ads reported the increase as if it were 4 percent annual instead of 4 percent over 10 years.

The HMO industry also conveniently ignored page 2 of the Congressional Budget Office summary, which said that only about two-thirds of that 4 percent over 10 years would be in the form of raised premiums.

HMOs predict our consequences if Congress passes a bill like the bipartisan managed care bill. They say lawsuits will run rampant. They say costs will skyrocket. They say managed care will shrink. And I say, baloney.

These Chicken Littles remind me of the opponents to the clean water and clean air regulations a decade ago. They all said the sky will fall, the sky will fall if that legislation passed. Instead, today we have cheap air, and we have clean water except for those victims of the hurricane right now.

Let us look at the facts. In the State of Texas, after a series of highly publicized hearings during which numerous citizens told of injury or death resulting of denial of treatment from their HMOs, the Texas Senate passed a strong HMO reform bill making HMOs liable for their decisions by a vote of 25-5. The Texas House of Representatives passed the bill unanimously, and Governor George W. Bush allowed it to become law. And he told me recently, he said, You know what Greg, I think that law is working pretty darn good.

Recently the House Committee on Commerce heard testimony from Texas that refutes those dire predictions by the HMO industry. A deluge of lawsuits? There has been one lawsuit in 2 years since passage of the Texas Managed Care Liability Act.

That lawsuit, Plocica versus NYLCare, is a case in which the managed care plan did not obey the law and a man died. This case exemplifies accountability at the end of the review process. Mr. Plocica was discharged from the hospital suffering from severe acute clinical depression. His treating psychiatrist told the plan that he was suicidal and he needed to stay in the hospital until he could be stabilized. Texas law required an expedited review by an independent review organization prior to discharge, but such a review was not offered to the family or to the man.

Mr. Plocica's wife took him home. That night he drank half a gallon of antifreeze, and he died a horrible painful death because of that HMO's decision.

Now, this case shows that an external review and liability go hand-in-hand. Without the threat of legal accountability, HMO abuses like those that happened to Jimmy Adams and Mr. Plocica will go unchecked. But the lesson from Texas is also that lawsuits will not go crazy.

In fact, when HMOs know that they are going to be held accountable, there will be fewer tragedies like this. And just as there has not been a vast increase in litigation, neither has there been a skyrocketing increase in premiums in Texas.

The national average for overall health costs increased 3.7 percent in 1992, while the Dallas and Houston markets were well below average at 2.8 percent and 2.4 percent respectively. Other national surveys show Texas premium increases to be consistent with those of other States that do not have the extensive patient protection legislations that were passed by the Texas legislature. And the managed care market in Texas certainly has not dried up.

In 1994, the year prior to the Texas managed care reforms, there were 30

HMOs in Texas. Today there are 51. In a recent newspaper article, ETNA CEO Richard Huber referred to Texas as "the filet mignon" of States to do business in when he was asked about ETNA's plan to acquire Prudential that has a large amount of Texas business.

None of these facts support the HMO's accusations that Texas patient protection laws would negatively impact on the desire of HMOs to do business in Texas.

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Mr. Speaker, it is time for Congress to get off its duff and fix this problem that it created, and I call on my Republican colleagues to join with us in a bipartisan effort in a couple weeks here to pass this bill.

Mr. Speaker, let me talk for a few minutes about the uninsured, because we are going to hear a lot of debate in 2 weeks about various provisions on the uninsured and how we should not pass patient protection legislation, we should really be dealing with the uninsured.

Now I think, Mr. Speaker, that we definitely need to do something about the uninsured in this country, and let me give you some thoughts on this:

First of all, who is the uninsured? Well, there are about 43 million people without any form of health insurance in this country. About 25 percent of the uninsured are under the age of 19, 25 percent are hispanic, 25 percent are legal noncitizens, 25 percent are poor, which is noteworthy because 46 percent of the poor do not have Medicaid even though they qualify for Medicaid; and these groups overlap so that if you are below the age of 19, you are Hispanic, you are poor and a legal noncitizen, your chances of being uninsured are very, very high.

A significant percentage, however, are not poor. They have incomes of more than two times the national poverty level, and these people tend to be aged 19 to 25. Fewer than 15 percent, Mr. Speaker, fewer than 15 percent of those older than 25, are uninsured, uninsured.

So, if we know these facts, a few solutions kind of leap out at us on how to fix this problem of the uninsured.

First, there are 11 million uninsured children living in this country. One-quarter of the uninsured, about 5 million of these people, qualify for Medicaid, or they qualify for the Children's Health Insurance Program. But they are not enrolled. Hispanic Americans represent 12 percent of the under-65 population, but 24 percent of the uninsured. The income of many Hispanics qualify them for Medicaid, but they, too, frequently are not getting the coverage that they qualify for.

Why is this? Well, Mr. Speaker, a lot of times it is because the Government has not made it particularly easy to access the system. In my own State of Iowa, the application is not only long, but a Medicaid recipient must report

his income each month in order to get Medicaid. In Texas, to be eligible for Medicaid, the uninsured must first apply in person at the Department of Human Services, which is usually located way off the beaten track and way out of range of public transportation.

If even one of the receipts to prove eligibility is forgotten, the applicant has to spend another day traveling and waiting in line. In California the uninsured person who is poor must first fill out, and get this, a 25-page application for Medicaid, often in a language they can barely speak or barely read, and many times English is a second language.

So, Mr. Speaker, the first thing we can do to reduce the number of uninsured is to make sure that the poor who qualify for Medicaid are covered. How do you do that? Simplify forms, reach to Hispanic and other ethnic communities, oversee the CHIP program to see why more people who qualify are not taking advantage. In many cases, Mr. Speaker, it is as simple as the fact that the people who qualify do not even know about the programs.

Now are we going to hear much debate on the floor of Congress here in 2 weeks on doing these things? Or are we going to see some debate on some truly screwy ideas that could hurt the risk pool, and I will talk about that in a minute.

Well, what about those who are aged 19 to 23? Many of these people are in college. This is a healthy group. It should not be expensive to cover. Some colleges say they can cover these young people for only \$500 a year for a catastrophic coverage. That is a small price to pay compared to tuition. Why have we not made a commitment to health care coverage for this group? Maybe we should look at tying student loans to health coverage, and I believe that tax policy also determines to some extent whether an individual has health insurance.

Businesses get 100 percent deductibility for providing health care to employees. Individuals purchasing their own insurance get about 40 percent. That is not fair; let us fix it.

In trying to address the uninsured, however, Congress should be careful not to increase the number of uninsured through unintended consequences of potentially harmful ideas such as I am sure we are going to debate on the floor in about 2 weeks, ideas like health marts and association health plans.

Let me explain my concern, and I hope my colleagues are listening to this:

Under court interpretations of the Employee Retirement Income Security Act of 1974, State insurance officials cannot regulate health coverage by self-insured employers. This regulatory loophole, as I have said before, created many of the problems with association health plans. The benefit of being able to create a favorable risk pool motivated many to self-insure; but since

they were exempt from State insurance oversight, many of these association health plans became insolvent during the 1970s and the early 1980s and left hundreds of thousands of people without coverage.

Some of these plans went under because of bad management and financial miscalculations, and others were simply started by unscrupulous people whose only goal was to make a quick buck and get out without any concern about the plight of those who were covered under those association plans.

I would encourage my colleagues to read Karl Polzer's article, Preempting State Authority to Regulate Association Plans, Where It Might Take Us. It is in National Health Policy Forum, October 1997.

Mr. Speaker, we have said this before many times on the floor: those who do not know history are bound to repeat it. Those rash of failures for association health plans led Congress in 1983 to amend ERISA to give back to States the authority to regulate self-insured, multiple-employer welfare associations or association health plans. Only self-insured plans established or maintained by a union or a single employer remained exempt from insurance regulation; and now there are those who want to ignore the lessons of the past and repeat the mistakes of pre-1983. If anything, some mismanaged and fraudulent associations continue to operate. Some associations try to escape State regulation by setting up sham union or sham employer associations; self-insure and then they claim they are not an EWA.

To quote an article by Wicks and Meyer entitled, Small Employer Health Insurance Purchasing Arrangement, Can They Expand Coverage?, it says: "The consequences are sometimes disastrous for people covered by these bogus schemes."

Well, Mr. Speaker, if anything, Congress should crack down on these fraudulent activities. We should not be promoting them, but we are going to have a debate on this floor in 2 weeks where there are going to be people standing here in this well promoting those screwy ideas. I would encourage them to go back and look at history and not repeat the mistakes that were corrected in 1983.

Wicks and Meyer summarized the two big problems with expanding ERISA exemption to more association health plans.

First, if they bring together people who have below-average risk and exclude others and are not subject to State small-group rating rules, then they draw off people from the larger insurance pool, thereby raising premiums for those who remain in the pool. Mr. Speaker, I hope my colleagues are listening. If they vote for association health plans' expansion, your vote could result in an increase of premiums for many individuals in your States.

Second, if they are not subject to appropriate insurance regulation to pre-

vent fraud and ensure solvency and long-run financial viability, they may leave enrollees with unpaid medical claims and no coverage for future medical expenses. Mr. Speaker, that would not help the problem of the uninsured.

Mr. Speaker, I recently asked a panel of experts that appeared before the Committee on Commerce if they agreed with these concerns about association health plans; and they unanimously did, and that panel even included proponents of association health plans.

Mr. Speaker, let us pass real HMO reform. Let us learn from States like Texas. After all, is it not Republicans who say the States are the laboratories of democracy? Well, let us address the uninsured by making sure that those who qualify for the safety net are actually enrolled; and, yes, let us have equity in health insurance tax incentives, but let us also be very leery and wary of repeating past mistakes with ERISA.

Now we are also going to have a debate on the floor here about some substitutes, and I just want to commend my Republican colleagues from Oklahoma (Mr. COBURN) and Arizona (Mr. SHADEGG). They have been forthrightly for health plans being held liable for their negligence, and all of us who have worked on this issue appreciate that. However, I want to advise my colleagues that there is a provision in their bill, H.R. 2824, that is very problematic, and it goes like this:

"Before a patient could go to court, an external appeal entity would have to certify whether a personal injury had been sustained or whether an HMO was the proximate cause of injury." A finding for the HMO ends the lawsuit, according to this provision. A finding for the patient would not prevent the patient from making the same argument in court.

So therefore, before a patient could hold a managed care company responsible for wrongfully denying care, he or she would first have to go through an internal appeal, an external review and a secondary external review. That is not a very timely process for a sick patient. And furthermore, the Supreme Court has recently made clear that the Seventh Amendment means the right to have a jury decide all factual issues. In the case *Feltner v. Columbia Pictures Television*, in the Coburn-Shadegg bill the external entity would decide the elements of horror, the proximate cause and the breach of due care. In short, the entire case except damages.

Well, the Supreme Court in a decision, *Grandfinanciere, S.A., v. Nordberg*, ruled that Congress may not evade the Seventh Amendment simply by transferring the adjudication of private claims from federal courts to tribunals like this one that do not have juries; and furthermore, the gentleman from Oklahoma (Mr. COBURN) envisions those tribunals to be composed of doctors who probably would not be expert in State or federal law.

So why should this be a problem for anyone in this body? Well, let me give my colleagues an example.

Many in Congress are interested in the rights of the unborn. Case law is developing in State courts on pre-birth and even pre-conception torts, and a majority of States allow for the recovery of pre-birth injuries.

Now these sensitive policy decisions are being made by State legislatures and State courts in case law. They should not be left to private bodies who are not accountable to anyone, which is what would happen under this provision of the Coburn-Shadegg bill. There would be nothing to prevent an external appeal entity from reverting to the notion that a fetus is not a person, and therefore there was no personal injury for birth defects or other harm occurring before birth.

And furthermore, this medical eligibility scheme would be imposed on non-ERISA plans. It is unfair to patients. That provision is one sidedly in favor of HMOs, and it is unconstitutional; and when you get a chance, vote against that provision, and I would point out about 14 States where case law confirms the Supreme Court decisions as well.

Mr. Speaker, 275 groups have cosponsored H.R. 2723, the Bipartisan Managed Care Consensus Reform bill. I will insert the list of these endorsing organizations into the RECORD:

SUPPORT FOR H.R. 2723 IS GROWING  
EXPONENTIALLY

WHY DON'T YOU JOIN THE MEMBERS OF THE FOLLOWING 275 GROUPS BY COSPONSORING H.R. 2723 TODAY?

Academy for Educational Development; Adapted Physical Activity Council; Allergy and Asthma Network-Mothers of Asthmatics, Inc.; Alliance for Children and Families; Alliance for Rehabilitation Counseling; American Academy of Allergy and Immunology; American Academy of Child and Adolescent Psychiatry; American Academy of Emergency Medicine; American Academy of Facial Plastic and Reconstructive Surgery; American Academy of Family Physicians; American Academy of Neurology; American Academy of Ophthalmology; American Academy of Otolaryngology-Head and Neck Surgery; American Academy of Pain Medicine; American Academy of Pediatrics; American Academy of Physical Medicine & Rehabilitation; American Association for Hand Surgery; American Association for Holistic Health; American Association for Marriage and Family Therapy; American Association for Mental Retardation; American Association for Psychosocial Rehabilitation; American Association for Respiratory Care; American Association for the Study of Headache; American Association of Clinical Endocrinologists; American Association of Clinical Urologists; American Association of Hip and Knee Surgeons; American Association of Neurological Surgeons; American Association of Nurse Anesthetists; American Association of Oral and Maxillofacial Surgeons; American Association of Orthopaedic Foot and Ankle Surgeons; American Association of Orthopaedic Surgeons; American Association of Pastoral Counselors; American Association of People with Disabilities; American Association of Private Practice Psychiatrists; American Association of University Affiliated Programs for Persons with

DD; American Association of University Women; American Association on Health and Disability; American Bar Association, Commission on Mental & Physical Disability Law; American Board of Examiners in Clinical Social Work; American Cancer Society; American Chiropractic Association; American College of Allergy and Immunology; American College of Cardiology; American College of Foot and Ankle Surgeons; American College of Gastroenterology; American College of Nuclear Physicians; American College of Nurse-Midwives; American College of Obstetricians and Gynecologists; American College of Osteopathic Surgeons; American College of Physicians; American College of Radiation Oncology; American College of Radiology; American College of Rheumatology; American College of Surgeons; American Council for the Blind; American Counseling Association; American Dental Association; American Diabetes Association; American EEG Society; American Family Foundation; American Federation of State, County, and Municipal Employees; American Federation of Teachers; American Foundation for the Blind; American Gastroenterological Association; American Group Psychotherapy Association; American Heart Association; American Liver Foundation; American Lung Association/American Thoracic Society; American Medical Association; American Medical Rehabilitation Providers Association; American Medical Student Association; American Medical Women's Association, Inc.; American Mental Health Counselors Association; American Music Therapy Association; American Network of Community Options And Resources; American Nurses Association; American Occupational Therapy Association; American Optometric Association; American Orthopaedic Society for Sports Medicine; American Orthopsychiatric Association; American Orthotic and Prosthetic Association; American Osteopathic Academy of Orthopedics; American Osteopathic Association; American Osteopathic Surgeons; American Pain Society; American Physical Therapy Association; American Podiatric Medical Association; American Psychiatric Association; American Psychiatric Nurses Association; American Psychoanalytic Association; American Psychological Association; American Public Health Association; American Society for Dermatologic Surgery; American Society for Gastrointestinal Endoscopy; American Society for Surgery of the Hand; American Society for Therapeutic Radiology and Oncology; American Society of Anesthesiology; American Society of Cataract and Refractive Surgery; American Society of Dermatology; American Society of Echocardiography; American Society of Foot and Ankle Surgery; American Society of General Surgeons; American Society of Hand Therapists; American Society of Hematology; American Society of Internal Medicine; American Society of Nephrology; American Society of Nuclear Cardiology; American Society of Pediatric Nephrology; American Society of Plastic and Reconstructive Surgeons, Inc.; American Society of Transplant Surgeons; American Society of Transplantation; American Speech-Language-Hearing Association; American Therapeutic Recreation Association; American Urological Association; Americans for Better Care of the Dying; Amputee Coalition of America; Anxiety Disorders Association of America; Arthritis Foundation; Arthroscopy Association of North America; Association for Ambulatory Behavioral Healthcare; Association for Education and Rehabilitation of the Blind and Visually Impaired; Association for Persons in Supported Employment; Association for the Advancement of Psychology; Association for the Education of Community

Rehabilitation Personnel; Association of American Cancer Institutes; Association of Education for Community Rehabilitation Programs; Association of Freestanding Radiation Oncology Centers; Association of Maternal and Child Health Programs; Association of Subspecialty Professors; Association of Tech Act Projects; Asthma & Allergy Foundation of America; Autism Society of America; Bazelon Center for Mental Health Law; California Access to Specialty Care Coalition; California Congress of Dermatological Societies; Center for Patient Advocacy; Center on Disability and Health; Child Welfare League of America; Children & Adults With Attention Deficit/Hyperactivity Disorder; Citizens United for Rehabilitation of Errands; Clinical Social Work Federation; Communication Workers of America; Conference of Educational Administrators of Schools and Programs for the Deaf; Congress of Neurological Surgeons; Consortium of Developmental Disabilities Councils; Consumer Action Network; Consumers Union; Cooley's Anemia Foundation; Corporation for the Advancement of Psychiatry; Council for Exceptional Children; Council for Learning Disabilities; Crohn's and Colitis Foundation of America; Diagenetics; Digestive Disease National Coalition; Disability Rights Education and Defense Fund; Division for Early Childhood of the CEC; Easter Seals; Epilepsy Foundation of America; Evangelical Lutheran Church in America; Eye Bank Association of America; Families USA; Family Service America; Federated Ambulatory Surgery Association; Federation of Behavioral, Psychological & Cognitive Sciences; Federation of Families for Children's Mental Health; Friends Committee on National Legislation; Goodwill Industries International Inc.; Guillain-Barre Syndrome Foundation; Helen Keller National Center; Higher Education Consortium for Special Education; Huntington's Disease Society of America; Infectious Disease Society of America; Inter/National Association of Business, Industry and Rehabilitation; International Association of Jewish Vocational Services; International Association of Psychosocial Rehabilitation Services; International Dyslexia Association; Joseph P. Kennedy, Jr. Foundation; Learning Disabilities Association; Lupus Foundation of America, Inc.; Medical College of Wisconsin; National Alliance for the Mentally Ill; National Association for Medical Equipment Services; National Association for Rural Mental Health; National Association for State Directors of Developmental Disabilities Services; National Association for the Advancement of Orthotics and Prosthetics; National Association of Children's Hospitals; National Association of Developmental Disabilities Councils; National Association of Medical Directors of Respiratory Care; National Association of People with AIDS; National Association of Physicians Who Care; National Association of Private Schools for Exceptional Children; National Association of Protection and Advocacy Systems; National Association of Psychiatric Treatment Centers for Children; National Association of Public Hospitals and Health Systems (Qualified Support); National Association of Rehabilitation Research and Training Centers; National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Special Education; National Association of State Mental Health Program Directors; National Association of the Deaf; National Black Women's Health Project; National Breast Cancer Coalition; National Center for Learning Disabilities; National Coalition on Deaf-Blindness; National Committee to Preserve Social Security and Medicare; National Community

Pharmacists Association; National Consortium of Phys. Ed. And Recreation For Individuals with Disabilities; National Council for Community Behavioral Healthcare; National Depressive and Manic-Depressive Association; National Down Syndrome Society; National Foundation for Ectodermal Dysplasias; National Hemophilia Foundation; National Mental Health Association; National Multiple Sclerosis Society; National Organization of Physicians Who Care; National Organization of Social Security Claimants' Representatives; National Organization on Disability; National Parent Network on Disabilities; National Partnership for Women & Families; National Patient Advocate Foundation; National Psoriasis Foundation; National Rehabilitation Association; National Rehabilitation Hospital; National Therapeutic Recreation Society; NETWORK: National Catholic Social Justice Lobby; NISH; North American Society of Pacing and Electrophysiology; Opticians Association of America; Oregon Dermatology Society; Orthopaedic Trauma Association; Outpatient Ophthalmic Surgery Society; Pain Care Coalition; Paralysis Society of America; Paralyzed Veterans of America; Patient Advocates for Skin Disease Research; Patients Who Care; Pediatric Orthopaedic Society of North America; Pediatrix Medical Group; Neonatology and Pediatrics Intensive Care Specialist; Physicians for Reproductive Choice and Health; Physicians Who Care; Pituitary Tumor Network; Public Citizen\* (Liability Provisions Only); Rehabilitation Engineering and Assistive Technology Society of N. America; Renal Physicians Association; Resolve; The National Infertility Clinic; Scoliosis Research Society; Self Help for Hard of Hearing People, Inc.; Service Employees International Union; Sjogren's Syndrome Foundation Inc.; Society for Excellence in Eyecare; Society for Vascular Surgery; Society of Cardiovascular & Interventional Radiology; Society of Critical Care Medicine; Society of Gynecologic Oncologists; Society of Nuclear Medicine; Society of Thoracic Surgeons; Spina Bifida Association of America; The Alexandria Graham Bell Association for The Deaf, Inc.; The American Society of Dermatopathology; The Arc of the United States; The Council on Quality and Leadership in Support for People with Disabilities (The Council); The Endocrine Society; The Paget Foundation for Paget's Disease of Bone and Related Disorders; The Society for Cardiac Angiography and Interventions; The TMJ Associations, Ltd.; Title II Community AIDS National Network; United Auto Workers; United Cerebral Palsy Association; United Church of Christ; United Ostomy Association; Very Special Arts; World Institute on Disability.

Mr. Speaker, 275 endorsing organizations, nearly all the patient advocacy groups in the country: American Cancer Society, National MS Society. I could go down the list. Nearly all the consumer groups in the country, Consumers Union. You look through the whole list of this; nearly all the provider groups, the physicians, the nurses, the physical therapists, the podiatrists, the opticians. And you know what? This is a patient protection bill.

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There is nothing in this bill that provides an advantage for a provider, other than being able to be an advocate for your patient.

This is about letting people solve problems with their HMOs in a timely fashion, through a due process, that

gives them a chance to reverse an arbitrary decision of medical necessity by their plan. We should not hesitate about having HMOs be responsible for their decisions.

Surveys show that there is a significant public concern about the quality of HMO care. Despite millions of dollars of advertising by HMOs over the last 8 years, a recent Kaiser survey showed no change in public opinion. Seventy-seven percent favor access to specialists; 83 percent favor independent review; 76 percent favor emergency coverage; and more than 70 percent favor the right to sue an HMO for medical negligence; and 85 percent of the public thinks that Congress should fix these HMO problems.

Mr. Speaker, in a few weeks we are going to get a chance, I hope in a fair way, to debate managed care reform, patient protection legislation. It is none too soon. While we have been dillydallying around for a couple of years now, patients have been injured because of arbitrary decisions by HMOs; and some of them have lost their lives. We need to address this issue soon, and we can do it in a bipartisan fashion. And I would encourage Members on both sides of the aisle to fight off the poison pill amendments that we are going to see under the rule, fight off the substitutes, some of which will be like the ones from the Senate which are really HMO protection bills, and join with us, 275 endorsing groups, millions and millions of people out in the country who are calling on Congress to pass H.R. 2723, the bipartisan consensus managed care reform bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1875, INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

Mr. HASTINGS of Washington (during the special order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106-326) on the resolution (H. Res. 295) providing for consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington (during the special order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106-327) on the resolution (H. Res. 296) providing for consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, which was referred to the House Calendar and ordered to be printed.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I must say that I am so pleased to be following the special order of my colleague, the gentleman from Iowa (Mr. GANSKE), because he addressed the same issue that I would like to address this evening and that is the need for HMO reform and the need to bring legislation to the floor of this House which we refer to as the Patients' Bill of Rights because it provides protection for Americans who are patients who happen to be members of HMOs or managed care organizations; and those protections are needed right now.

They were needed a long time ago, but it is really time that the Republican leadership of the House of Representatives allow this bill to come to the floor to be debated, and I believe it will pass overwhelmingly.

I must say, I have been on this floor many times over the last year, or even beyond, asking that the Republican leadership allow the opportunity for the Patients' Bill of Rights to come to the floor, and we were told last Friday for the first time that the Speaker has set the week of October 4, approximately 2 weeks from now, for that opportunity.

Although I have to say that I am suspicious of the way that this will be brought to the floor and the procedure and the rules that will be followed; and I know that my colleague, the gentleman from Iowa (Mr. GANSKE), mentioned that as well. I must say that I am pleased that we will be debating HMO reform and that one of the bills that we have been promised by the Speaker that will be brought to the floor is the Patients' Bill of Rights.

I really need to emphasize this evening, as I have so many other times on the floor and this well, that there are differences between the various managed care reform proposals that have been proposed here and that even though it is true that the Republican leadership now says that they will allow debate on the Patients' Bill of Rights, they have also made it quite clear that they are going to favor bills other than the Patients' Bill of Rights and that there may and certainly will be an effort to pass alternative legislation to the Patients' Bill of Rights.

I need to urge my colleagues not to fall into the trap of thinking that anything other than the new bipartisan Patients' Bill of Rights is acceptable, not only to us but to the American people.

I wanted to point out that it has been very interesting. Really, just last Wednesday, I guess, September 13, in the New York Times, there was an article that talked about how the GOP leadership was very cool on our patients' rights plan and how they were

sort of scouring and looking at all kinds of ways of avoiding passage of the Patients' Bill of Rights. And I just wanted to, if I could, either summarize or read through some of the interesting aspects of this article because, as we know back in August, just before the summer break, in the first part of August, this was on August 6, just before we left for the summer recess, at that point the Speaker indicated that he was going to allow a Republican group, a group of Republicans, to put together a bill that he and the Republican leadership would find acceptable in terms of HMO reform.

There was no question in my mind that this was a bill, this was an effort by the Republican leadership, to essentially bypass or kill the bipartisan Patients' Bill of Rights that had been drafted by my colleague, the gentleman from Georgia (Mr. NORWOOD); the gentleman from Michigan (Mr. DINGELL), who has long been an advocate and who formulated the original Patients' Bill of Rights; the gentleman from Iowa (Mr. GANSKE); myself; and others, who had basically come up with a bipartisan Patients' Bill of Rights that would have achieved real HMO reform. At the time on August 6, the Speaker said, well, I am not in favor of that bill, the Patients' Bill of Rights, but I will let the gentleman from Oklahoma (Mr. COBURN) and a few other Members of Congress on the Republican side see what they can come up with for us to consider in September that perhaps the Republican leadership would support.

As we know, and I am again referring to this article in the New York Times, when the gentleman from Oklahoma (Mr. COBURN), who is a physician from Oklahoma, and the gentleman from Arizona (Mr. SHADEGG), who is a Republican Member, disclosed the text of their bill last week when we came back after the August break, Speaker HASTERT had no comment. Senior House Republicans, including the chairmen of several committees and subcommittees, expressed grave reservation about the bill that theoretically they had asked the gentleman from Oklahoma (Mr. COBURN) and others to put together as their alternative to the Patients' Bill of Rights.

The gentleman from Texas (Mr. ARMEY), who is the House majority leader, described the Coburn-Shadegg bill as the least worst way to do the wrong thing, and he said the provisions of the bill authorizing patients to sue HMOs for injuries caused by the negligence of a health plan still bothered him.

The gentleman from Virginia (Mr. BLILEY), the chairman of our House Committee on Commerce, said he too was reluctant to create a new right to sue.

Basically, what we see here is the Republican leadership once again backing off a bill which theoretically they had asked their own Members to put together, and the reason clearly was be-

cause they saw the Coburn-Shadegg bill as too much like the Patients' Bill of Rights, the bipartisan Patients' Bill of Rights, particularly with regard to the liability provisions.

Now we read, or we find out, that even though the Speaker has said that he is going to allow managed care reform to come to the floor on the week of October 4, that not only will the Patients' Bill of Rights be an option, not only will the Coburn-Shadegg bill be an option, but it is very possible that another bill, which I think really expresses what the leadership wants, and this is the bill that came out of the House Committee on Education and the Workforce, and it was sponsored by the gentleman from Ohio (Mr. BOEHNER), basically what his bill does is, I think, take a piecemeal approach to HMO reform that is totally unacceptable and shows very dramatically where the Republican leadership is going on the important issue of HMO reform.

I think what is going to happen, and we are basically seeing indications of that, is that the House Republican leadership will endorse the Boehner bill and try to get that through the rules that they will use to bring this legislation to the floor as the bill that we finally vote on as opposed to the Patients' Bill of Rights or even the bill that the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Arizona (Mr. SHADEGG) have come up with.

I want to stress this evening that if that is what happens, if in fact the procedures that come out of the Committee on Rules that are set forth and the procedures by which we debate HMO reform on this floor the week of October 4 basically allow the Boehner bill to be the order of the day and that is the bill that the leadership supports, then we will have achieved nothing effectively in terms of HMO reform and this whole effort to try to come up with something that will help and protect the average American will have actually done the opposite, and HMO reform will be killed.

I just want to explain, if I could briefly, where the Boehner bill is such a bad bill by comparison to the Patients' Bill of Rights that my colleague, the gentleman from Iowa (Mr. GANSKE), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), and so many others of us who care about HMO reform have put forward on a bipartisan basis.

The Boehner bills leave out most Americans. The bills cover only people who obtain health insurance through their employer. The bills fail to extend needed patient protections to the millions of people that purchase health insurance individually; and what we are basically saying, and the Boehner bills do not do, is that the protections that we are seeking through the Patients' Bill of Rights, those protections should apply to all health plans, regardless of

whether it is employer sponsored, whether it is individually purchased, whether it is ERISA, whether it is Medicare, whatever it happens to be, all health plans should have these same basic protections from HMOs or managed care.

The other thing and this is most important, if we look at the Boehner bills, they pretend to secure patients' rights but they contain no way to enforce those rights other than the weak penalties currently available under ERISA, and enforcement is so important. It is not that those of us who support the Patients' Bill of Rights want everybody to sue. In fact, the example in Texas, which is one State that has passed, as the gentleman from Iowa (Mr. GANSKE) has mentioned, a very progressive Patients' Bill of Rights in Texas, where there is the ability to sue now and there has been for 2 years, only one or two lawsuits have actually been filed. Because once those patient protections are in place, there is no reason to file a lawsuit because there are basic protections under the law.

So what we are saying is, even though we would provide for a right to sue, even though we would have an external review and a procedure for that, it is only because we want the practical enforcement to be there, to guard against the abuses of HMOs.

What the Boehner bills do is it is basically a very narrow, piecemeal approach. For example, H.R. 2043, which is supposed to protect against the so-called gag clauses, does not prohibit plans from retaliating against doctors who discuss the plan's financial incentives. One of the worst offenses right now with HMOs is the fact if the plan does not cover a particular procedure, the doctor is gagged and cannot say anything about that procedure. A lot of HMOs right now have that kind of rule, gagging, not allowing a doctor to say what procedure a person needs because they will not cover it. What a terrible thing, and there is no protection against that in the Boehner bills.

Let me just give a few other indications of the inadequacies in the Boehner bills and why I dread the fact that the House leadership, the Republican leadership, may try to have this be the final product of this debate the week of October 4.

The Boehner bills require direct access to physicians only for routine OB-GYN care. They do not allow persons with chronic or serious medical conditions to have direct access to specialists. Nor do the Boehner bills permit persons with conditions requiring ongoing care to obtain standing referrals to a needed specialist. The bills do not include a requirement that a plan have a provider network with a sufficient number and variety of providers who are available and accessible in a timely manner. In addition, there is no requirement that a plan cover the services of a specialist who is not in the plan's network if the network lacks the provider expertise or capacity to treat the enrollee's condition.

One of the biggest concerns that I hear from my constituents with HMOs is inadequate access to specialists. We need to provide for that and that is what the Patients' Bill of Rights does. That is what the Boehner bills do not do.

□ 2030

Continuity of care. The Boehner bills do not protect patients from abrupt changes in ongoing treatment when their provider is dropped from the plan's network or their employer changes health plans. They have no provision to limit excessive provider financial incentives arrangements. This is another big complaint. Right now, there are incentives in a lot of HMOs for one's doctor not to provide health care in many cases, or not to provide treatment in certain instances, because there is a financial incentive if he provides less care. Now, this is not always true, but it is one of the abuses that we find from time to time, and we do not want it to be there; we want to make sure it does not happen, that there is no such financial incentive.

Another thing in the Boehner bills: emergency care. One of the biggest complaints I hear about HMOs is that if I have to go to an emergency room because I feel the necessity, I have chest pain, I feel I have to go to a hospital, oftentimes I need prior authorization, or I can only go to an emergency room for a hospital that is maybe 50 miles away instead of the one that is down the street. Well, that has to be changed. But H.R. 2045, one of the Boehner bills, fails to insure that people can obtain emergency care when and where the need arises without fear of excessive charges.

Under this bill, if a plan and the emergency room physician disagree on what emergency care is necessary, the patient can be stuck holding the bill. I use the example of severe pain. Severe pain does not count as an emergency if an individual with severe chest pains risks having to pay for services out of pocket, or if he or she goes to an emergency room without getting prior authorization. So again, one does not have protection that one can make sure that if one has severe pain and thinks they are having a heart attack, they can go to an emergency room down the street and they do not have to worry about prior authorization.

I just want to mention one more thing about the Boehner bills because I think the enforcement aspect is so important. What we are saying about the patients' bill of rights and really the two things that are the hallmark of the patients' bill of rights, the bill that should pass this House, and I hope that it does, one is the definition of "medical necessity," what is necessary, what kind of operation is necessary, how long one has to stay in the hospital, whether one has a particular procedure or a particular operation. That definition of what is "medically necessary" is made by the physician and

the patient, not by the insurance company.

The second hallmark of the patients' bill of rights is that if one has been denied care, one can go to an outside panel or an outside review board that is not influenced by one's HMO and ultimately, if that fails, that one can bring suit in court.

Well, under the Boehner bills, H.R. 2089, they purport to create an independent external appeals system, but it is biased against the patients and allows the health plans to control virtually all aspects of the external review process. The bill requires external reviewers to uphold plans as long as the plans follow their own definitions, no matter how arbitrary the definitions. A plan could define "medical necessity" to be nothing more than care defined under whatever treatment guidelines and utilization protocols the plan adopts, even if the guidelines and protocols are not backed by any clinical evidence or good professional practice.

What we say in our patients' bill of rights is the decision about what is medically necessary is made by the doctor and the patients. How we effectuate that is that we use the standards of care that are applicable for that particular specialty. So if the Board of Cardiology has certain procedures which they consider the norm in the practice of cardiology, those are the procedures that apply in terms of determining what is medically necessary. But under the Boehner bills, it is up to the HMO to decide that. They do not have to make reference to the local Board of Cardiology; they do not have to make reference to any studies at all. They just define what is "medically necessary" on their own based, on whatever cost containment is beneficial to them, in many cases.

That is what we do not want. We do not want the external review process to be limited to what the HMO defines as medically necessary. Of course, we want to make sure that there is an outside external review, unbiased, not under the influence of the HMO, and that ultimately one has the right to sue.

Mr. Speaker, I could talk more this evening about what is important in our patients' bill of rights and why it is so much preferable to the Boehner bills and other bills that might come to the floor; but I think the most important thing is that if the Republican leadership is really serious about allowing the opportunity for a full and fair debate during the week of October 4 on patient protections, they have to craft the rule in such a way that there is a clear opportunity for us and for the majority of this House to support the patients' bill of rights. I am fearful that that is not going to happen.

I will be watching, as my colleague from Iowa mentioned, over the next few weeks to see what kind of rule comes out of the Committee on Rules, but we are going to be very careful to

monitor that, because if there is going to be a promise that we have an opportunity to bring real protections to this floor, then it has to be a promise that is fulfilled pursuant to the rules of this House. I hope that that is the case, and I will continue to look at it over the next 2 weeks.

ISSUES OF IMPORTANCE IN THE REPUBLIC OF ARMENIA

Mr. PALLONE. Mr. Speaker, I wanted to turn briefly, if I could tonight, to a couple of international issues unrelated to the issue of HMO reform. As many of my colleagues know, I am very much involved in both the Armenia caucus as well as the India caucus that we have here in the House of Representatives, and I wanted to take a few moments initially to talk about the anniversary, if you will, of Armenia's independence, and then I would like to talk a little bit about some issues relative to India that will be coming up in the next few weeks in the context, most likely, of some of the appropriations bills and conference reports that we will be considering here on the floor of the House.

Mr. Speaker, if I could turn initially to the Republic of Armenia. Today, Tuesday, September 21, is actually the eighth anniversary of the independence of the Armenian Republic, and it is celebrated by the citizens of Armenia, as well as people of Armenian descent here in the United States and around the world.

The United States, as the leader of the free world, has welcomed the arrival of Armenia into the family of democratic nations, and I am proud that this Congress has consistently voted to provide humanitarian and economic development assistance to help Armenia preserve democracy and the institutions of civil society and to continue the transition to a free market economy. I am proud that our administration has made a priority of achieving a negotiated settlement to the Nagorno Karabagh conflict, which is vital to bringing stability and economic integration to the southern Caucasus region.

However, I believe there is a lot more that America can do to help Armenia achieve its rightful place as a free nation with a secure future, and to do so is not only in Armenia's interests. The United States has a fundamental national interest in bringing about stability in the strategically located Caucasus region and in supporting those emerging nations like Armenia that share our values.

Mr. Speaker, I had the opportunity to visit the Republic of Armenia as well as Nagorno Karabagh and Azerbaijan with a bipartisan group of Members of Congress last month, in August. We saw firsthand the outstanding progress Armenia has made in fostering democracy and in promoting economic growth.

Mr. Speaker, the Republic of Armenia may be a very young country, but the Armenian nation is one of the

world's most ancient and enduring. The story of the Armenian people, a nation whose history is measured not in centuries, but in millennia, the first to adopt Christianity as its national religion, is an inspiring saga of courage and devotion to family and nation. It is also an epic story of a triumph of a people over adversity and tragedy.

Early in this century in one of history's most horrible crimes against humanity, 1.5 million Armenian men, women, and children were massacred by the Ottoman Turkish Empire. Every April, Members of this House join in commemoration of the Armenian genocide, and we can never relent, and will never relent, in our efforts to remind the world that this tragedy is a historic fact and to make sure that our Nation and the whole world community and, especially the Turkish nation, come to terms with and appropriately commemorate this historic fact.

After the collapse of the Ottoman Empire, the people of Armenia established an independent state on May 28, 1918. But unfortunately, the fledgling nation was not able to overcome the simultaneous pressures of the forces of Ataturk's Turkey and the Russian Communists. Ultimately, the lands of eastern Armenia were occupied by the Soviet Red Army, and Armenia became one of the Soviet Union's constituent republics in 1936.

During 5½ decades under Soviet rule, at least some Armenian cultural presence was maintained, even if the political shots were called in Moscow. However, the predominantly Armenian region of Nagorno Karabagh was placed under the jurisdiction of Azerbaijan under an arbitrary decision by the dictator Stalin.

Mr. Speaker, in the late 1980s, the tumultuous changes rocking the Soviet Union were strongly felt in Armenia. In 1988, a movement of support began for the Karabagh Armenians to exercise their right to self-determination. The movement for the freedom of Karabagh helped to rekindle the struggle for freedom for all the Armenian people.

That same year, a devastating earthquake struck northern Armenia and its destruction continues to be in evidence. In 1990, the Armenian National Movement won a majority of seats in the parliament and formed a government; and on September 21, this day, in 1991, 8 years ago, the Armenian people voted overwhelmingly in favor of independence in a national referendum.

Since then, Mr. Speaker, the Armenian people have worked to reestablish a state and a nation to create a society where their language, culture, religion, and other institutions are able to prosper. The progress made in 8 short years by the Republic of Armenia has been an inspiration, not only for the sons and daughters of the Armenian Diaspora, but for Armenians and freedom-loving people everywhere. Having survived the genocide and having endured

decades under the domination of the Soviet Union, the brave people of Armenia have endeavored to build a nation based on the principles of democracy and opportunities for all.

Mr. Speaker, as they have for so much of their history, the Armenian people have accomplished all of this against daunting odds. The tiny, landlocked Republic of Armenia is surrounded by hostile neighbors, Turkey and Azerbaijan, who have imposed blockades that have halted the delivery of basic necessities. Yet independent Armenia continues to persevere. While democracy has proven to be an illusive force in much of the Soviet bloc, Armenia held multiparty presidential elections last year; and on May 30 of this year, parliamentary elections were held once again.

As the founder and chairman, with the gentleman from Illinois (Mr. PORTER) of the Congressional Caucus on Armenian Issues, I consider U.S.-Armenia relations to be one of our key foreign policy objectives. Support for Armenia is in our practical interests. Helping to support stabilization is strategically important in an often unstable part of the world. Standing by Armenia is also consistent with Armenia's calling to support democracy and human rights and to defend free peoples throughout the world.

Mr. Speaker, I want to emphasize that the people of Armenia want good relations with their neighbors and the entire world community; and I believe the moral, political, and economic power of the U.S. could go a long way towards helping Armenia achieve that goal.

Finally, Mr. Speaker, I would like to say that the reality of daily life for the people of the Republic of Armenia continues to be difficult. I saw that, once again, with my colleagues when we visited Armenia in August. But the commitment to working for a better future is remarkably strong in all the men, women, and young people of Armenia, especially.

I just want to take this occasion to wish the Armenian people well on the occasion of their independence day and, more important, in their ongoing effort to establish a free republic so that their children may prosper in the homeland of their ancestors.

#### INDIA-U.S. RELATIONS

Mr. PALLONE. Mr. Speaker, I would like now to turn lastly to the issue, some of the issues relative to India-U.S. relations, and there are basically three topics that I would like to mention which I think are relevant, particularly in light of some of the appropriations bills that are now going to conference and which will be coming to the floor within the next week or two.

First, I did want to start out by saying with regard to India-U.S. relations that there has been, I noticed in the last week or two, since we came back from the August break, an effort by Pakistan once again to internationalize the Kashmir conflict by trying to

bring in the United States as a mediator. I think many of us know, my colleagues know, that India maintains that the Kashmir conflict should be addressed on a bilateral basis with Pakistan under established frameworks agreed to by both countries.

Now, thus far, the Clinton administration has widely resisted Pakistani attempts to internationalize the Kashmir conflict; and certainly that was the case after the last conflict where President Clinton specifically said that he was not going to act as a mediator and that the two nations basically had to sit down together and work out their differences. However, I understand that some of my colleagues, Democrats and Republicans, in the House are now circulating once again letters urging that the administration break with this long-standing precedent and intervene in this bilateral dispute in Pakistan.

□ 2045

I think such a development would not contribute to peace and stability in South Asia. Rather than seeking this what I consider reckless change of policy, it is important for Members of Congress to encourage the administration to maintain its current prudent approach.

I believe President Clinton's July 4 meeting with Prime Minister Sharif of Pakistan succeeded in bringing about a Pakistani withdrawal of troops from India's side of the line of control. I welcome that. There is absolutely no question that President Clinton played a major role in the ultimate withdrawal, if you will, of Pakistan back to the line of control, so now we have relative peace in Kashmir.

But, unfortunately, Pakistan is still trying to drag the United States into this conflict as an international mediator. This is really nothing more than a strategic ploy to enhance Pakistan's position in the conflict.

India has made it clear that it does not favor third party mediation. Pakistan has earned its recent international isolation, given its destabilizing actions in Kashmir. Pakistan must not be rewarded with gains at the negotiating table in light of its costly gambit in Kashmir, a policy that has militarily failed and has strategically failed. They should not be given some propaganda advantage by having this Congress suggest that the United States should intervene.

Mr. Speaker, as part of this special order I include for the RECORD the text of a letter I sent to President Clinton back in July before the break, where I urged him to resist Pakistan's efforts to bring the United States into its bilateral conflict with India.

I think this letter was appropriate in July, and it is still appropriate today.

The letter referred to is as follows:

JULY 7, 1999.

Hon. WILLIAM JEFFERSON CLINTON,  
*The White House,*  
*Washington, DC.*

DEAR MR. PRESIDENT: I am writing to express my support for your efforts to effectuate a withdrawal of Pakistani forces from India's side of the Line Of Control in Kashmir, and to respectfully urge that the Administration continue to resist Pakistan's efforts to internationalize its bilateral dispute with India by drawing in the United States as a mediator.

In the aftermath of your Independence Day meeting with Prime Minister Nawaz Sharif, I was very encouraged by the published reports indicating that Administration officials believe that yielding to Pakistan's desire to bring the U.S. in as an international mediator would be to side with Pakistan, given India's long-standing position that the issue should be resolved bilaterally.

I welcome your meeting with Prime Minister Sharif with the goal of getting Pakistan to withdraw its forces from India's side of the Line of Control (LOC). I was somewhat concerned by Mr. Sharif's characterization, in the Pakistani media, of the talks at the White House, suggesting that you will play a more active mediating role in Kashmir. I hope this was merely an exercise in spin control by Mr. Sharif. But I would urge that you and the Administration maintain the current, limited approach of achieving a Pakistani withdrawal, while allowing India and Pakistan to resolve the Kashmir issue on a bilateral basis, pursuant to the framework set forth in the Simla Accords and, more recently, in the Lahore Declaration. The bottom line is that India is fighting to defend its territory against an armed infiltration. Under those circumstances, the U.S. must maintain a clear policy of opposing armed aggression and not rewarding Pakistan with gains at the negotiating table.

I am also encouraged by indications that you will travel to South Asia later this year. For the reasons that I've stated above, it is important that the trip not be a vehicle for the U.S. to play a mediator role in Kashmir.

I have written to you previously urging that you visit India, the world's largest democracy. I cannot emphasize enough how valuable it would be in bringing the U.S. and India closer together.

Thank you for your attention to this matter and for your continued leadership on this and other urgent foreign policy priorities.

Sincerely,

FRANK PALLONE, Jr.

U.S. SENATE,  
*Washington, DC, July 21, 1999.*

Hon. WILLIAM JEFFERSON CLINTON,  
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: We commend your timely intervention to help defuse the immediate crisis in Kashmir. Particularly important is your commitment to take a personal interest in encouraging the Prime Ministers of India and Pakistan to resume and intensify their dialogue, begun in Lahore in February, to resolve all issues between them, particularly Kashmir.

Kashmir is the most dangerous nuclear flashpoint in the world today. As President Richard Nixon noted 25 years ago, nuclear powers have never fought each other, but the clash between Muslim Pakistan and Hindu India over disputed Kashmir territory could erupt into the world's first war between nuclear powers. To avert this possibility, the dispute over Kashmir's unresolved status must be settled promptly and peacefully.

The United States should help break the stalemate over Kashmir to reduce the chance of nuclear war in the Asian subcontinent. Therefore, we urge you to: (1) consider ap-

pointment of a Special Envoy who could recommend to you ways of ascertaining the wishes of the Kashmiri people and reaching a just and lasting settlement of the Kashmir issue; and (2) propose strengthening the UN Military Observers Group to monitor the situation along the Line of Control.

We await your prompt response and stand ready to support these diplomatic initiatives.

Sincerely,

JIM JOHNSON.

ROBERT G. TORRICELLI.

The second issue I want to mention relative to India relates to the foreign operations appropriations bill, on which I believe tomorrow the House and Senate conferees will meet to hammer out the differences between the two bills in the two Houses with regard to the Foreign Operations Appropriations Act.

What I am asking is that the conferees not adopt a Senate provision which could affect India. Section 521 of the Senate fiscal year 2000 foreign operations bill reads or talks about special notification requirements.

It says in section 521 that, "None of the funds appropriated in this Act shall be obligated or intended for Colombia, India, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo, except as provided through the regular notification procedures of the Committee on Appropriations."

What this section does, what this Senate provision will do, is to require the administration to notify the House and Senate appropriations committees whenever the fiscal year 2000 foreign aid is allocated to India. The Committee on Appropriations, as required by law, would have 15 days to approve or disapprove the allocation.

But I would point out to my colleagues, Mr. Speaker, that this procedure is not imposed on all countries that receive U.S. foreign aid. It is used to closely monitor countries that receive U.S. foreign aid only if there is concern on the part of the Committee on Appropriations.

The House bill, the House Foreign Operations Act, contains a similar provision, but it does not include India as one of the countries that come under this provision. I want to commend the House appropriators for recognizing that there is no reason to include India along with these other countries that are mentioned.

I say that and I urge the conferees not to adopt the Senate language and to adhere to the House language because India is a democracy. India is a market economy. India has become increasingly close to the United States. It has a huge market for U.S. goods and trade.

I think it would be a mistake to label India as a pariah in this fashion for any limited U.S. assistance that the State Department or the USAID may try to provide to India through humanitarian or development assistance. We provide very little aid to India. It is relatively

insignificant. But the point is that India should not be painted as the sort of pariah these other countries that require this notification are.

I know some of my colleagues will say, well, Pakistan is included as one of these nations. But the fact that Pakistan is included on this list for prior notification does not mean that India should be included. If the recent conflict in Kashmir that I just pointed out showed anything, it was that India acted responsibly, whereas Pakistan instigated a military incursion that could have led to a wider war. Let us not reward, if you will, Pakistan by saying that India should be included on this notification list when there is absolutely no reason to do that.

In a similar vein, and lastly, with regard to U.S.-India relations this evening, Mr. Speaker, I wanted to mention the fiscal year 2000 defense appropriations bill, which is also in conference at this time.

There is a provision in the Senate bill that would suspend for 5 years certain sanctions against India and Pakistan. I support this provision wholeheartedly. There is no reason for us to continue these sanctions against both nations because the only country that is suffering for it is the United States, because of limitations on our exports and our trade and our business opportunities in India and Pakistan.

I want to say that while I strongly support the end of the sanctions and the suspension of the Glenn amendment sanctions against these two South Asian nations, there is another critical provision in the Senate language that would, in my opinion, be a grave mistake. That is the Senate language to repeal the Pressler amendment, which bans U.S. assistance to Pakistan.

I have already spoken out on the floor previously and explained the reasons why we should not repeal the Pressler amendment. Again, a lot of this goes back to what has been happening the last few months, the Kashmir conflict; the fact that Pakistan continues a policy of nuclear proliferation, which is not what India is doing.

We were reminded about why the Pressler amendment was needed because of the way that Pakistan carried out this war in Kashmir over the summer and instigated the war, many times with regular Pakistan army troops.

Pakistan has also repeatedly been implicated, along with China, Iran, and North Korea, in the proliferation of nuclear weapons and missile technology. India's nuclear program, by contrast, is an indigenous program, and India has not been involved in sharing in technology with unstable regimes.

I want to mention one more thing tonight that is new in this regard. That is that this month, in September, the CIA issued its annual national intelligence estimate on missile threats reported. In this annual report, they reported that Pakistan has obtained M-

11 short-range missiles from China and medium-range missiles from North Korea. The CIA's assessment is that both missiles may have a nuclear role, and there have been calls in Congress for new sanctions to be imposed on China in light of these latest revelations, a step that I would certainly be prepared to support.

But besides imposing sanctions on countries that transfer this type of technology, like China, I believe we should also hold the countries who receive these weapons systems accountable. We certainly should not reward countries like Pakistan by lifting the existing sanctions on military transfers in light of the information that has recently come to light in this CIA report.

So I would once again say, Mr. Speaker, that this is yet another reason why we should not support repeal of the Pressler amendment. I would say again that I hope that the conferees, and I would urge the conferees to not repeal the Pressler amendment, even as I support the idea of eliminating the Glenn amendment sanctions against both India and Pakistan.

#### ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House tonight to address my colleagues again on what I consider one of the most important topics facing Congress and the American people, and that is the problem of illegal narcotics in this country, not only the problem of illegal narcotics as it affects us as far as our role as Members of Congress in providing funding for various programs, but the effects of this dreaded plague on our country that have many significant dimensions.

Tonight I would like to again talk to the House about this topic and discuss a number of areas, and first of all provide my colleagues and the American people with an update on some of the recent happenings as to how drugs and illegal narcotics destroy lives and affect the lives of people, not only in my district but across this Nation.

I will talk a little bit about the situation and the policies that got us to where we are today with the problem of illegal narcotics. Then I would like to talk a little bit about Colombia, which is in the news.

The President of Colombia is now in the United States and addressed the United Nations. He has made proposals, along with this administration, about resolving some of the difficulties that relate directly to illegal narcotics trafficking in our neighbor to the south.

I would also like to talk a little bit about the history of the policy as it developed relating to Colombia, and some of the proposals that are on the table now to resolve the conflict that has

been created again by these failed policies.

But tonight I would like to start out by first providing an update to my colleagues on the cost of the problem of illegal narcotics. I always start at home and the news from my district.

I come from Central Florida. I represent the area just north of Orlando to Daytona Beach, probably one of the most prosperous areas in the Nation. We do have our problems: problems of growth, problems of expansion, problems of providing education. We are very fortunate that we have a very high education level, high income level, a very low unemployment level, so we are indeed one of the 435 districts of the country that has had fortune shine upon us in many ways.

We have also been the victim of the problem of illegal narcotics and hard drugs and the terror that they have rained not only, again, across the Nation, but on our district in Central Florida. Many people equate Orlando in Central Florida to Disney World and entertainment and fun. But unfortunately, we have been the victims, like, again, many other areas across the Nation, of the ravages of illegal narcotics.

Let me read from an Orlando Sentinel story just in the last few hours that was released. It says, "Deaths this past weekend brought the numbers of confirmed and suspected heroin-related deaths in Orange and Osceola Counties to 34." Orange and Osceola Counties are around the Orlando metropolitan area.

"At the current rate, Central Florida likely will break last year's record of 52 heroin-related deaths." Many of these deaths are among our young people. In fact, the 52 deaths in just Central Florida, in that little small geographic area, I found outnumber the number of deaths in some countries from heroin. It is really an astounding figure.

Again, unfortunately, Central Florida is not the only area that is experiencing both the numbers of deaths and the tragedies that we have experienced.

The article goes on and puts a human face on what happens in some of these cases. It says, "Early Friday a 12-year-old boy found his 46-year-old father lifeless at their home on Bayfront Parkway near Little Lake Conway," near the south of Orlando. "A packet of heroin, a syringe, a spoon and matches were found near the body, according to sheriff's records."

More news from my county, also on Friday. "A 34-year-old Orange County man collapsed from a suspected overdose of opiates, the Medical Examiner's Office reported. He died on Sunday," this past Sunday.

On Saturday, "A 30-year-old woman from Orlando died in a vacant house on Gore street." That is in the downtown area. "She collapsed about 8:30 a.m. after she had smoked crack cocaine, a friend told deputies."

Again, the misfortunes of Central Florida are felt across this Nation. We

have had over 14,000 drug-related deaths last year, and that is just the reported deaths in this country. Unfortunately, many deaths related to narcotics do not even get reported.

Let me point out, if I may, just a news article that appeared in the past month that was in the Los Angeles Times. This dealt with the bus crash that killed 22 people on Mothers Day. Twenty-two elderly individuals were killed in New Orleans, and it now is made public, according to this news report, that the driver, who died of a heart attack, used marijuana 2 to 6 hours before his full bus of mostly elderly women veered off a highway and smashed into a concrete abutment.

These elderly victims probably will not have it listed in their cause of death as being drug-related, but here we have an instance of supposed casual drug use and the taking of 22 lives.

□ 2100

Another instance that does put a human face on the tragedy of illegal narcotics must be the news report that we had in the last week coming out of Tampa. I know several years ago people from around our state and our area and the Nation were all bereaved when they heard the news of a 5-month old baby supposedly taken from its parents, Baby Sabrina the child was known in many media accounts.

It now appears that investigators had taped the family after the disappearance, and part of the conversation was released in the media. This is in the Orlando Sentinel, September 10, a few days ago. The conversation, according to a Federal prosecutor, included this quote, "I wished I hadn't harmed her. It was the cocaine." This statement was allegedly made in the recording by the father.

We see so many tragedies of child abuse, of child neglect, spouse abuse, deaths. I am not sure how this child, this infant's death will be listed in the final investigation. Again, these are alleged facts, but again surfacing as the problem of illegal narcotics.

The problem of illegal narcotics across our country reaches just every segment of activity. It is not just folks in the ghetto areas. It is not folks in the lower income, socioeconomic income. This problem of illegal narcotics use and its impact on our society is reaching all aspects of our American population.

There is a report from the Associated Press last week that I want to quote from. Seven in 10 people who used illegal drugs in 1997 had full-time jobs. This is a recent report that stated also, about 6.3 million full-time workers age 18 to 49 or 7.7 percent of the workers admitted in 1997 using illegal drugs in the preceding month. Workers in restaurants, bars, construction, and transportation were more likely than others to use drugs, the report said.

Forty-four percent of drug users were working for small businesses, those with fewer than 25 employees down

from 57 percent in 1994, but still the largest category.

So whether, again, we see social problems such as child abuse, such as murder, such as robbery, theft, we also see in common ordinary working Americans the problem of illegal narcotics use. That does have a dramatic impact.

In fact, the statistics are somewhere around a quarter of a trillion dollars. That is over \$250 billion in lost productivity, cost to society, cost to our judicial system, incarceration. In fact, today we have nearly 2 million Americans behind bars and there because of some drug-related offenses.

I know many people who I come into contact with say that we should release these folks because it is not good to have casual drug users behind bars. But, in fact, every statistic, every report that we have seen, every charge that we have looked behind finds that these aren't casual drug users that are in our Federal prisons and state prisons.

These, in fact, are individuals who have committed felonies while either under the influence of narcotics or committed a crime while attempting to secure money or drugs and committing illegal acts. So there is a real myth.

In fact, we had before my Subcommittee on Criminal Justice, Drug Policy and Human Resources one of the authors of a recent study in New York, which debunked the theory that we have people who are casual drug users, in fact, behind bars. In fact, the report indicated that one really had to try hard, one had to commit a number of felonies to be incarcerated in New York and behind bars and involved with illegal narcotics.

So the facts do not support that casual drug users are behind bars, that in fact serious offenses are committed, whether again it is murder, whether it is a crime to obtain drugs or cash. Again, there is tremendous costs on our society, somewhere around a quarter of a trillion dollars a year.

In addition to the problems that I have cited about illegal narcotics and some of the myths that surround illegal narcotics, I wanted to also talk about another myth that I heard repeatedly during the August recess and even during the past weeks.

I hear these media accounts that the drug war has failed, that the war on drugs is a failure. I do not think that people really understand what happened when we had a war on drugs and when we closed down the war on drugs.

It is absolutely incredible that people do not realize that during the Reagan administration, we began a real war on drugs. That was continued into the Bush administration when we had a real war on illegal narcotics.

What happened in 1993 with the election of the Clinton-Gore administration was basically a close down of the war on illegal narcotics, the war on drugs as we have known it. The phrase

was coined in the 1980s, and it was indeed a war on drugs. It was a multifaceted war against illegal narcotics.

I served as an aide in the U.S. Senate under Senator Paula Hawkins, and she was involved with the development of various laws, legislative strategies, working along with them, at that time the Vice President and members of the Reagan administration, in developing administrative approaches and programs to deal with, at that time, cocaine that was coming into the United States.

That program, in fact, those efforts and that war on drugs were, in fact, very successful. There was dramatic decrease in the use of illegal narcotics among our teens. The Vice President, at that time it was George Bush, created a task force on illegal narcotics.

The ANDEAN strategy was developed to interdict and to stop drugs at their source, which must really be the most cost effective way of stopping illegal narcotics. If we know where they are grown, if we know where they are produced, and we can stop them at the source, then in fact we can do it very cost effectively. That has been proven, and that has been done. It was done in the war on drugs in the 1980s, and in fact it worked.

Then, of course, we had national leadership which we have not had since 1993 on the issue of illegal narcotics. Even the First Lady she took a national lead, developed a program that was really ingrained in our young people. It was a simple message, "Just Say No."

The President appointed Drug Czars who helped formulate policy and programs that actually went after illegal narcotics. We had a tough enforcement policy. We had a tough interdiction policy. We began for the first time to utilize the military in the war on drugs. The Coast Guard was also employed and other United States resources committed in a war on drugs.

Now, all that stopped, for the most part, in 1993 with the beginning of the Clinton-Gore administration. Let me just put up this chart, if I may. This first chart does not show back before 1989, but as my colleagues can see in this chart, this is 12th grade drug use. It shows lifetime, annual, and also 30-day in these colors, use by 12th graders.

What is interesting is we can see from the start of the chart here in 1989 that there is a decline in drug use. This is, again, when we had a war on drugs, when we had a national message against illegal narcotics. Among our teenagers and our young people, if we took this chart out, we would see this dramatic decline to 1992, 1993.

Then we had the election of this President. No emphasis on national leadership. The first thing that this President did was in fact fire almost everyone. There were only a few folks left in the Drug Czar's office. In fact, the first thing President Clinton and Vice President GORE did was cut the staffing at the National Office of Drug

Control Policy. It was cut 80 percent. The exact figures, which are public record, are from 147 Drug Czar employees and staff to 25.

That was the beginning of the end of the war on drugs. There is a line here that delineates a success and the beginning of a failed policy. It could not be more graphic than this chart displays.

I will show some even more telling graphic descriptions of what has taken place in just a few minutes. But, again, the leadership was lost. The opportunity was lost.

What is interesting if we come back and look at this, the Democrats controlled the House, the United States Senate, and the White House in this period. They very purposely dismantled all of the war on drugs in a number of areas, and I will point each of them out.

But my colleagues can see, up until when the Republicans took over the House and the Senate in 1995 here, 1996 my colleagues see the first leveling off. We have seen that, under the leadership provided first by Mr. Zeliff, who lead the House effort to begin to restart the war on drugs, and then Speaker Hastert who was Chairman of the Subcommittee on National Security, Veterans Affairs and International Affairs. I served with the gentleman from Illinois (Mr. HASTERT) at that time.

We see this leveling off on the beginning of a decline with, again, the Republicans taking over the issue and providing the leadership and trying to get a war on drugs restarted. There is no question, again, but this multifaceted effort of eradication, interdiction, tough enforcement, and also education and treatment, and I will talk about the education program, too, that we have started, which is unprecedented, all of these things have made a difference in a restart. This is in a shutdown.

So anyone who tells my colleagues that we have had a war on drugs, please tell them that it stopped in 1993 with the Clinton-Gore administration.

Now, that chart is interesting to show what has happened among our young people. This chart is labeled International Spending. I brought this chart out tonight because it graphically shows again the end of the war on drugs in 1992, 1993.

This is where, again, the Democrats took over the House and the Senate and the White House. Of course they controlled the House before that, but they controlled all three bodies. They did incredible damage in a very short period of time.

This chart is labeled Federal Spending: International. Now, this is, this goes back to the source country programs, international programs are source country programs; that is, stopping drugs at their source and in the fields where they are grown and going into the country and working with the country in a very cost effective manner to stop illegal narcotics.

□ 2115

The war on drugs stopped in 1992, 1993. And if we look at the drug use, the chart went up this way as spending on international went the other way. So the war on drugs, my point is, stopped. Again there were not the programs that were started in the 1980s under President Reagan. And this would be the Andean strategies, the international strategies.

They cut the money and funding going into Colombia, and we will talk about the consequences of not assisting Colombia and the wrong policy adopted, the cost-effective programs of putting a few dollars into them. And these are actually very few dollars. If we look at 1991 and 1992, we are spending about \$660 million, \$650 million, in that range of dollars. In a \$17 billion drug budget, that is a very small amount.

Actually, if we look at what Clinton and GORE did, and again with the control of this Congress, they reduced spending greater than 50 percent. It gets down to \$290, which is certainly less than half of the \$633. So they reduced spending on international programs; cut these international programs' spending to cost-effectively stop illegal narcotics at their source. So this is one part of the ending of the war on drugs, and exactly how they did it.

The next part would be interdiction. And first of all, we talked about international and source country programs stopping drugs very cost effectively with a few dollars; working with other countries and stopping them at their source. Our next opportunity to stop illegal narcotics is as they leave the source country. And we try to get the illegal drugs before they even get near our border.

Here again is a very telling chart. Again we can see in 1992, 1993, with the beginning of the Clinton-Gore administration, the interdiction programs. The war on drugs. If we want to talk about our war on drugs, it ended right in this 1993 period, just as the international programs ended, just as involvement in interdicting drugs at their source ended. Now, they cut the money, and that did a tremendous amount of damage. Because what it did was it allowed drugs to come from the source to our borders.

We had previously been using the military, the Coast Guard, other assets that we have out there anyway involved in stopping drugs before they reach our borders in a cost-effective manner. What was even more damaging, not only did the Democratic-controlled Congress and the White House do this damage in stopping the war on drugs, but they did even more damage. They adopted policies which have caused incredible damage. And there is no other way to describe it.

One of the policies they adopted, for example, was to stop information-sharing to our South American allies who were working with us, Colombia, Peru, and Bolivia. And the United States has

great capabilities, with U2, with surveillance, with forward-operating locations, to obtain information. We can tell when a plane takes off. We can track trackers on the ground. We can really get incredible amounts of intelligence and information about what is going on with illegal narcotics.

Well, one of the first shutdowns as far as policy in this war on drugs, and this is funding, closing down financially the war on drugs, was sharing that information with these countries. So we stopped some of that information sharing. We also stopped information that allowed these countries to identify these aircraft, warn these aircraft as they took off from these clandestine strips; and then these countries, some of them, adopted shutdown policies. They were to identify themselves. If they did not identify themselves, they were given warnings, warning shots were fired, and, finally, they were shot down.

Of course, with the Clinton-Gore administration, we destroyed the first part of the policy and then the second part of the policy. And just in Colombia in the last year have we begun to restore that effort. So when someone says that the war on drugs is a failure, the war on drugs was a success, and it started in the 1980s under Ronald Reagan and it went through George Bush. The shutdown on the war on drugs took place in 1992, 1993. The financial reports identify this. The charts, as far as drug use among our children, identify this.

This administration also destroyed what was known as the drug czar's office in dramatically cutting 80 percent of the staffing. Not only did they gut the drug czar's office, again closing down the war on drugs, but they appointed an individual by the name of Joycelyn Elders as the chief health officer of the United States. Not much more damage in the policy that I described, closing down on the war on drugs, could be done then to hire as a chief health officer for the country an individual who told our young people "just say maybe" to illegal drug use. Eventually, the individual was replaced, but a tremendous amount of damage was done.

And the damage, again, is right here. This is not a chart I just pulled out of a hat. We can see Joycelyn Elders, the close-down on the war on drugs, just say maybe, and the skyrocketing of illegal narcotics use among our teenagers. So, again, to people who say that the war on drugs has been a failure, I say there had been a war on drugs until 1993. Not only have we had a liberal approach from this administration on the subject of illegal narcotics, a total lack of national leadership, a close-down of the major problems, taking the military out of the war on drugs, stopping the cost-effective source country programs, if that was not enough damage in all of those ways; but they also had allies in this war on drugs.

I hear so many people say, well, let us legalize drugs. It does not matter. Let kids smoke dope; let people use heroin, have needle exchanges. We need to be more liberal, more tolerant. Everybody does it. A third of Americans have used some kind of illegal narcotics at some time. Just go ahead and do it. If it feels good, do it. This liberal policy has caused this situation that we are in now, with my area experiencing 52 heroin deaths this past weekend. I just cited three more drug overdoses, two heroin, one cocaine. We have epidemic methamphetamine use.

We had 14,000 Americans who died last year in drug-related deaths, and thousands and thousands more, as I pointed out just from a couple examples tonight, who have met their maker as a result of murder, mayhem, or whatever, committed under the influence of illegal narcotics. That alone is one reason to continue this effort.

But let me tell my colleagues the vision of America under this liberal policy of if it feels good, do it, and drugs are no harm, and needle exchange programs, and we have to make everybody happy on drugs. This weekend my wife and I had an opportunity to visit Baltimore. The ranking member, when I chaired the Subcommittee on Civil Service, is a fine gentleman, the gentleman from Maryland, (Mr. CUMMINGS), who represents Baltimore. I have had many discussions with him about his community. I really was impressed by Baltimore and the people that I saw when I was there Saturday. A wonderful community. It seems vibrant on the surface, but that does not tell all of the story. I have heard some of the problems described by the gentleman from Maryland (Mr. CUMMINGS) and the great empathy he has for his city. But Baltimore is a city, and fortunately the mayor, whose name is Schmoke, is leaving, but he adopted a liberal policy towards illegal narcotics.

This particular little chart was provided to me by a former United States drug enforcement administrator, Tom Constantine. He made this in a presentation to our subcommittee, my Subcommittee on Criminal Justice, Drug Policy and Human Resources. It is a very telling story about liberalization of illegal narcotics. And, again, it can set the stage for what can happen in countless other cities as they look towards liberalization and our country looks towards liberalization of illegal narcotics.

In 1950, the population of Baltimore was 949,000. In 1996, the population dropped to about two-thirds of that, to 675,000. In 1950, there were 300 heroin addicts in Baltimore, and that was one heroin addict per 3,100 individuals in that community. In 1996, there are 38,985 heroin addicts with a population of 675,000, or one out of 17. Now, this is the figure that Mr. Constantine showed and gave us. The gentleman from Maryland (Mr. CUMMINGS) has told me that he believes the figure is closer to 60,000 heroin addicts.

I have a news report from Time magazine of just last week, the beginning of September here, and let me read from that about the liberal approach, the liberal policy and what it can do, what it has done for Baltimore and what it can do for the rest of America:

"Maryland's largest city seems to have more razor wire and abandoned buildings than Kosovo. Meanwhile, the prevalence of open-air drug dealing has made 'no loitering' signs as common as stop signs. Baltimore, which has a population now of 630,000," it shrunk again, "has sunk under the depressing triple crown of urban degradation: middle income residents are fleeing at a rate of 1,000 a month; the murder rate has been more than three times as high as New York City's; and 1 out of every 10 citizens," there is the latest we have from 1999, "is a drug addict."

This Time article from just a week ago says: "Government officials dispute the last claim of 1 out of 10 citizens in Baltimore being a drug addict. It is more like," and I am quoting, "it is more like 1 in 8, says veteran city councilman Rikki Spector, and we've probably lost count."

This is a city that adopted a liberal narcotics policy, needle exchange, do it if it feels good. And if the results are not evident, I do not know what can be. Again, the toll in human tragedy in Baltimore is incredible. In 1950, there were 81 murders in the City of Baltimore with a population of nearly a million people.

□ 2130

In 1997, there were 312 murders in Baltimore. And again the estimates of drug users in that city are now one in eight by the estimate of one of their council members. This is again the pattern that people say we should go toward. The liberal policy to allow illegal narcotics and needle exchanges really promotes addiction and treatment. And again the social costs, the economic costs of this has to be dramatic but it could be if we tried hard enough repeated throughout the United States.

By contrast, we have the city of New York. In the 1980s, when I was a staffer for Senator Hawkins, I had an opportunity to work with an individual who is the Associate Attorney General of the United States. He was not well-known at that time. He was from New York. It was a fellow by the name of Rudy Giuliani. I remember sitting down many times with Rudy Giuliani, in fact flying to Florida with him.

Florida, as my colleagues may recall, in the 1980s had a terrible problem with illegal narcotics, which President Reagan and President Bush dealt with and developed policies toward. And the individual who helped develop some of those policies was the Associate Attorney General of the United States, Rudy Giuliani.

He was tough on illegal narcotics and crime in the early 1980s. He helped develop policies that changed the direction of crime and illegal drugs during

the Reagan administration. And again you saw the dramatic figures, the decline in drug use and abuse among our young people.

Rudy Giuliani, of course we all know, went on to be mayor of New York. As opposed to the Baltimore model, which was liberal, providing again almost accommodation to illegal drug use, the mayor of New York City, who was elected in recent history here, and we have got an entire history of the murder rate of New York City, but with the election of Rudy Giuliani, this graphically shows the decline in the city's murder rate.

And we will just take from 1990 to 1992, they were averaging about 2000 murders. Through a zero tolerance policy, through a tough enforcement policy, through again a conservative approach as opposed to the Baltimore liberal approach, we have seen in that period of time dramatic decreases. The murder rate in New York dropped dramatically. The number of murders dropped from an average of 2,000 now down to the 600 level.

In a dramatic reversal of crime, drug use, and in this instance murder, I do not think we could have a more graphic display of how a zero tolerance, tough enforcement, and I will also say alternative program, some of which we have looked at that New York has adopted more effective programs in treatment, giving those who are found with an offense the opportunity and access to treatment and other programs that we examined that are very effective. But it all starts from a conservative and tough enforcement policy as opposed to the Baltimore model.

So again we find this pattern repeated in the United States in jurisdictions where they have a tough zero tolerance policy, and we find the Baltimore model repeated, in fact, where we have a liberal policy.

In addition to talking about what took place with the Clinton-Gore Administration and the ending of the war on drugs and with the election of this President and Vice President, it is important that we not only look at successes and failures as far as our communities but what has taken place in the larger picture.

Right now, as I pointed out, visiting the United States is a close ally of the United States, president of Colombia, President Andres Pastrana. He is here asking assistance, and the reason he is here asking for assistance is because of the failed drug policy and foreign policy of this administration.

I pointed out the dramatic decreases in source country programs under the Clinton Administration. Let me put that chart back up if I can. Again, the most effective way to stop illegal narcotics, if possible, is to stop them at their source.

This administration and again this chart shows that this dramatically cuts spending in international or source country programs. No country suffered more as a result of those cuts

and that policy than the country of Colombia. Colombia is an international disaster zone. The statistics on Colombia make Kosovo look like a kindergarten operation.

Just in 1 year over 300,000 people were dislocated. Over a million have been dislocated from their homes in Colombia. The tragedy and total in deaths in Colombia is incredible. Over 40,000 individuals have been slaughtered in the civil war there just in the last decade. That includes 4,700 National Police, hundreds and hundreds of members of Congress, judges, Supreme Court members, journalists, prominent individuals who have spoken out have been slaughtered in Colombia.

Colombia could be a very remote problem for the United States if it did not have as a result of the conflict some serious consequences to our Nation.

First of all, as far as international security and strategic location, Colombia is at the heart and center of the Americas. A disruption in Colombia is a disruption in this hemisphere. Colombia was one of the most thriving economies of South America until the narco-terrorists or guerilla Marxist forces began their insurgency against the legitimately elected Government of Colombia and began the slaughter, which is now spreading even beyond the borders of Colombia. It is disrupted again not only with tens of thousands of deaths in Colombia, but the entire region has the potential for destabilizing Central America. Now some of the Marxist narco-terrorist guerillas are intruding further into Panama. Panama is at risk because the United States, as we know, has been kicked out of the canal zone. And that action will be complete in just a few more months.

All of our drug forward operations closed down May 1. All flights ended there. We have lost access to the naval ports and those went out on legitimate tenders and now Chinese interests control both of the ports in Panama. But one of the greatest threats to Panama now is the disruption in Colombia. So we have a disruption in our normal access to the canal and that strategic area of the hemisphere.

Additionally, we have the disruption of Colombia, which Colombia and that region supplies about 20 percent of the United States' daily oil supply. So from a strategic mineral and strategic resource to the United States as far as military accesses also in the war on illegal narcotics, Colombia is now a disaster zone.

How did we get into the mess in Colombia? That is an interesting history. Again in 1992, 1993, in closing down the war on drugs, one of the first victims of the Clinton-Gore Administration was Colombia. This administration, first of all, decertified Colombia in the war on drugs.

Now, Colombia may have deserved decertification, but having been involved in the development of that law,

the law is a simple law. It says that the State Department and the President will certify each year to Congress what countries are cooperating with the United States to stop the production and trafficking of illegal narcotics, a simple law. And if a country is decertified it is not eligible for foreign aid for trade and financial benefits, again a simple law linking their cooperation in the war on illegal drugs to our United States benefits, benefits of this government.

Having helped draft that law in the 1980s again when Ronald Reagan was president, it was a good law that helped tie our aid and our efforts to these countries and ask them for their assistance in combatting illegal narcotics, again in return for specific benefits.

The law was developed with a national interest waiver provision that the President of the United States could have used to make certain that Colombia got the assistance it needed to continue combatting illegal narcotics. Unfortunately, President Clinton, through bad foreign policy and a bad interpretation of the certification law, decertified Colombia without a national interest waiver. And what we saw was the beginning of the end of Colombia as we know it.

The disruption in that country went from a horrible situation to the current situation which may not be repairable. The failure to provide a few dollars then in strategic assistance is now bringing the United States on the verge of tremendous financial commitment requested by this administration to help bring stability to Colombia and that region.

We are now talking the latest figure we had when General McCaffrey appeared before my subcommittee probably talking close to \$1 billion in foreign assistance being requested.

But that is only the tip of the iceberg. Again, I have described tonight how we have not had a war on drugs, how we closed down the war on drugs. And no place has had a more direct impact as far as a failed policy or a closing down on the war on drugs than Colombia. Again, aid was cut off through a policy.

Also, as I mentioned, the strategic information that was provided to Colombia under the prior administrations in combatting illegal narcotics and even in combatting narco-terrorism and terrorist acts was withheld from Colombia.

Colombia, in 1992-1993, produced almost zero cocaine. It actually was a transit country. It was a country that processed from the coca from Peru and Bolivia, and that cocaine came into Florida and the United States in the 1980's.

In fact, let me put that little chart that shows the trafficking pattern from Colombia in the early 1990s.

□ 2145

Again cocaine was not grown, coca was not grown in Colombia before the

1990's in any quantities. It all came from Peru and Bolivia.

The policy of the Clinton-Gore administration managed to change that since 1993, and we have reports now in the last year. Colombia is now the largest producer of cocaine in the world. That, again, is a direct link to a policy of stopping assistance, resources, equipment getting to Colombia during this period.

In 1992 to 1993, Colombia produced almost zero poppies or the base product for heroin. The Clinton-Gore administration in, again, closing down the war on drugs and stopping the aid and assistance to Colombia has turned, in 6 or 7 years, Colombia into the largest source of heroin now in the United States.

Remember, in 1992 to 1993 there are almost no poppies or heroin produced in that country. Clinton-Gore administration stopped the aid, the assistance. That is why President Pastrana is here asking for that to be restarted.

The source of heroin, we know from this 1997 signature program; heroin can be traced just like DNA can trace a source through blood. We can trace through this heroin signature program the source almost to the fields where the heroin is grown. In 1997, 75 percent of the heroin entering the United States came from South America, almost all of that from Colombia. There is some Mexican, another 14 percent; and Mexico was also off the charts in 1992 to 1993. Almost all of the heroin was coming in through southeast Asia.

So in 6 or 7 years through a failed policy of this administration, we have managed to turn Colombia into the biggest producer of cocaine, the biggest producer of heroin, into an international disaster zone, 30 to 40,000 people killed, 5,000 police, complete disruption of the region, a million refugees in our own backyard; and this was done again through very direct policy decisions of the United States.

The cost, as we will see this week as President Pastrana meets with myself, with President Clinton, with other leaders in Washington, the initial price tag that we have been given is a billion dollars. In addition, we have been given a price tag; we will probably spend another fifth of a billion on replacing Panama, our forward-operating locations which we got kicked out of after our negotiators failed to come up with allowing our forward-surveillance drug flights to continue from that Howard Air Force base in Panama. So we are up to 1.2 billion to move, again 200 million probably, to move from Panama to Manta, Ecuador, and to the Curacao and Aruba stations in the Antilles region.

The cost of these failed policies continues to mount. We are left as a Congress with no other alternative but to probably pick up the pieces, try to put Humpty Dumpty back together again.

But the point of my special order tonight has been that indeed there are direct consequences when you close down

a war on drugs. Since 1993 with the Clinton-Gore administration there has not been a war on drugs. The source country programs have been cut. The interdiction programs using the military, the Coast Guard, other assets have been cut. The aid that was promised to Colombia repeatedly, not only after Congress begged the administration and approved funding for equipment and resources to go down to Colombia to fight the war on illegal narcotics and the narco-terrorists' disruption of that region, the equipment, the resources did not get there.

All of these actions, all of these failed policies have consequences. The price tag is now, as I said, 1.2 billion and mounting. We hope to hear from President Pastrana this week on his initiatives. He has taken some very strong initiatives to develop an anti-narcotics force. 50 U.S. personnel have been training that force; but he does need the equipment. The equipment sat on tarmacs here until just recently. Six Huey helicopters were finally delivered. Then to add insult to injury, when they were delivered, they were not delivered with all the equipment that made them usable in this effort.

We have heard repeatedly in the media that Colombia is now our third largest recipient of aid. The Congress, in fact, appropriated \$287 million under the leadership of the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House, who was chairman of the drug policy subcommittee that was then titled National Security and International Affairs. I inherited that responsibility. It is now Criminal Justice and Drug Policy. He started really the restart of the war on drugs with those funds.

What is absolutely amazing, in checking, most of that \$287 million still has not gotten to Colombia, and they are knocking at our door for more funds.

We do have a responsibility as a Congress to carefully review why the administration has not gotten the resources, why the policies of this administration have blocked equipment, resources, assistance to Colombia, how we have gotten ourselves into this international pickle. It would almost seem humorous if it did not have such incredibly damaging effects, and as I started out tonight speaking, the deaths in my hometown where a 12-year-old found his father dead from a heroin overdose, where another woman was found, a young woman in Orlando, dead of an overdose of cocaine.

Most people do not even realize the problem that we face with the heroin and the cocaine coming into the United States today. Ten to 15 years ago that heroin, that cocaine had a very low purity. Today it is deadly, 80 to 90 percent. It provides death and destruction. We must turn this situation around.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of official business.

Mrs. FOWLER (at the request of Mr. ARMEY) for today on account of a family medical emergency.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

#### 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. MCINTYRE, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Mr. SISISKY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. GANSKE) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, September 22, and September 28.

Mr. EHRlich, for 5 minutes, September 22.

Mr. SCHAFFER, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2490. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2587. An act 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, 2000, and for other purposes.

#### ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 22, 1999, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4263. A letter from the Administrator, Food Safety and Inspection Service, Depart-

ment of Agriculture, transmitting the Department's final rule—Use of Soy Protein Concentrate, Modified Food Starch, and Carageenan as Binders in Certain Meat Products [Docket No. 94-015N] (RIN: 0583-AB82) received August 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4264. A letter from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Electronic Benefit Transfer Benefit Adjustments [Amtd No. 378] (RIN: 0584-AC61) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4265. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, USDA, Department of Agriculture, transmitting the Department's final rule—High-Temperature Forced-Air Treatments for Citrus [Docket No. 96-069-4] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4266. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—1998-Crop Peanuts, National Poundage Quota, National Average Price Support Level For Quota and Additional Peanuts, and Minimum Commodity Credit Corporation Export Edible Sales Price for Additional Peanuts (RIN: 0560-AF 81) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4267. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Fiscal Period Change [Docket No. FV99-955-1 IFR] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4268. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridate; Pesticide Tolerances for Emergency Exemptions [OPP-300905; FRL-6094-7] (RIN: 2070-AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4269. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Desmedipham; Extension of Tolerances for Emergency Exemption [OPP-300908; FRL-6096-7] (RIN: 2070-AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4270. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Extension of Tolerances for Emergency Exemption [OPP-300912; FRL-6097-8] (RIN: 2070-AB78) received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4271. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal, Loan Policies and Operations; FCB Assistance to Associations (RIN: 3052-AB80) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4272. A letter from the the Comptroller General, the General Accounting Office, transmitting a report of a deferral of budget authority, pursuant to 2 U.S.C. 686(a); (H. Doc. No. 106-126); to the Committee on Appropriations and ordered to be printed.

4273. A letter from the the Director, the Office of Management and Budget, transmit-

ting a request to make available emergency appropriations for the Federal Emergency Management Agency and the Small Business Administration for the needs of the victims of Hurricane Floyd; (H. Doc. No. 106-125); to the Committee on Appropriations and ordered to be printed.

4274. A communication from the President of the United States, transmitting a notification of an appropriation of budget authority for the Federal Emergency Management Agency's Disaster relief program; (H. Doc. No. 106-124); to the Committee on Appropriations and ordered to be printed.

4275. A letter from the Department of Defense, transmitting notification that the Commander of Air Combat Command is initiating a multi-function cost comparison of the base operating support functions at Beale Air Force Base (AFB), California, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

4276. A letter from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting a Plan For Full Utilization of Military Technicians (Dual Status) On and After September 30, 2007; to the Committee on Armed Services.

4277. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program [DFARS Case 98-D306] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4278. A letter from the Department of Defense, Acquisition and Technology, transmitting a report to Congress entitled "DoD Demonstration Program to Improve the Quality of Personal Property Shipments of Members of the Armed Forces"; to the Committee on Armed Services.

4279. A letter from the Secretary of Defense, transmitting the approved retirement of Admiral J. Paul Reason, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

4280. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers (Regulation T); List of Foreign Margin Stocks—received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4281. A letter from the Acting Assistant, Secretary, Department of Education, transmitting Final Regulations—Projects With Industry, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4282. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4283. A letter from the Secretary of Health and Human Services, transmitting the 1999 report of Health, United States, compiled by the National Center for Health Statistics, and the Centers for Disease Control and Prevention, pursuant to 42 U.S.C. 242m(a)(2)(D); to the Committee on Commerce.

4284. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Substantial Evidence of Effectiveness of New Animal Drugs [Docket No. 97N-0435] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4285. 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: Paper and Paperboard Components [Docket No. 96F-0145] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4286. 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: Paper and Paperboard Components [Docket No. 98F-0871] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4287. 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. 91F-0399] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4288. 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, Sanitizers [Docket No. 99F-0459] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4289. 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. 89F-0338] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4290. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, FDA, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 99F-0299] received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4291. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6427-2] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4292. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards [ND-001-0006a; FRL-6426-5] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4293. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California [CA-81-167; FRL-6427-4] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4294. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, Ventura County Air Pollution Con-

trol District [CA 224-0166a; FRL-6425-5] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4295. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 217-0170a; FRL-6423-1] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4296. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides and Nitrogen Oxide Requirements at Municipal Waste Combustors [MA-35-1-6659a; A-1-FRL-6425-4] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4297. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Contracting by Negotiation [FRL-6428-3] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4298. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire General Conformity [NH039-7166a; A-1-FRL-6416-2] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4299. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 207-156; FRL-6409-4] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4300. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin [WI191-01-7322a; FRL-6414-7] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4301. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning [AD-FRL-6419-9] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4302. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan; Connecticut; Approval of National Low Emission Vehicle Program [R1-052-7211a; A-1-FRL-6417-5] received August 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4303. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-6439-7] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6437-9] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Direct Final Rule Revisions to Emissions Budgets Set Forth in EPA's Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone for the States of Connecticut, Massachusetts and Rhode Island [FRL-6437-3] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulation: Consumer Confidence Reports; Correction [FRL-6437-6] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4307. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cherry Valley and Cotton Plant, Arkansas) [MM Docket No. 98-223; RM-9340; RM-9481; RM-9482] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4308. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Oraibi and Leupp, Arizona) [MM Docket No. 98-179; RM-9344] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4309. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Kensett, Arkansas; Somerton, Arizona; Augusta, Kansas; Wellton, Arizona; Center, Colorado; La Veta, Colorado; Walsenburg, Colorado; Taft, California; Cimarron, Kansas) [MM Docket No. 99-99, RM-9484; MM Docket No. 99-100, RM-9491; MM Docket 99-101, RM-9494; MM Docket No. 99-102, MM-9495; MM Docket No. 99-105, RM-9508; MM Docket 99-107, RM-9510; MM Docket No. 99-109, RM-9512; MM Docket No. 99-111, RM-9539; MM Docket No. 99-113, RM-9544] Received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4310. A letter from the Director, Office of the Congressional Affairs, Office of the State Programs, Nuclear Regulatory Commission, transmitting the Commission's final rule—State of Ohio: Discontinuance of Certain Commission Regulatory Authority Within the State—received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4311. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information (RIN: 3150-AG06) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4312. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: (HI-STAR 100) Addition (RIN: 3150-AG17) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4313. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4314. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a biographical sketch of potential nominee of Ambassador to the People's Republic of China; to the Committee on International Relations.

4315. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Report on Religious Freedom; to the Committee on International Relations.

4316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-132 "Closing of a Public Alley in Square 454, and Square 455, S.O. 98-194, Act of 1999" received September 3, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4317. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

4318. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

4319. A letter from the General Counsel, Executive Office of the President, transmitting the reports on vacancies in Senate confirmed positions; to the Committee on Government Reform.

4320. A letter from the Comptroller General, General Accounting Office, transmitting the Research Notification System Report through August 3, 1999; to the Committee on Government Reform.

4321. A letter from the Deputy Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Revisions to the Public Financial Disclosure Gifts Waiver Provision (RIN: 3209-AA00) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4322. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues where a refund or recoupment is appropriate, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4323. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for Lake Erie Water Snakes (*Nerodia sipedon insularum*) on the Offshore Islands of Western Lake Erie (RIN: 1018-AC09) received August 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4324. A letter from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—General Grant Administration Terms and Conditions of the Coastal Ocean Program [Docket No. 990713192-9192-01; I.D. No. 080399-D] (RIN: 0648-ZA67) received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4325. A letter from the Deputy Assistant Administrator, National Ocean Service, Estuarine Reserves Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Graduate Research Fellowships in the National Estuarine Research Reserve System for FY 2000 (RIN: 0648-ZA66) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4326. A letter from the Director, Bureau of Justice Assistance, transmitting a report of the Bureau of Justice Assistance entitled, "Fiscal Year 1998 Annual Report to Congress," pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

4327. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's Final Rule—Fair Housing Complaint Processing; Plain Language Revision and Reorganization [Docket No. FR-4433-F-02] (RIN: 2529-AA86) received September 15, 1999; to the Committee on the Judiciary.

4328. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Debt Collection (RIN: 2550-AA07) received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4329. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Compliance Procedures for Affirmative Fair Housing Marketing; Nomenclature Change; Final Rule (RIN: 2529-AA87) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4330. A letter from the Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 1998, pursuant to Public Law 88-449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

4331. A letter from the Director, Office of General Counsel & Legal Policy, Office of Government Ethics, transmitting the Department's final rule—Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations (RIN: 3209-AA00 and 3209-AA13) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4332. A letter from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations (RIN: 3209-AA07) received August 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4333. A letter from the Attorney Advisor, Office of the Chief Counsel, FHA, Department of Transportation, transmitting the Department's final rule—Truck Size and Weight; Definitions; Nondivisible [FHWA Docket No. FHWA-98-4326] (RIN: 2125-AE43) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4334. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Research and Special Programs Administration [Docket No. RSPA-98-4185 (HM-215C)] (RIN: 2137-AD15) received August 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4335. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the

Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 97-NM-03-AD; Amendment 39-11271; AD 99-18-05] (RIN: 2120-AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4336. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes [Docket No. 99-CE-55-AD; Amendment 39-11280; AD 99-18-14] (RIN: 2120-AA64) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4337. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes, and C-9 (Military) Airplanes [Docket No. 97-NM-49-AD; Amendment 39-11224; AD 99-15-05] (RIN: 2120-AA64) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4338. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kansas City, MO [Airspace Docket No. 98-ACE-34] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4339. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sikeston, MO [Airspace Docket No. 99-ACE-43] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4340. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the Orlando Class B Airspace Area, Orlando, FL; and Modification of the Orlando Sanford Airport Class D Airspace Area, Sanford, FL [Airspace Docket No. 95-AWA-4] (RIN: 2120-AA66) received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4341. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Malden, MO [Airspace Docket No. 99-ACE-42] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4342. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29733; Amendment No. 1948] received September 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4343. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Extensions of Application Period for Temporary Housing Assistance (RIN: 3067-AC82) received September 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4344. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Factors Considered When

Evaluating a Governor's Request for a Major Disaster Declaration (RIN: 3067-AC94) received September 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4345. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis—received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4346. A letter from the Acting Assistant Secretary for Import Administration, Department of Commerce, International Trade Commission, transmitting the Department's final rule—Regulation Concerning Preliminary Critical Circumstances Findings [Docket No. 9908128228-9228-01] (RIN: 0625-AA56) received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4347. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Sports Franchises—received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4348. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 7702 Closing Agreements [Notice 99-47] received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4349. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1999 Section 43 Inflation Adjustment [Notice 99-45] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 295. Resolution providing for consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions (Rept. 106-326). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 296. Resolution providing for consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906 (Rept. 106-327). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. LAHOOD, Mr. PAUL, Mr. NETHERCUTT, Mr. KUYKENDALL, and Mr. SHAYS):

H.R. 2883. A bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States; to the Committee on the Judiciary.

By Mr. BLILEY:

H.R. 2884. A bill to extend energy conservation programs under the Energy Policy and

Conservation Act through fiscal year 2003; to the Committee on Commerce.

By Mr. HORN (for himself, Mr. WAXMAN, Mr. WALDEN of Oregon, Mr. TURNER, Mrs. BIGGERT, and Mr. DAVIS of Virginia):

H.R. 2885. A bill to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency and quality of Federal statistics and Federal statistical programs by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards; to the Committee on Government Reform.

By Mr. HORN (for himself, Mr. BARRETT of Nebraska, Mr. POMEROY, Mr. BLILEY, Mrs. MINK of Hawaii, Mr. FROST, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. BARRETT of Wisconsin, and Mr. SANDLIN):

H.R. 2886. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 2887. A bill to amend the Federal Power Act to ensure that certain Federal power customers are provided protection by the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. BIGGERT (for herself, Mr. OSE, Ms. SLAUGHTER, and Ms. SCHAKOWSKY):

H.R. 2888. A bill to provide funds to assist homeless children and youth; to the Committee on Banking and Financial Services.

By Mr. CANNON:

H.R. 2889. A bill to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah Project facilities, and implementation of water conservation measures; to the Committee on Resources.

By Mr. CROWLEY (for himself, Mr. BLAGOJEVICH, Mr. SERRANO, and Mr. ROMERO-BARCELÓ):

H.R. 2890. A bill to amend the Puerto Rican Federal Relations Act to transfer jurisdiction over Federal land in and around the island of Vieques to the Government of Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. DAVIS of Virginia (for himself and Mr. MORAN of Virginia):

H.R. 2891. A bill to provide reasonable and non-discriminatory access to buildings owned or used by the Federal Government for the provision of competitive telecommunications services by telecommunications carriers; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. DUNN (for herself, Mr. INSLEE, Mr. METCALF, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. NETHERCUTT, Mr. DICKS, Mr. McDERMOTT, and Mr. SMITH of Washington):

H.R. 2892. A bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals; 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. FOLEY:

H.R. 2893. A bill to provide that adjustments in rates of pay for Members of Congress may not exceed any cost-of-living increases in benefits under title II of the Social Security Act; to the Committee on Government Reform, and in addition to the Committee on House Administration, 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. FOLEY:

H.R. 2894. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mrs. LOWEY, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. FARR of California, Ms. ESHOO, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Ms. PELOSI, and Mr. SMITH of New Jersey):

H.R. 2895. A bill to impose an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have been implemented, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. MCCOLLUM, Mr. LAFALCE, Mrs. ROUKEMA, Ms. WATERS, Mr. BEREUTER, Mr. BAKER, Mr. LAZIO, Mr. BACHUS, and Mr. CASTLE):

H.R. 2896. A bill to combat money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. SHOWS, Ms. DELAURO, Mr. FROST, Ms. NORTON, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. FOLEY, Mr. MCGOVERN, Mr. UNDERWOOD, and Ms. SCHAKOWSKY):

H.R. 2897. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Commerce.

By Mrs. MINK of Hawaii:

H.R. 2898. A bill to amend the Internal Revenue Code of 1986 to reduce to age 21 the minimum age for an individual without children to be eligible for the earned income credit; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 2899. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. BOEHLERT, Mr. OLVER, Ms. DELAURO, Mr. HINCHEY, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. FARR of California, Mr. VENTO, Mr. KENNEDY of Rhode Island, Mr. MCGOVERN, Ms.

SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. MORAN of Virginia, Mr. LANTOS, and Mr. KUCINICH):

H.R. 2900. A bill to reduce emissions from electric powerplants, and for other purposes; to the Committee on Commerce.

By Mr. PITTS (for himself, Mrs. BONO, Mrs. MYRICK, Mrs. EMERSON, Mrs. NORTHUP, Ms. ROS-LEHTINEN, Mrs. CHENOWETH, Mr. DELAY, Mr. CANADY of Florida, Mr. DEMINT, Mr. FLETCHER, Mr. BARCIA, Mr. SMITH of New Jersey, and Mr. GARY MILLER of California):

H.R. 2901. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to abortion, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS (for himself and Mr. HINCHEY):

H.R. 2902. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986 with respect to amendments resulting in defined benefit plans becoming cash balance plans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. SAXTON:

H.R. 2903. A bill to assist in the conservation of coral reefs; to the Committee on Resources.

By Mr. SCARBOROUGH:

H.R. 2904. A bill to amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. VENTO, Ms. VELÁZQUEZ, and Mr. HINCHEY):

H.R. 2905. A bill to eliminate money laundering in the private banking system, to require the Secretary of the Treasury to take certain actions with regard to foreign countries in which there is a concentration of money laundering activities, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WATTS of Oklahoma (for himself, Mr. PAYNE, Mr. TANCREDO, Mr. MARKEY, and Mr. WOLF):

H.R. 2906. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations, 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 Ms. WOOLSEY:

H.R. 2907. A bill to amend the child and adult care food program under the National School Lunch Act to revise the eligibility of private organizations under that program; to the Committee on Education and the Workforce.

By Mr. BEREUTER (for himself, Mr. LANTOS, Mr. GILMAN, Mr. GEJDENSON, Mr. HASTINGS of Florida, Mr. ROYCE, Mr. PAYNE, Mr. ACKERMAN, Mr. ROHR-ABACHER, Mr. SMITH of New Jersey, Mr. BERMAN, Mr. BROWN of Ohio, Mr. HOEFFEL, and Mr. ORTIZ):

H. Res. 297. A resolution expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999; to the Committee on International Relations.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

222. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 38 memorializing the U.S. Congress in ensuring that the critical infrastructure for the U.S. military defense strategy be maintained through the renewal of the withdrawal from the public use of the McGregor Range land beyond 2001; to the Committee on Armed Services.

223. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 75 memorializing the United States Congress to qualify the contributions made by the State of Texas for eligible inpatient hospital services provided by contract in the Lower Rio Grande Valley for federal matching funds under the Medicaid disproportionate share hospital program; to the Committee on Commerce.

224. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 59 memorializing the Congress of the United States to pass legislation that improves the quality of life and economic and environmental well-being of the Gulf Coast; to the Committee on Resources.

225. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 142 memorializing the Congress of the United States to authorize and to urge the Governor of the State of Louisiana to support the development of the "Comprehensive Hurricane Protection Plan for Coastal Louisiana"; to the Committee on Transportation and Infrastructure.

226. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 141 memorializing the Congress of the United States to maintain its commitment to the veterans of America and their families; to the Committee on Veterans' Affairs.

227. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 102 memorializing the Congress of the United States to ensure the future of the Kerrville Veterans Administration Medical Center; to the Committee on Veterans' Affairs.

228. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 249 memorializing the Congress of the United States and urging the President of the United States to refrain from inclusion of mandatory Social Security coverage for presently noncovered state and local government employees in any Social Security reform legislation; to the Committee on Ways and Means.

229. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 7 memorializing the Congress of the United States to maintain its commitment to America's military retirees over the age of 65; jointly to the Committees on Armed Services and Government Reform.

230. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 2 memorializing the Congress of the United States to provide funding for infrastructure improvements between Texas and Mexico; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI (by request) introduced a bill (H.R. 2908) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. MCCOLLUM and Mr. JENKINS.

H.R. 88: Ms. SCHAKOWSKY, Mr. FILNER, Mr. LARSON, Mr. WU, Mr. MOORE, Mrs. MALONEY of New York, and Mr. BLAGOJEVICH.

H.R. 175: Mr. BARTLETT of Maryland and Mrs. WILSON.

H.R. 205: Mr. SANDLIN.

H.R. 220: Mr. WALDEN of Oregon.

H.R. 269: Ms. PELOSI.

H.R. 270: Ms. PELOSI, Mr. WEINER, Mr. PALLONE, and Mr. BROWN of Ohio.

H.R. 303: Mr. ENGEL.

H.R. 354: Mr. PETRI, Mr. CHABOT, and Mr. GARY MILLER of California.

H.R. 382: Mr. KUCINICH, Mr. ENGLISH, and Mr. SERRANO.

H.R. 425: Mr. DIXON.

H.R. 443: Ms. CARSON.

H.R. 488: Mr. CLYBURN.

H.R. 505: Mrs. MINK of Hawaii.

H.R. 516: Mr. TIAHRT.

H.R. 531: Mr. UPTON and Mr. HUTCHINSON.

H.R. 534: Mr. DICKS, Mr. BENTSEN, Mr. BRADY of Texas, Mr. BARCIA, Mrs. EMERSON, and Mr. SIMPSON.

H.R. 583: Mr. MALONEY of Connecticut.

H.R. 595: Mr. CUMMINGS.

H.R. 628: Ms. PRYCE of Ohio.

H.R. 648: Mr. DIAZ-BALART.

H.R. 692: Mr. SENSENBRENNER.

H.R. 701: Mr. SCARBOROUGH, Mr. LAHOOD, and Mr. CANADY of Florida.

H.R. 721: Mrs. CUBIN, Mr. WATTS of Oklahoma, Mr. SMITH of Michigan, and Mrs. MEEK of Florida.

H.R. 728: Mr. MCINNIS.

H.R. 730: Mrs. NAPOLITANO and Mr. UDALL of New Mexico.

H.R. 750: Mr. SNYDER, Mr. HORN, and Mr. BENTSEN.

H.R. 783: Mr. HASTINGS of Washington, Mr. LUTHER, and Mr. MOORE.

H.R. 798: Mr. BERMAN.

H.R. 826: Mr. ROMERO-BARCELO and Mr. EVANS.

H.R. 860: Mr. KENNEDY of Rhode Island.

H.R. 886: Mr. DEFAZIO.

H.R. 888: Mr. BERMAN, Ms. ESHOO, Mr. UDALL of New Mexico, Mr. WEINER, Mr. HALL of Ohio, Mr. DAVIS of Illinois, Mr. MARTINEZ, Mr. MALONEY of Connecticut, and Mr. KLINK.

H.R. 915: Mr. HOSTETTLER.

H.R. 920: Mr. MCGOVERN.

H.R. 932: Ms. LEE.

H.R. 1083: Mr. BERRY.

H.R. 1102: Mr. PETERSON of Minnesota.

H.R. 1115: Mr. LARSON, Mr. SESSIONS, Mr. TURNER, Mr. WAMP, Mr. DUNCAN, Mr. GIBBONS, Mr. BARTLETT of Maryland, Mr. HYDE, Mrs. LOWEY, Mr. BRYANT and Mr. STRICKLAND.

H.R. 1123: Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. WEINER, and Ms. SCHAKOWSKY.

H.R. 1129: Mr. DAVIS of Illinois.

H.R. 1144: Mr. FOLEY and Mr. SANDLIN.

H.R. 1187: Mr. MINGE and Mrs. FOWLER.

H.R. 1221: Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. GEJDENSON, Mr. MCINTOSH, Mr. WU, Mr. HUTCHINSON, and Mr. BACHUS.

H.R. 1222: Ms. KAPTUR.

H.R. 1237: Mr. FOLEY and Mr. PASCRELL.

H.R. 1274: Mrs. MORELLA, Mr. RAHALL, Mr. SMITH of New Jersey, and Ms. LEE.  
 H.R. 1300: Mr. PICKETT, Mr. BOSWELL, Mr. PHELPS, Mr. GARY MILLER of California, Mr. SUNUNU, and Ms. MCCARTHY of Missouri.  
 H.R. 1317: Mr. HOSTETTLER and Mr. SAM JOHNSON of Texas.  
 H.R. 1322: Mr. DOYLE.  
 H.R. 1358: Mr. LAHOOD and Mr. CRAMER.  
 H.R. 1387: Mr. BARCIA and Mr. COYNE.  
 H.R. 1388: Mr. WEXLER, Ms. BERKLEY, Mr. NETHERCUTT, and Mr. EVANS.  
 H.R. 1413: Mr. GOODE.  
 H.R. 1485: Mr. FORD.  
 H.R. 1579: Mr. PACKARD, Mr. WOLF, Mr. SERMAN, Mr. HUNTER, Mr. EVANS, Mrs. THURMAN, Mr. MATSUI, Mr. DREIER, Mr. METCALF, Mr. HASTINGS of Florida, Mr. BOEHNER, Mrs. CAPPS, Mr. CHABOT, Mr. MORAN of Virginia, Mr. CASTLE, and Mr. WU.  
 H.R. 1675: Mr. FATTAH.  
 H.R. 1708: Mr. CANADY of Florida, Mr. DOYLE, and Mr. HOSTETTLER.  
 H.R. 1760: Mr. ENGLISH., Mr. SMITH of New Jersey, Mr. MOORE, Mr. GREENWOOD, and Mr. LAZIO.  
 H.R. 1777: Mr. DEFazio and Mr. OXLEY.  
 H.R. 1788: Mr. SENSENBRENNER, Mr. PASCRELL, Mrs. MALONEY of New York, and Mr. MCGOVERN.  
 H.R. 1795: Mr. BORSKI, Mr. HAYWORTH, Mr. MOAKLEY, Ms. STABENOW, Ms. LEE, Mr. ETHERIDGE, and Mr. SMITH of New Jersey.  
 H.R. 1816: Mr. FRANK of Massachusetts, Mr. SHOWS, Mr. McNULTY, Mr. FORD, and Mr. DOYLE.  
 H.R. 1837: Ms. WOOLSEY, Mr. DEMINT, Mrs. LOWEY, Mr. SHADEGG, Mr. STEARNS, and Mr. MURTHA.  
 H.R. 1841: Mr. CAPUANO.  
 H.R. 1842: Mr. UDALL of New Mexico.  
 H.R. 1876: Mr. TURNER, Mr. MORAN of Kansas, Mr. MANZULLO, Mr. LEWIS of Kentucky, Mr. TRAFICANT, Mr. ROYCE, Mr. WATKINS, and Mr. PACKARD.  
 H.R. 1885: Mr. CRAMER.  
 H.R. 1899: Mr. HORN and Mr. PASCRELL.  
 H.R. 1926: Mr. ENGEL and Mr. PACKARD.  
 H.R. 1933: Mr. HASTINGS of Washington and Mr. RYUN of Kansas.  
 H.R. 1998: Mr. TANCREDO.  
 H.R. 2049: Mr. MORAN of Virginia.  
 H.R. 2102: Mr. MENENDEZ.  
 H.R. 2129: Mrs. NORTHUP, Mr. DOOLITTLE, Mr. FOLEY, and Mr. POMBO.  
 H.R. 2130: Ms. STABENOW.  
 H.R. 2171: Ms. MCCARTHY of Missouri.  
 H.R. 2200: Mr. FRANK of Massachusetts, Mr. LAFALCE, and Mr. UNDERWOOD.  
 H.R. 2221: Mr. WALDEN of Oregon.  
 H.R. 2233: Mr. JEFFERSON and Mr. FROST.  
 H.R. 2241: Mr. SMITH of Washington, Mr. LAHOOD, Mr. GUTIERREZ, Mr. BASS, Mr. TURNER, and Mr. WATT of North Carolina.  
 H.R. 2247: Mr. GIBBONS and Mr. POMBO.  
 H.R. 2258: Mr. FALEOMAVAEGA.  
 H.R. 2260: Mr. LAZIO.  
 H.R. 2262: Mr. LAZIO.  
 H.R. 2263: Mr. LAZIO.  
 H.R. 2264: Mr. LAZIO.  
 H.R. 2282: Mr. TANCREDO.  
 H.R. 2295: Ms. HOOLEY of Oregon.  
 H.R. 2332: Mr. ROEMER, Mr. LATOURETTE, Mr. BARRETT of Wisconsin, Mr. LAFALCE, Mr. DINGELL, Mr. KLECZKA, Mr. BONIOR, Mr. GUTKNECHT, Mr. SABO, Mr. JACKSON of Illinois, Ms. STABENOW, and Mr. EHLERS.  
 H.R. 2341: Mr. NEY, Ms. STABENOW, Ms. DELAURIO, Mr. BARCIA, Mrs. KELLY, Mr. OLVER, Mr. THOMPSON of California, Mr. BARRETT of Wisconsin, Mr. LAFALCE, Mr. JACKSON of Illinois, Mr. FLETCHER, Mr. WEYGAND, Mr. TAUZIN, Mr. CHAMLISS, Mrs. JOHNSON of Connecticut, Mr. MASCARA, Mr. BILIRAKIS, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. STRICKLAND, Mr. GOSS, Mr. DINGELL, Mr. BONIOR, Mr. RANGEL, Mr. STARK, Mr. DOOLEY of California, Mr. HILL of Montana, Mrs.

JONES of Ohio, Mr. SHIMKUS, Mr. FARR of California, Mr. BLAGOJEVICH, Ms. HOOLEY of Oregon, Mr. RADANOVICH, and Mr. SMITH of Washington.  
 H.R. 2357: Mr. BARCIA.  
 H.R. 2366: Mr. BAKER, Mr. CUNNINGHAM, Mr. DEMINT, Mr. LEWIS of California, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. PITTS, Mr. TALENT, Mr. HILL of Montana, Ms. PRYCE of Ohio, Mr. HOBSON, Mr. GOODE, and Mr. MCCOLLUM.  
 H.R. 2386: Ms. CARSON, Mr. LUTHER, Mr. NADLER, and Mr. FOLEY.  
 H.R. 2413: Mr. EHLERS, Mr. COOK, Mr. EWING, and Mr. GUTKNECHT.  
 H.R. 2419: Mr. WYNN, Mr. BILBRAY, Ms. HOOLEY of Oregon, Mr. GONZALEZ, Mr. PAUL, Mr. LEWIS of Kentucky, Mr. MCCARTHY of New York, Ms. GRANGER, Mr. HALL of Texas, Mr. BAKER, and Mr. FLETCHER.  
 H.R. 2436: Mr. DELAY and Mr. BARTON of Texas.  
 H.R. 2439: Mrs. MINK of Hawaii.  
 H.R. 2451: Mr. NEY.  
 H.R. 2453: Mr. GOODE.  
 H.R. 2495: Ms. ESHOO and Mr. LANTOS.  
 H.R. 2498: Mr. WALSH, Mr. GOODLING, Mr. INSLEE, and Mr. BURR of North Carolina.  
 H.R. 2499: Mr. HOLT, Mr. FRANKS of New Jersey, and Mr. HINCHEY.  
 H.R. 2538: Ms. SCHAKOWSKY and Mr. BERMAN.  
 H.R. 2546: Mr. FROST, Mr. SANDLIN, and Mr. RUSH.  
 H.R. 2576: Mr. SENSENBRENNER.  
 H.R. 2593: Mr. MATSUI.  
 H.R. 2619: Mr. KOLBE.  
 H.R. 2628: Mr. RAHALL and Ms. GRANGER.  
 H.R. 2631: Ms. CARSON.  
 H.R. 2650: Mr. BROWN of Ohio.  
 H.R. 2655: Mr. HILL of Montana.  
 H.R. 2719: Mr. MCDERMOTT.  
 H.R. 2720: Mr. GILMAN, Mr. KUYKENDALL, Mr. KILDEE, Mr. SAWYER, and Mr. KUCINICH.  
 H.R. 2725: Mr. ALLEN.  
 H.R. 2726: Mr. PICKETT, Mr. DOYLE, Mr. BARTLETT of Maryland, Mr. ENGLISH, Mr. NUSSLE, Mr. BRADY of Texas, Mr. FROST, Mr. KOLBE, and Mr. SUNUNU.  
 H.R. 2728: Mr. COSTELLO, and Mr. SNYDER.  
 H.R. 2750: Mr. HINCHEY and Mr. NEY.  
 H.R. 2786: Mr. BURR of North Carolina and Mr. WYNN.  
 H.R. 2809: Mr. KUCINICH, Mr. BROWN of Ohio, Mr. CONYERS, Mr. ANDREWS, and Ms. PELOSI.  
 H.R. 2814: Mr. OSE, Mrs. BONO, and Mr. MCINNIS.  
 H.R. 2828: Mr. WU, Ms. ESHOO, Ms. RIVERS, Mrs. MALONEY of New York, Mrs. CAPPS, Mrs. MEEK of Florida, Mr. LEVIN, Mr. BLUMENAUER, Mr. DEFazio, Ms. DEGETTE, Ms. WOOLSEY, Mrs. NAPOLITANO, and Mr. RUSH.  
 H.R. 2843: Mr. BOUCHER and Mr. JONES of North Carolina.  
 H.R. 2882: Mr. FROST.  
 H.J. Res. 55: Mr. MCINNIS.  
 H.J. Res. 65: Mr. BILIRAKIS, Mr. BAKER, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. PETERSON of Minnesota, Ms. CARSON, Ms. BERKLEY, Mr. MORAN of Kansas, Mr. GILMAN, Mr. HALL of Texas, Mr. DINGELL, Mr. DOYLE, Mr. SHOWS, Mr. HANSEN, Mr. BUYER, Mr. MCKEON, Mr. HAYWORTH, and Mr. BALLENGER.  
 H. Con. Res. 17: Mr. BARRETT of Wisconsin.  
 H. Con. Res. 124: Mr. SCOTT, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Mr. SPRATT, Mr. BEREUTER, and Mr. WELDON of Pennsylvania.  
 H. Con. Res. 132: Mr. SANDERS, Mr. GEORGE MILLER of California, and Ms. ESHOO.  
 H. Con. Res. 139: Mr. BILIRAKIS, Mr. PICKETT, and Mr. SAM JOHNSON of Texas.  
 H. Con. Res. 152: Mrs. MCCARTHY of New York, Mr. SHAYS, Mr. GUTIERREZ, Mr. BLAGOJEVICH, and Mr. OWENS.  
 H. Con. Res. 166: Mr. MARTINEZ.

H. Con. Res. 186: Mr. DELAY, Mr. BARR of Georgia, Mr. ROGAN, Ms. ROS-LEHTINEN, Mr. GIBBONS, Mr. SCHAFFER, and Mr. HUTCHINSON.  
 H. Res. 278: Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. SHOWS, Mr. SPENCE, Mr. KING, Mr. WATT of North Carolina, Mr. FORBES, Mr. LAZIO, Mr. KUYKENDALL, Mr. CAPUANO, Mr. COBURN, Mr. HINCHEY, Mr. TOOMEY, Mr. BENTSEN, Mr. EHRlich, Mr. FOLEY, Ms. HOOLEY of Oregon, Mrs. FOWLER, Mr. ETHERIDGE, Mr. FRANKS of New Jersey, Mr. MCINTYRE, Mr. CROWLEY, Mr. SANDLIN, Mr. FROST, Mr. NEY, Mr. THOMPSON of California, Mrs. NORTHUP, Mr. DOYLE, Mr. BROWN of Ohio, Mr. BLUNT, and Mrs. EMERSON.  
 H. Res. 287: Mr. SHIMKUS, Mr. BENTSEN, Mrs. LOWEY, Mrs. KELLY, Mr. COOKSEY, Mr. GREENWOOD, Mr. FROST, Mr. WATTS of Oklahoma, Mr. GONZALEZ, Mrs. MINK of Hawaii, Mrs. NORTHUP, and Mr. SANDLIN.  
 H. Res. 292: Mr. OLVER and Mr. DELAHUNT.

## PETITIONS, ETC.

### Under clause 3 of rule XII,

49. The SPEAKER presented a petition of the Municipal Assembly of Morovis, relative to Resolution #6 petitioning the President of the United States to immediately withdraw the Navy from Vieques; which was referred to the Committee on Armed Services.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1875

OFFERED BY MR. DOGGETT

AMENDMENT NO. 1: Page 5, insert the following after line 13 and redesignate the succeeding paragraphs accordingly:

“(3) Paragraph (1) shall apply to a State only if such State, on or after the date of the enactment of the Interstate Class Action Jurisdiction Act of 1999, enacts a statute that—

“(A) is adopted in accordance with procedures established by that State's constitution for enactment of a statute;

“(B) does not conflict with that State's constitution, as interpreted by that State; and

“(C) declares that paragraph (1) shall apply to that State.

Page 7, insert the following after line 23 and redesignate the succeeding paragraphs accordingly:

“(1) APPLICABILITY TO STATES.—This section shall apply to a State only if such State, on or after the date of the enactment of the Interstate Class Action Jurisdiction Act of 1999, enacts a statute that—

“(A) is adopted in accordance with procedures established by that State's constitution for enactment of a statute;

“(B) does not conflict with that State's constitution, as interpreted by that State; and

“(C) declares that this section shall apply to that State.

H.R. 1875

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 2: Page 9, strike line 6 and all that follows through page 10, line 2, and insert the following:

(e) PROCEDURE AFTER REMOVAL.—Section 1447 is amended by adding at the end the following new subsection:

“(f) If, after removal, the court determines that any aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may not be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, it shall remand

that aspect of the action to the State court from which it was removed. In such event, that State court may certify the action or any part thereof as a class action pursuant to its State law and such action cannot be removed to Federal court unless it meets the requirements of section 1332(a)."

H.R. 1875

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a tobacco product.

"(B) As used in this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption."

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) TOBACCO PRODUCTS.—(A) This section shall not apply to any class action that is brought for harm caused by a tobacco product.

"(B) As used in this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption."

H.R. 1875

OFFERED BY: MR. NADLER

AMENDMENT NO. 4: Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5)(A) Paragraph (1) shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

"(B) As used in this paragraph, the term 'firearm'—

"(i) has the meaning given that term in section 921(3) of title 18; and

"(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986."

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) FIREARMS OR AMMUNITION.—(A) This section shall not apply to any class action that is brought for harm caused by a firearm or ammunition.

"(B) As used in this paragraph, the term 'firearm'—

"(i) has the meaning given that term in section 921(3) of title 18; and

"(ii) includes any firearm as defined in section 5845 of the Internal Revenue Code of 1986."

H.R. 1875

OFFERED BY: MR. NADLER

AMENDMENT NO. 5: Page 6, line 5, strike the quotation marks and second period.

Page 6, insert the following after line 5:

"(5) Paragraph (1) shall not apply to any class action that is brought for harm caused by any group health plan, health insurance issuer, health care provider, or health care professional, if the primary defendant in the action is a group health plan or health insurance issuer which has a substantial commercial presence in the State in which the action is brought."

Page 8, line 16, strike the quotation marks and second period.

Page 8, insert the following after line 16:

"(3) HEALTH PLANS, HEALTH INSURANCE ISSUERS, ETC.—This section shall not apply

to any class action that is brought for harm caused by any group health plan, health insurance issuer, health care provider, or health care professional, if the primary defendant in the action is a group health plan or health insurance issuer which has a substantial commercial presence in the State in which the action is brought."

H.R. 1875

OFFERED BY: MS. WATERS

AMENDMENT NO. 6: Page 10, line 4, strike "The" and insert "(a) IN GENERAL.—The".

Page 10, lines 5 and 6, strike "date of the enactment of this Act" and insert "date certified by the Judicial Conference under subsection (b)".

Page 10, insert the following after line 6:

(b) CERTIFICATION BY JUDICIAL CONFERENCE.—The Judicial Conference of the United States shall certify in writing to the Congress the first date on or after the date of the enactment of this Act on which the number of vacancies of judgeships authorized for the United States courts of appeals, the United States district courts, and the United States Court of Federal Claims, is less than 3 percent of all such judgeships.

H.R. 1875

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 7: Page 7, line 10, strike "before or".

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 1: Page 4, line 9, strike "(c)" and all that follows through "the Director shall" on line 11 and insert the following:

"(c) REQUIREMENTS WITH RESPECT TO SPECIAL POPULATIONS.—There is established within the Agency an office to be known as the Office on Special Populations, which shall be headed by an official appointed by the Director. The Director, acting through such Office, shall".

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 2: Page 4, line 14, insert "in inner-city areas and" after "health services".



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, FIRST SESSION

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No. 123

## Senate

The Senate met at 2:15 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Father Paul Lavin, pastor of St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

### PRAYER

The guest Chaplain, Dr. Paul Lavin, offered the following prayer:

In the words of Saint Paul's letter to the Romans we hear:

*For by the grace given to me I tell everyone among you not to think of himself more highly than one ought to think, but to think soberly, each according to the measure to faith that God has apportioned. For as in one body we have many parts, and all the parts do not have the same function, so we, though many, are one body in Christ and individually parts of one another. Since we have gifts that differ according to the grace given us, let us exercise them: if prophecy, in proportion to the faith; if ministry, in ministering, if one is a teacher, in teaching; if one exhorts, in exhortation; if one contributes, in generosity; if one is over others, with diligence; if one does acts of mercy, with cheerfulness.*

Let us pray.

Direct, O Lord all our actions by Your inspiration and carry them on by Your assistance so that every prayer and action may begin in You and by You be happily ended. Glory and praise to You for ever and ever. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JAMES INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Utah, Mr. BENNETT, is recognized.

### SCHEDULE

Mr. BENNETT. Mr. President, today the Senate will be in a period of morning business until 5:30 p.m. Under a previous order, the time between 4:15 and 5:30 is equally divided between Senators HATCH and TORRICELLI.

#### DIVISION OF TIME

I now ask unanimous consent that the time be equally divided between Senators HATCH and LEAHY.

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

Mr. BENNETT. There will be at least one vote on a motion to invoke cloture on the bankruptcy bill, with the possibility of a second vote on a motion to invoke cloture on the judicial nomination of Ted Stewart.

Following the votes, the Senate may begin consideration of the Department of Defense authorization conference report. Under the order, there are 2 hours of debate which may begin tonight, with a vote occurring tomorrow morning.

For the remainder of the week, the Senate will begin consideration of the HUD-VA appropriations bill and complete action on the Interior appropriations bill.

I thank my colleagues for their attention.

### MEASURE PLACED ON CALENDAR

Mr. BENNETT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 17) to amend the Agricultural Trade Act of 1978 to require the President to

report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

Mr. BENNETT. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will go to the calendar.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 5:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 3:15 shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Who seeks recognition?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. DORGAN. Mr. President, will the Senator from Iowa yield for a moment to allow me to propound a unanimous consent request?

Mr. HARKIN. I yield.

### UNANIMOUS CONSENT AGREEMENT—S. 625

Mr. DORGAN. Mr. President, I ask unanimous consent that on the bankruptcy bill which is before the Senate

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



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all first-degree amendments must be filed by 3:15 p.m. and second-degree amendments be filed by 5:30 p.m. My understanding is both the majority and minority have cleared this unanimous consent request.

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

The Senator from Iowa.

#### EDUCATION FUNDING

Mr. HARKIN. Mr. President, on January 6 of this year, the majority leader stood on the Senate floor and told us that education would be a high priority for the Senate. This is exactly what he said:

Education is going to be a central issue this year. Democrats say it is important and it will be a high priority. Republicans say it will be a high priority.

I am sorry to say Republicans cannot make that claim today. I want to take a few moments this afternoon, along with some of my colleagues, to assess where education is on the leadership's priority list.

We have less than 7 legislative days, and that is counting Mondays and Fridays—we do not do much on Mondays and Fridays—before the end of the fiscal year. There is one Education bill that must be enacted, and that is the Education appropriations bill.

Despite proclamations that education will be a top priority, the Senate has been working on all but 1 of the 13 appropriations bills. We have done at least some work on 12 appropriations bills. We have 1 left. Dead last: education. This is a list of all of the appropriations bills:

Military construction, No. 1 on the list—the President has already signed that—leg branch; Treasury; District of Columbia; Transportation; Defense; energy and water; Commerce-Justice-State; Interior; Agriculture; and VA-HUD, the full committee approved VA-HUD last week, and it will be on the floor this week. Education, no action taken. It is dead last on that list, and education is supposed to be a high priority with the leadership in the Senate? Those are wrong priorities. Education should be at the top of this list, not at the bottom of the list.

Despite a valiant effort by the chairman of our subcommittee, Senator SPECTER, the Education appropriations bill has not even been written. Senator SPECTER has fought every day to move this bill forward. He tried in June, July, August, and September. He tried again last week, and we cannot even meet to mark up the bill.

If that is not bad enough, the leadership has robbed the Education bill to pay for other bills. As a result, we are looking at deep cuts in all of the programs funded by the Labor, Health and Human Services, and Education appropriations bill.

Not only is education dead last on the calendar, it is dead last for resources. Our subcommittee started with an allocation, an allocation we re-

ceived earlier this year, substantially below a freeze from last year. If that is not bad enough, it is even worse now.

Last week, the leadership staged another raid on education and took \$7.276 billion in budget authority, \$4.969 billion in outlays, from education and other essential priorities in the bill so they can get the VA-HUD bill to committee.

Our subcommittee allocation is \$15.5 billion below a freeze. That means we are facing a whopping 17-percent cut in education.

This chart illustrates that. In fiscal year 1999, the year we are in right now, we had slightly more than \$89 billion. This year, where we stand right now, we have \$73.6 billion. That is a 17.3-percent cut that will be across the board.

What does that impact? A lot of things. Here is one: That cut will impact reducing class size and improving teacher quality. This cut will force communities to lay off 5,246 newly hired teachers. These are the teachers hired this year, for whom we put money in, for reducing class size. They will have to be let go after just 1 year.

Funding will be cut for the Teacher Quality Enhancement Program for 24 States and 52 partnerships to improve recruitment and training of teachers. That is where we are right now.

We came to the Chamber last Thursday and talked about this issue. Later on in the day, the assistant majority leader, Senator NICKLES, came to the Chamber and said:

I would like to correct the record, because I know I heard a number of my colleagues say the Republican budget is slashing education, it's at the lowest end, it's the last appropriation bill we are taking up. Let me correct the record.

He says:

One, the budget the Republicans passed earlier this year had an increase for education. . . .

The budget. We are not talking about the budget. We are talking about actual money. I do not care what the budget said. I want to know where the real money is. When that budget got to our appropriations bill, we were cut below a freeze for last year, and certainly the leadership ought to know that.

Then he said:

The Appropriations Committee has yet to mark up the Labor-HHS bill.

Our Education bill. Not that we have not tried. Senator SPECTER tried in June, July, August, and September to bring it up, and we are not allowed to bring it up. We are not allowed to mark it up.

Mr. NICKLES said:

I understand from Senator SPECTER and others they plan on appropriating \$90 billion. The amount of money we have in the current fiscal year is \$83.8 billion.

That is off a little bit.

He says:

So that is an increase of about \$6.2 billion. . . . That is an increase of about 9 percent. That is well over inflation.

I am quoting Senator NICKLES. Our assistant majority leader says:

I think it is too much. I think we should be freezing spending.

He is talking about education. He says it is too much. He says we have \$90 billion. That is not so. Right now we have a total of \$73.6 billion for our committee. That is it. If Mr. NICKLES has \$90 billion, I wish he would show me the money. We would love to mark it up. We would love to give education an increase.

With all due respect to my friend from Oklahoma, the assistant majority leader, I wholeheartedly disagree with him that we freeze at last year's level of funding for education. I will go into that a little bit later, but we need an increase in education because of what is happening around the country.

Mr. NICKLES said:

I think we should be freezing spending.

That says it all. The leadership is not committed to increased investments in education. If they had their way, according to the assistant majority leader, they would freeze funding for education.

We need additional investments in education. Why? Let's look at it this way: The average school building in the United States is 42 years old; 14 million children attend classes in buildings that are unsafe or inadequate. Enrollment is booming. There are more children in U.S. schools than at any time in our history. Class sizes are expanding. It is not unusual for elementary schools to have 30 to 35 kids in a class.

Our schools are literally bursting at the seams to accommodate the 53.2 million students enrolled in public schools. These students need teachers; they need the latest technology; they need computers in the classrooms if we are going to compete in the next century, in the next millennium.

So when the assistant majority leader says he wants to freeze education funding at last year's level, that says it all. They are not going to make education a priority. They do not care what is happening with the burgeoning classroom sizes.

There are priorities and there are priorities. The leadership found \$16 billion more for the Pentagon. It is interesting that this is \$4 billion even more than what the Pentagon asked for. Having spent a number of years myself in the military and having been on the Appropriations Committee for a number of years, I can say, without any fear of contradiction, I have never seen, nor do I think I will live long enough to ever see, the Pentagon ask for less money than they actually need. They always ask for more money than they need. Yet the leadership said that is not even enough; we are going to give you \$4 billion more.

I have heard one plan after another for how we are going to fund education. The assistant majority leader said we have \$90 billion, but we only have \$73

billion. I do not know where he found this money. I challenge the assistant majority leader to come on the floor and tell us where we get the \$90 billion. I would like to see it.

They are talking about delaying the earned-income tax credit for poor working Americans. How about that for funding education. Talk about robbing Peter to pay Paul.

Then there is talk about cutting Medicaid, or a large across-the-board cut in the bill.

Then we have heard talk about extending the fiscal year; we are going to have another month. We are not going to have 12 months in a year. We are now going to have 13 months in a year. I have even heard grade school kids laughing about that one. That does not pass the laugh test around here.

All I can say is President Clinton sent us a budget that increased funding for education programs which had the offsets necessary so we did not have to raid Social Security and Medicare. It was not as much of an increase as I would like to have seen, but at least it is an increase and not a 17-percent cut. He had the offsets there, too.

In fact, whenever the leadership so deigns that our education subcommittee can meet and mark up our bill, I will propose an offset that will deal with raising \$5.9 billion next year for cutting teen smoking, which has been fully calculated by the CBO to raise that much money. So we get two things: We will cut teen smoking and raise some money for education.

Over the past 5 years, we have had many legislative fights over the education budget. In 1995, the Republican leadership was so insistent on cutting education they shut down the Federal Government to make their point. The American people made their views well known at the time. They said: Do not cut education. As a result, the cuts were restored and additional investments were made. I must say that since 1996, education investments have increased, although the leadership has been dragged, kicking and screaming, to the table every single year. And this year is no exception.

The American people understand this. They are telling us loudly and clearly to make education a top priority. A recent ABC News poll found that three out of four Americans say improving education will be very important in the next election. Another poll, done by the University of Chicago, found that 73 percent of Americans favor increasing Federal investment in education. Yet our assistant majority leader says we need to freeze it. Someone is out of step with the American people.

Lastly, there is one other chart I want to show about what is happening. I continually hear from my constituents in Iowa and from Iowa legislators, and others, that property taxes keep going up all the time. Property taxes are going up. State legislators are feeling the pinch about putting more and

more money into education. They are wondering what is happening. This chart shows what is happening.

In fiscal year 1980, of all the money spent in this country on elementary and secondary education, the Federal Government provided 11.9 percent. In 1998, last year, the Federal Government provided only 7.6 percent of the total funding for elementary and secondary education.

The Federal Government, through the 1980s—the Reagan and Bush years and on into this decade—had been cutting the amount of Federal support for elementary and secondary education. This gap from about 11.9 percent to 7.6 percent is made up in property taxes. It is made up in local taxes and State taxes—where they have been asked and see the need to fill in that gap. So we have failed in our responsibility to adequately help our States and local communities fund education.

I see my friend from Hawaii is here. I just want to make one other short comment and I will yield the floor to him.

Last Thursday, the assistant majority leader said something about teachers. He said:

I heard both of my colleagues say—

Being me since I was the one speaking—

“Boy, we need more Federal teachers or more school buildings.”

Then Senator NICKLES said:

Is that really the business of the Federal Government?

I never said we need more Federal teachers. But I did say we need more local teachers. We need more teachers to help reduce the size of classes. I believe that is a legitimate Federal responsibility, going out and helping our local communities. Not a one of those teachers we hired this year to reduce class size works for the Federal Government. They work for local school districts. But we are doing our part in helping.

To say that we need more school buildings is right. There are more children in U.S. schools than at any time in our history—53.2 million students. The average age of our buildings is 42 years old.

Yes, Mr. NICKLES, we need some newer schools, more schools, and we need some more computers in classrooms; we need more qualified teachers and more teachers to reduce class size. But, again, education is last on the list.

Last, we are facing the end of the year. We have a 17-percent cut where we stand right now in education—dead last. So much for Republican priorities on education.

I yield the floor.

Do I control the time, Mr. President?

The PRESIDING OFFICER. The time was allocated to the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. HARKIN. I ask unanimous consent that I be allowed to yield whatever time he may consume to the Senator from Hawaii.

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

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to add my voice to others who are calling for increases in education funding. Our investment in the education of future generations that will someday run this country cannot be undervalued. We must ensure the best education for our young people. However, this will not happen if we undermine education as a priority by cutting funding for schools, classrooms, and students. This funding would be deeply reduced for years to come without a veto of the tax bill, as President Clinton has promised. In addition, we may see reductions in fiscal year 2000 funding if we do not give greater emphasis to education as a priority in the current appropriations process.

This is the challenge before us today. Education's share of the Federal budget has declined, and it did not start out at a significant percentage to begin with. Education makes up 2 percent of the fiscal year 1999 budget. Compare this 2 percent with about 15 percent for defense, 22 percent for Social Security, 11 percent for Medicare, and 13 percent for interest on the debt. These numbers are reported by the Committee for Education Funding.

In addition, the Federal share of education funding has declined, falling from 14 percent for elementary and secondary programs in fiscal 1980 to 6 percent in fiscal year 1998. For higher education, the Federal share fell from 18 percent to 12 percent from 1980 to 1998. Because Federal dollars leverage more support for education from other sectors of the economy, we cannot allow the Federal share to dwindle.

We can scarce afford to continue this way and shrink the education dollar if we look at what lies ahead. According to the recent Baby Boom Echo Report from the U.S. Department of Education, total public and private school enrollment in this country has risen to a record 53 million students. Furthermore, between 1989 and 2009, elementary school enrollment will have increased by 5 million children, secondary enrollment by almost 4 million students, and college by 3 million students.

The report lists Hawaii among the top 15 states in enrollment growth. For public elementary and secondary enrollment, in a decade, Hawaii will have 26,000 more students in its schools, reaching 227,000 students. This means 13 percent more students will be in Hawaii's classrooms in 2009 than are there today. Many States are facing similar projections, and there seems to be no end in sight to this growth.

There will be tremendous repercussions from this Baby Boom Echo. One example is in the need for school construction and modernization. Mr. President, in Hawaii, about three in every four schools need to upgrade or repair buildings to good overall condition. More than half of schools report

at least one inadequate building feature, whether the roof is leaking, plumbing is not functioning well, or windows are inadequate. In addition, four out of five schools report at least one unsatisfactory environmental factor, such as air quality, ventilation, or lighting. We will need to attend to some or all of these conditions soon as Hawaii continues to feel the impact of increasing enrollments.

Over the next decade, the Hawaii Department of Education estimates that it will need \$1.5 billion for capital improvements. This will include 15 new elementary schools, 2 new intermediate schools, and 2 new high schools. The figure also accounts for 400 new permanent classrooms and \$120 million for building replacement.

In addition, class size will need to be reduced before learning is stifled altogether—this will be had to do with more students in schools. Hawaii's average class size is already in the mid-20s, while the recommended size is 18. These are only a few examples of the need in our public schools that will be heightened by rising enrollments.

It is easy to see why I cannot condone the education cuts that would result if the tax bill became law. I am not opposed to tax cuts, but committing \$792 billion to tax cuts at this time would lead to serious neglect of this country's greater priorities. In an era of budget surplus, we would have to hang our heads in shame for using funds for tax breaks when problems loom large: Social Security and Medicare need to be made solvent for future decades; the amount we are putting toward interest on the debt must be reduced; and our domestic priorities, including education, must be boosted.

However, the majority's tax plan calls for about 50-percent cuts in non-defense discretionary programs. For education, this means: 6 million children denied extra academic support under Title I funds for the disadvantaged, including 25,000 students in Hawaii; almost 800,000 students denied a Pell grant, including 2,000 in Hawaii; and nearly \$3 billion less in IDEA funding to States, including \$9 million intended for special education in Hawaii. The tax bill would mean a giant step backward for education.

Now, it appears that the majority is going after education funding for the next fiscal year. It is bad enough that the Labor-HHS-Education appropriations bill is often left for last, which means that it picks up "leftovers" after other appropriations bills have been taken care of. This is how we treat a bill that contains programs for the most vulnerable Americans.

We are currently tangling with an even bigger problem with this bill caused by low allocations for the Labor-HHS bill—something which could have been avoided in this era of surplus. In their zeal to keep the budget surplus sacred for tax cuts, my colleagues in the majority capped the Labor-HHS bill at \$73.6 billion. This

would translate into a 17-percent cut in overall education funding.

We know that this 17-percent cut will be felt by State and local education agencies, school districts, schools, and classrooms. Its impacts will go directly to our children. The Safe and Drug Free Schools Program will be cut almost \$80 million from current funding, which means a cut of more than \$375,000 from programs in Hawaii's school- and community-based drug education and prevention activities. Looking at title I for the disadvantaged once again, Hawaii would lose more than \$3 million. Hawaii's schools cannot afford this loss in funding. There are additional cuts I could list. The bottom line is that it would be a travesty to see this Congress ravage education funding.

Mr. President, I stand here not only as a Senator representing the people of Hawaii. I stand here as a former teacher, vice principal, principal, and administrator in Hawaii's school system. I remember what it is like to be at the front of a classroom with young faces and bright eyes eager to learn and looking for guidance. I listened to parents' concerns at PTA meetings. I talked to individual students about a poor academic record, spotty school attendance, or disruptive behavior that made it difficult for others in the class to learn. I remember what it was like being on the front lines of education.

I cannot see any good for the future of our country coming out of these large education cuts. We bemoan problems facing our schools today such as unexpected and shocking incidents of violence. Let us put muscle behind our rhetoric and treat education as a priority by preventing this 17-percent cut.

I ask my colleagues to join me in restoring education as a priority and calling for increases, not huge decreases, in the investment in our country's future. I thank my colleagues for this opportunity to speak on an issue that is near and dear to my heart, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as if in morning business.

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

#### QUALITY TEACHERS FOR ALL ACT AND THE TECHNOLOGY FOR TEACHING ACT

Mr. BINGAMAN. Mr. President, during the next couple of weeks, I plan to introduce a series of education bills for consideration in the context of reauthorization of the Elementary and Secondary Education Act (ESEA). As you know, one of the most important issues facing America today is improving the quality of our public school system. Improving the quality of education in America requires a comprehensive approach. I believe the basis for that approach must be raising standards and

achieving greater accountability. This approach cannot focus on any one facet of our education system but must address all facets. The bills that I will introduce address three key areas; these bills raise standards and improve accountability for our teachers, for our schools and for our students. Today, I am pleased to introduce two bills, which I believe will go a long way towards raising standards for teaching in America's schools—the Quality Teachers for All Act and the Technology for Teaching Act.

Improving teacher quality continues to be one of my top priorities in the Senate, because research demonstrates that teacher quality is the single most important factor in student achievement. The Quality Teachers for All Act will improve instructional quality by ensuring that teachers in Title I classrooms possess the subject matter knowledge, teaching knowledge and teaching skills necessary to work effectively in our nation's classrooms. The Technology for Teaching Act, which I introduce today on behalf of myself, Senator PATTY MURRAY and Senator COCHRAN, will improve the quality of instruction by providing teachers with necessary training in the use of technology in the classroom.

I am a strong supporter of the hard-working teachers in American classrooms. As the son of two teachers, I know that the profession is extremely challenging and meaningful. I also know that the vast majority of our teachers are dedicated, professional and competent. Far too many schools in America, however, allow classrooms to be led by teachers with insufficient training and qualifications to teach. Unfortunately, it is the schools and classrooms with the neediest children who often have the greatest number of unqualified teachers. During a time when we are demanding increased levels of performance for our schools and our children, we also must set high standards for all our teachers, including those instructing students who will have the greatest hurdles to overcome in the learning process.

Improving teacher quality is one of the most important changes we need to make to our educational system—especially if we are serious about improving the education of low-income and minority children. Good teachers are so important that almost half of the achievement gap between minority and white students would be erased if minority children had access to the same quality of teachers, according to recent research published by the Education Trust. Parents, business leaders, and the public at large rank teacher quality as a top concern because it just makes sense that a student's teacher would have a dominant effect on his or her education. The need for further progress in improving teacher quality was recently highlighted in two 1999 studies—one from the Secretary of Education, the other from Education Week.

Over 30 percent of all math teachers are teaching outside of their field of academic preparation—with even higher percentages in other academic areas and in high-poverty schools. Almost 15 percent of the new teachers hired in high-minority districts lack full teaching credentials, which usually involve passing tests to demonstrate needed skills and knowledge. In my home State, during the past school year, 1,074 people were teaching in New Mexico's schools with substandard licenses. Another 737 of New Mexico's teachers were teaching subjects they weren't certified to teach.

The Quality Teachers for All Act addresses this problem by requiring that all teachers in schools receiving Title I funds be fully qualified. This means possessing necessary teaching skills and demonstrating mastery in the subjects that they teach. By ensuring quality teachers in every classroom, we will be empowering our children by providing one of the most important resources for academic achievement. Under the Quality Teachers for All Act, an elementary school teacher must have State certification, hold a bachelor's degree and demonstrate subject matter knowledge, teaching knowledge and teaching skills required to teach effectively in reading, writing, mathematics, social studies, science, and other elements of a liberal arts education. Middle school and secondary school instructional staff must have state certification, hold a bachelor's degree, and demonstrate a high level of competence in all subject areas in which they teach. This demonstration of competence may be achieved by a high level of performance on a rigorous academic subject area test, completion of an academic major (or equal number of courses, or in the case of mid-career professionals, a high level of performance in relevant subject areas through employment experience.

Recognizing that some areas have difficulty attracting qualified teachers, the Quality Teachers for All bill addresses this problem by allowing school districts to use funds authorized under the bill to provide financial incentives for fully qualified teachers, such as signing bonuses. In addition, the bill supports efforts to recruit new teachers by providing alternative means of certification for highly qualified individuals with college degrees, including mid-career professionals and former military personnel. The bill also provides support for State efforts to increase the portability of teachers' pensions, certification and years of experience so that qualified teachers can have greater mobility and districts can fill unmet needs for qualified teachers more easily. School districts also may use the funds to support new teachers to ensure that we retain the qualified teachers that start in the profession.

The bill also empowers teachers by providing financial support for programs designed to assist teachers currently working in the system to

achieve the qualifications required under the bill. The bill will provide grants to assist States and LEAs to provide necessary education and training to teachers who do not meet the necessary qualifications. The forms of assistance can include tuition for college or university course work.

Recognizing the critical role played by parents and the need to make them a partner in our efforts to raise teaching standards, this bill requires districts and schools to provide parents with information regarding their child's teacher's qualifications. This effort builds on provisions I authored which became part of the Higher Education Act of 1998. Those provisions require a national report card on teacher training programs. By reporting this information, the public as well as the schools can assess the strengths and weaknesses of teacher training programs. Likewise, the parental right-to-know provision in the Quality Teachers for All Act will empower parents by informing them of the strengths and weaknesses of their children's teachers and help them to provide support for increased teacher quality efforts.

If our educational system is going to prepare our children for the 21st Century, we must do a better job at preparing our teachers and our students to use the tools of the 21st Century—technology. We also must use this valuable resource to improve instruction and expand access to learning. Therefore, efforts to raise standards for teaching also must include greater incorporation of technology into our teacher training programs and our classrooms. In response to this need, I—along with Senators MURRAY and COCHRAN—are proud to introduce the Technology for Teaching Act. If enacted, this bill will build on existing efforts to improve teacher training in the use of technology in the classroom and provide resources to develop innovative uses of technology in the classroom.

Education technology can enlarge the classroom environment in ways that were unimaginable only a decade ago and can empower students to develop as independent thinkers and problem-solvers. Teachers deserve the skills needed to bring these extraordinary resources and opportunities into the classroom. Without these skills, America's teachers will find it increasingly difficult to meet the rising international standards of educational excellence. We also must provide for research and development, as well as evaluation of existing uses of technology, in order to ensure that the most effective education-related technology is in place in our nation's schools. In addition, we must close the digital divide by making technology available to all students, during the school day and outside the school day.

The Technology for Teaching bill will provide federal support to: (1) provide training to teachers to assist them to integrate technology into their

classrooms; (2) evaluate the role of technology in the classroom; (3) stimulate the development and use of innovative technologies to assist students to achieve high academic standards; and (4) narrow the "digital divide" by providing high-need communities and students with greater access to technology.

Experts say that we should invest at least 30 percent of our technology budget in training. Nationally, we are now investing less than one-third that amount. Only 15 percent of teachers had 9 or more hours of technology instruction in 1994. Trained teachers help make computers useful to students, connect school to the home and community, and help prevent misuses of technology. Most of all, trained teachers can improve student achievement by applying the technology to academic content areas. The Technology for Teaching Act establishes two teacher training programs, administered by the Office of Education Technology in the Office of the Deputy Secretary of Education, to make competitive grants to State Departments of Education. One program promotes the inclusion of education technology in the initial undergraduate preparation of new teachers; the other focuses on ongoing professional development of current teachers.

Schools of education that train new teachers will be eligible to apply to State Departments of Education for grants to improve their programs in education technology. Grant support would require and enable schools of education to work in collaboration with local K-12 school districts and the education technology private sector. Through these partnership activities, schools of education will improve and expand the ways in which they prepare future teachers to use technology in the classroom.

Local K-12 Education Agencies (LEAs) will be eligible to apply to State Departments of Education for grants to improve their professional development programs in education technology. In applying for grants, LEAs will be required to develop consortia that include one or more schools of education, education technology companies, and other partners able to help improve their professional development programs. These consortia will provide LEAs and teachers with access to the latest education research and the most current education technology available. The results of these partnership activities will be new and innovative programs for teacher professional development.

The question of whether education technology is an effective tool in the classroom is already being answered in part by solid peer-reviewed studies which show a significant improvement in student performance and attitude in all age groups and all subject areas through better use of technology. This research demonstrates what advocates have believed all along: if used correctly, technology in the classroom

produces measurable improvement in student achievement and enthusiasm. A new \$25 million research and evaluation program at the National Science Foundation will provide even more insight into the positive impact of education technology. The need for a larger scale research and coordination initiative remains. The Technology for Teaching Act requires the Secretary of Education to evaluate existing and anticipated future uses of educational technology. The Secretary may conduct long-term controlled studies on the effectiveness of the use of educational technology; convene experts to identify uses of technology that hold the greatest promise for improving teaching and learning and to identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology and software.

We also must continue to support research and development efforts to explore new uses for technology to improve instruction. The bill provides for grants to stimulate the development of innovative technology applications. The Secretary awards competitive grants to consortia of public and private entities developing innovative models of effective use of educational technology, including the development of distance learning networks, software (including software deliverable through the Internet), and online learning resources. For example, grants could be awarded to projects seeking to develop web-based instruction to provide access to challenging content such as Advanced Placement courses.

Reduces inequities in access to computers and the Internet must continue to be a main function of federal education technology programs. Education technology can engage students, provide much-needed employment skills, and open up a world of learning and experiences. But like well-trained teachers and new school buildings, these resources tend to flow to wealthier school districts. If we believe that no child should be too poor to have a quality teacher, a safe classroom or textbook, the same should hold true for access to computer technology. The federal government has always been the great equalizer between the haves and have-nots. Therefore its main mission with respect to education technology should be to do what it does best—level the playing field so all students can acquire the computer skills to function in today's world. The bill targets existing technology grants and the new grant funds authorized by this bill to high-poverty, low-performing schools. The bill also supports the development and expansion of community technology centers to serve disadvantaged residents of high-poverty communities. The centers provide access to technology and training for community members of all ages.

By ensuring high-quality, well-prepared teachers in our classrooms, we empower our educational system and

our nation to meet the challenges of an increasingly complex and challenging world. I know that most, if not all, of my colleagues agree that a critical first step in improving our nation's schools is to support efforts to raise standards for teaching in our poorest and most challenged schools and to prepare our teachers and our children in the use of technology, while also capitalizing on the benefits of technology as an educational tool. We made great progress in our efforts to improve the quality of instruction by raising standards for teacher quality in the higher Education Act last year and through existing program supporting the use of education technology in schools. I urge my colleagues to continue to support these efforts by supporting passage of the Quality Teachers for All Act and the Technology for Teaching Act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I hope our colleagues pay careful attention to the excellent presentation that has been made by my friend and colleague from New Mexico. I think all Members who are fortunate enough to serve on the Education Committee know Senator BINGAMAN has been tireless in addressing the issue of enhancing the quality of education for the children of this country. This afternoon he outlined very important, thoughtful steps that I think ought to draw strong bipartisan support. He has certainly urged our colleagues to try to find ways in which we can work together in support of those proposals. I join with him in urging our colleagues to do so.

For the number of years I have been in the Senate, the issue of education has never been a partisan issue. I think for the first 15 years I was in the Senate on the Education Committee, we never had a single vote that divided Republicans and Democrats on issues of education—not that we always got it right, but we always attempted to find ways of working closely together.

We recognize there are limited resources we can provide for education, probably 7 cents out of every \$1, but what the American people are looking for is a partnership to try to find ways we can enhance educational opportunities to children.

I rise somewhat reluctantly to draw attention to the fact that we are in a very desperate situation as we come to the end of this session in regards to addressing the issues of education. I think many of us remember the early January speeches by our Republican leader. Senator LOTT said, "Education is going to be a central issue this year. The Democrats say it's important and it should be a high priority. Republicans say it's a high priority." Many

were hoping this was the clarion call for all to come together and work together. We had similar statements by our good friend, the chairman of the Budget Committee, Senator DOMENICI, who said, "I'm going to recommend the Republicans say it's time to quit playing around the edges and dramatically increase the amount of money that we put in public education." This was enormously encouraging.

At the outset, I will say just allocating resources is not always the answer to the challenges we are facing in education. It is a pretty clear indication of what our Nation's priorities are. We heard from the leadership in the Senate the rhetoric that this was going to be the education Congress and the education year.

It is appropriate that we look back over this past year and over the past few years to find out exactly what our record has been under this leadership in the areas of education. I can remember right after the 1994 elections with the new leadership elected in the House and the Senate of the United States Congress, one of the first things we had was not an appropriation of additional funding in the areas of education, but we had a rescission.

What does a rescission mean? It means it is the judgment of the House, the Senate, and the President to allocate certain resources in the education programs. In my hand I have the conference report, the 1995 rescissions: \$1.7 billion in the House of Representatives. Those were programs, for example, such as the Title I program to help some of the neediest children; it was cut back almost a third; the Eisenhower Professional Development Programs, which enhance teacher qualities for math and science in our high schools, cut \$100 million; the Safe and Drug Free Schools, cut \$472 million.

We air a great deal of rhetoric on the floor of the Senate about how we will make our schools more safe and secure. Going back to 1995, we find the attempted rescissions in the areas of education. Then in 1996—I have the report on the appropriations, the request from the House appropriations which is \$3.9 billion below the 1995 figures. That is under the Republican leadership in the House of Representatives—\$3.9 billion below.

Does this sound as if it is beginning to be a pattern?

Wait just a moment, and we will find out what happened in 1997. I have the committee report on appropriations for 1997. This was \$3.1 billion below the President's request.

Now we have 1995, we have 1996, we have 1997; we have 1998, \$200 million below the President's total; and now, 1999, \$2 billion below the President's request.

That is a fearsome record in terms of the allocation of scarce education resources. Now we see this happening again this year. That is why Democrats are so concerned.

We have seen under the Republican leadership a recommendation of a 17

percent cut in education that would be represented by a \$15 billion cut this year in the education programs on an appropriation that we cannot even have sent here to the Senate. We find that somewhat distressing and disturbing.

What has happened in the past when the Republican leadership had responsibilities? The education proposal in 1995 came in 7 months after the end of the fiscal year. In 1997, the final agreement was not passed until the final day of the old fiscal year, September 30, 1996. In 1998, it was passed 1 week after the end of the fiscal year. In 1999, it was passed 3 weeks after the end of the fiscal year.

There is a pattern here—cutting back on education resources and doing it at the very end, the last business for the Congress.

If a political party wants to put education at the top of the American agenda, it doesn't come last, it comes first. It doesn't come with the greatest kinds of cuts we have seen in any appropriations bill in recent times; it comes after due deliberation of these very needs and requirements and then the support for those programs. That is the way we deal with it.

That is what we find as we come into the last weeks—the enormous frustration of many in this body who believe very deeply, as the American public does, that if we are going to meet our responsibilities in education, we ought to have the opportunity to debate these issues in a timely way and not have the efforts that have been made on 17 different occasions when we tried to bring up various amendments, to have those amendments either immediately tabled or immediately effectively ignored, virtually denying Members the opportunity of having a full and complete debate on what are our fundamental and basic responsibilities for a national Congress and a President of the United States in education.

So I believe the Republican leadership bear grave responsibilities in this area. We will over these next few days point this out in very careful detail, about what these particular cuts and programs are, and how they have really affected and adversely impacted the opportunities for children to move ahead. That is the record. It is one of great discouragement, and it is one I hope our Republican friends will be willing to address.

#### MINIMUM WAGE AND BANKRUPTCY

Mr. KENNEDY. Mr. President, last Thursday the majority leader filed a cloture motion on S. 625, the Bankruptcy Reform Act of 1999. If the Senate adopts cloture, an amendment to increase the minimum wage could not be offered to the bill. Some Senators may support cloture because they believe the minimum wage is not relevant to the bankruptcy debate, but I disagree. Raising the minimum wage is

critical to preventing the economic free-fall that often leads to bankruptcy, and many of us have sponsored the Fair Minimum Wage Act of 1999 to begin to right that wrong.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Is that all 15 minutes?

The PRESIDING OFFICER. The 10 minutes allotted to the Senator from Massachusetts.

Mr. KENNEDY. Then I yield to myself just 4 of the last 5 minutes, please.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. I thank the Chair.

Mr. President, invoking cloture would deny us the opportunity, on the floor of the Senate, to offer a minimum wage amendment that will raise the minimum wage 50 cents next January and 50 cents the year after and provide some \$2,000 of purchasing power for minimum wage workers. In all, over 11 million Americans will benefit from an increase in the minimum wage.

We seek to raise the minimum wage at a time of virtual price stability, at a time of virtual full employment, and at a time when the ink is not even dry on the vote by the Members of the Senate to give themselves a pay increase of over \$4,000 this year. I will say, at least the Democrats who voted in support of that increase would also vote in support of an increase in the minimum wage. But why should we be denied that opportunity? Why should we be denied the opportunity to have a vote on this particular issue? It makes such a difference to families that work 40 hours a week, 52 weeks of the year.

We believe raising the minimum wage is relevant to the bankruptcy issue. The threat of bankruptcy is related to the availability of resources. The fewer financial resources individuals have, the more difficult it is for them to meet their economic challenges. We do not have the opportunity, at least at this time, to get into all of the reasons so many individual Americans are going into bankruptcy. But we find half of the women are in bankruptcy because their husbands refuse to pay child support. Of workers who are over 55, the greatest percentage of those in bankruptcy are there because they don't have health insurance. Many in bankruptcy are workers dislocated from their jobs because of mergers, who find themselves caught in a downward economic spiral.

We should have an opportunity to address those issues. Why does the Republican leadership deny us the chance to have a fair vote on raising the minimum wage, providing hard working Americans with an extra \$2,000? That might not seem like a lot to many here, but it is about 7 months' worth of groceries for a family, or 5 months of rent. It will pay for almost two years of tuition for a worker or her son or daughter to attend a community college. It is a lot of money for many hard-working Americans.

Finally, the minimum wage is a children's issue because the children of workers who earn minimum wage are impacted by their parents' scarce resources. It is a women's issue, because the majority of minimum wage workers are women. It is a civil rights issue because one-third of minimum wage workers are African-American or Hispanic. It is basically and most fundamentally a fairness issue. At the time of the greatest prosperity in the history of this country, are we going to continue to deny our brothers and sisters, Americans who are working hard, 40 hours a week, 52 weeks of the year, the opportunity to have a livable wage?

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Kathy Curran, a Labor Department detailee, be granted the privilege of the floor during today's debate.

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

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois has 1 minute remaining.

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts, as well as the Senators from Hawaii and Mexico, for joining in our message.

My fear is, in the closing weeks of this session, if the Members of the Senate were accused of having passed legislation this year to help the families of America, we could not gather enough evidence to prove the charge. We are about to leave town in a few weeks emptyhanded, having done little or nothing on education, little or nothing on minimum wage, little or nothing on health care. Frankly, I think the American people sent us to this body to do things to make life better for families across America. The Senator from Massachusetts speaks about minimum wage and education. There are so many other items on the agenda that should be addressed by a Congress listening to the American people.

I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the time until 4:15 shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Wyoming is recognized.

#### LEGISLATIVE ACCOMPLISHMENTS

Mr. THOMAS. Mr. President, I appreciate the opportunity to visit a little bit about the remaining weeks in this session. I have a little different view of what has happened from that of my friends who are just leaving the floor, who suggest nothing has been done. They did not mention Ed-Flex, one of the most important education bills that has been passed in this Congress, which allows families and school boards and States to have more say in education. They didn't talk about the tax bill which provides an opportunity for families to invest and save their

money so it can be used for education. They did not talk about standards and accountability, the fact we are going to take up these bills, the elementary school and secondary education bill, or Social Security, where we have done something about the proposal there, or the Taxpayer Bill of Rights.

It is interesting; when they talk about some of the things they would like to see happen, they somehow forget about the things we have done. I guess that indicates we do have a different view. It is proper. It is perfectly legitimate to have a different view about how we accomplish the things we are about.

Mr. President, I yield to the Senator from Oklahoma such time as he may consume.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the Senator from Wyoming for yielding.

#### THE IMPORTANCE OF VIEQUES

Mr. INHOFE. Mr. President, I do want to talk about some of the tax ramifications, today's subject. I think it is very significant.

Prior to doing that, though, we have an issue that is current, rather sensitive, and is rather serious in terms of our Nation's security.

Tomorrow, the committee I chair, the Readiness Subcommittee of the Senate Armed Services Committee, will be holding a hearing to review the national security requirement for continued training operations of the naval facility off the island of Puerto Rico called Vieques. It is a very important issue, military readiness, with the lives of military personnel on one side of the debate and the interests of the local community on the other.

At this point, I remind the President that for 57 years we have used this island of Vieques, an island that is approximately 20 or 25 miles wide, one small area way over on the east end of this island as a range, a bombing range—57 years. During that time, we have lost the lives of one person, who was a civilian employee working for the Navy. This happened last April and created quite a bit of hysteria. There are many people trying to use this as an excuse to close down the range that is so vital to our interests.

We have seen all the press reports outlining the concerns of those who oppose the military's use of the island. We have also witnessed the introduction of legislation to close this range. Unfortunately, far less attention has been given to the national security requirement for continued access to the training provided by this range. In fact, I have not heard anyone address the increased risk to our Nation's youth who serve in uniform and what they will face if we send them into combat without the benefit of the training that is offered only at Vieques Island. The subcommittee will be meet-

ing tomorrow to explore the requirements of this language.

It is my hope that once the panel, appointed by the Secretary of Defense to review this matter and make recommendations for appropriate resolution, issues its report, the committee will be able to then meet to review those recommendations and hear from the people of Puerto Rico as well as the military.

The Secretary of the Navy recently released a report, prepared by two of its senior officers, which examines our training activities on Vieques and explores potential alternative training sites. Although no alternative site has yet been identified that would replace the training Vieques provides, I understand the panel appointed by the Secretary of Defense and by the President continues to seek a resolution to this issue.

I will read a couple paragraphs out of the Navy report prepared by those individuals. I think it is very significant:

The Inner Range at Vieques is the only range along the Atlantic seaboard that can accommodate naval gunfire, the only range at which strike aircraft are afforded the use of air-to-ground live ordnance with tactically realistic and challenging targets and airspace which allows the use of high altitude flight profiles.

This is very similar to what we witnessed in Kosovo, and they were very successful. Even though to begin with we should not have been involved, it was necessary to use high-altitude bombing to be out of the range of surface-to-air missiles. We did that successfully, and they received their training at Vieques. I do not know what the degree of success would have been otherwise.

Continuing from the report:

It is the only range at which live naval surface, aviation and artillery ordnance can be delivered in coordination. Additionally, Vieques is the only training venue that can accommodate amphibious landings supported by naval surface fires. . . .

It continues and talks about how this is the only facility we have, and if we do not have this facility, we are going to be deploying troops into areas without proper training. One of the conclusions of the report is:

This study has reaffirmed that the Vieques Inner Range provides unique training opportunities vital to military readiness, and contributes significantly to the ability of naval expeditionary forces to obtain strategic objectives. This study examined alternative plausible sites and concluded that none, either in existence or yet undeveloped, would provide the range of training opportunities at Vieques Inner Range.

The U.S.S. *Eisenhower* is going to be deployed in February to the Arabian Gulf and to the Mediterranean to do just this type of exercise and will be called upon to do something to defend this country when they will not have had the proper training from Vieques because right now there is a moratorium and the U.S.S. *Eisenhower* has not had the opportunity to have that training.

Any resolution must provide the military with the ability to achieve the same level of proficiency that the training operations at Vieques currently provide. Any proposal to move operations to a phantom or an unidentified site as of yet is unacceptable. Before any decision is made to move operations from Vieques, a specific alternative site must be identified and all actions necessary to make it functional, from environmental studies to military construction, must be completed. Failure to identify a specific site and make it available will simply prove the validity of the Navy's position that no viable alternative exists. Therefore, any decision to continue the use of Vieques, but at a reduced level of operations, must still allow the military to perform the training necessary to meet the required wartime proficiency.

I fear that a decision is going to be made based on politics rather than national security. I am concerned that this administration may take action that will place at risk the lives of sailors and marines simply to court the popular vote in favor of candidates with close ties to this President.

One only has to look back at the recent decision to release terrorists from prison to fully appreciate the extent to which this President is willing to place American lives and interests at risk in order to garner votes for his friends and family. The inappropriate politicization of the issue has already been demonstrated by the Justice Department and the U.S. attorney's office in Puerto Rico which have refused take necessary action to protect the lives of American citizens.

As many of my colleagues already know, as we speak today, there are protesters over there, some four groups of protesters, who are on the live range with live ordnances. I had occasion to spend a good bit of the recess looking at this. I have been over every inch of the island either by helicopter or by car or on foot. I have seen the protesters out there throwing around live ordnances. Just imagine, in 57 years, how much is out there. One particular individual came out carrying a live ordnance and tried to get on a commercial aircraft, which would have killed everybody on the aircraft.

It is a very serious thing, and I cannot believe our Justice Department has refused to enforce the laws of trespassing on Federal military Government property. I hope these explosives do not fall into the hands of some of the terrorists the President recently released from prison.

One thing about this issue is certain. The primary mission of Roosevelt Roads is to support training operations at Vieques. If military access to Vieques is eliminated, the value of Roosevelt Roads will be greatly reduced, and those functions, other than supporting this range, can be performed very well in other areas where there is excess capacity.

The U.S. military cannot afford to fund a base that provides little or no benefit to national security. Therefore, today I have introduced S. 1602, legislation which will close naval station Roosevelt Roads at such time as the military terminates military operations at Vieques, if that should become a reality.

I have seen this. I have become convinced. Our hearing tomorrow will either disprove or prove what I am saying today—that it is absolutely necessary to have the benefits of this range and that there is no place else we have in our arsenal, no other range, that provides the type of training that will save American lives. If we send in our troops, as we are preparing to do right now on the U.S.S. *Eisenhower*, and they get involved in some kind of a problem and do not have the benefit of the training at Vieques as those who participated in Kosovo, it could certainly cost American lives, and we will be sending our troops at far greater risk, which I weigh and measure in terms of human life.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. INHOFE. I am happy to yield to the distinguished chairman of the Armed Services Committee.

Mr. WARNER. Mr. President, I thank my colleague, the chairman of the subcommittee of jurisdiction over this issue, for spending the time on a careful analysis of this very important problem. We will have the hearing tomorrow. We consulted on this, and I am hopeful that he will consider a follow-on hearing, because as I look over tomorrow's agenda, given the time we have, it is my view that we will need a subsequent hearing on this.

Mr. INHOFE. Let me respond to the chairman. In the subcommittee, we are only going to address what alternatives there are, why it is critical. There are far more things to consider. It is my hope the full committee that my colleague chairs will hold a hearing.

Mr. WARNER. Mr. President, I agree that we will look at the policy issues involved. At the moment, we need to have a record before the Senate on the absolutely vital nature of this range to the very safety of individual service persons, primarily those flying aircraft, but in every respect those in the Marine Corps doing amphibious work.

Mr. President, we cannot send, as the Senator from Oklahoma said, these individuals into harm's way without adequate training. We are doing that with the next battle group, as you pointed out.

So I think we should advise the Senate of the hearing tomorrow, the importance of that, the subsequent hearing, maybe at the subcommittee level, depending on further readiness aspects, and then the full committee on a policy issue.

Mr. INHOFE. I agree with the Senator.

Mr. WARNER. I thank the Senator.

I had the opportunity last night to be with the President—Senator DOMENICI

and I—with regard to the debate that we will have tonight on the conference report of the authorization bills of the Senate and the House, and I brought this subject up.

I ask unanimous consent that at the conclusion of the colloquy with the Senator from Oklahoma my letter to the President, which I discussed with him last night on the VA issue, be printed in the RECORD.

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

(See Exhibit 1.)

Mr. WARNER. I am sure you mentioned that across the board the uniformed side of the Department of Defense stands foursquare with the comments that you have made today. I have had consultations, as you have had, with the Chief of Naval Operations, the Commandant of the Marine Corps, General Shelton, the Chairman, and others, on this issue.

This is an issue that I have had considerable familiarity with for many years—when I was the Under Secretary and Secretary of the Navy in 1968, 1969, 1970, 1971, and 1972. We had recurring problems of this nature down at Vieques. We constantly worked with the political structure at that time to resolve the problems.

But I think you are absolutely correct. At the moment, we have to regain control of this range for training purposes. I hope the commission—the several officers looking at this—will come forward with a program that will indicate to the Puerto Ricans we want not to be offensive to the people of Puerto Rico but to indicate the need for this area and, hopefully, to have some program by which we can meet the desires of all parties to work it out in some way.

At this moment, I am not prepared to indicate what the workout should be. I want to study the report of this commission. The Senator from Oklahoma and I should have private consultation with the Secretary of Defense and others. But let's see what we can do to meet the requirements of all parties involved but focusing on the essential nature of this range to America's readiness of its Naval and Marine Corps forces and embarking periodically to trouble spots in the world from the East Coast.

I thank the Senator.

Mr. INHOFE. I thank the Senator from Virginia.

I would only say that it is not very often you get total agreement from all of the commanders in the field, all of the CINCs in the field, as well as all the chiefs. All four chiefs are on record right now saying this is absolutely necessary to have as part of our training.

One of the things I have been trying to do is to quantify in terms of American casualties when you go from low to high to very high risk—what that means. There is no question there is not one who will not say if we send our troops in there without this very valuable training that they can only get at

the Vieques, it is going to be at a higher risk, which means American lives.

I certainly hope the people of Puerto Rico understand we are talking about their lives, too. So we should all be focused on the same thing.

Mr. WARNER. I presume you include in your remarks direct reference to the Navy and Marine Corps aviators who flew missions in Kosovo, who are flying tonight and tomorrow and for the indefinite future missions with regard to the containment of Iraq, in many instances in hostile fire. Tonight, tomorrow, and the next day—

Mr. INHOFE. Yes.

Mr. WARNER. For the indefinite future, we are asking them to endure this hostile fire. And from time to time they have to drop live ordnance to protect themselves in fulfillment of this containment mission over Iraq.

Mr. INHOFE. I did allude to that.

I suggest to the Senator from Virginia also the fact that the successes we had in Kosovo were directly related to the Vieques. The last place they got training before going into Kosovo was at the Vieques.

Mr. WARNER. I thank the Senator.

Mr. INHOFE. I yield the floor, Mr. President.

EXHIBIT NO. 1

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, September 20, 1999.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: As Chairman of the Senate Armed Services Committee, I write to express my grave concern over the future of the United States Navy's training facility located on the Puerto Rican Island of Vieques. Ever since I was the Secretary of the Navy, I have worked to keep this facility available to the Department of Defense.

The last two east coast carrier battlegroups which deployed to the Adriatic and Arabian Gulf, completed final integrated live fire training at Vieques. Both battle groups, led by the carriers U.S.S. *Enterprise* and U.S.S. *Theodore Roosevelt*, saw combat in Operations Desert Fox (Iraq) and Allied Force (Kosovo) within days of arriving in theater. Their success, with no loss of American life, was largely attributable to the realistic and integrated live fire training completed at Vieques. This island is unique in character, both in terms of its geography, with deep open water and unrestricted airspace, and its training support infrastructure. The training range is absolutely vital to our readiness, and there is no replacement facility available.

Without a doubt, America enjoys the best trained, best equipped and most motivated military force in the world. But combat skills, practiced at Vieques, are perishable. Aviators must hone targeting and weapons delivery skills; ammunition leaders and flight deck personnel must coordinate weapons assembly and leading; naval surface fire support teams must integrate calls for fire support with ground units; gunfire spotters must refine targeting skills; and ground units must practice the seamless transfer of command ashore. The Armed Forces have learned these lessons well. Untrained forces are exposed to higher casualty rates and experience less mission success.

Mr. President, I urge you to take no action which limits or degrades our Armed Force's

ability to properly and thoroughly prepare for the challenges they face in today's world.

The Chairman of the Joint Chiefs of Staff, General Shelton, who testified before the Senate Armed Services Committee last week, confirmed the continuing requirement for live fire training operations at Vieques.

Due to the moratorium on training on Vieques, the next carrier battlegroup is deploying with reduced combat readiness in its airwing and naval surface fire support capability. I encourage you to now signal your support for all the men and women of our Armed Forces by allowing the critical live fire training at Vieques to continue.

With kind regards, I am,  
Respectfully,

JOHN WARNER,  
*Chairman.*

COMANDER IN CHIEF,  
U.S. ATLANTIC COMMAND,  
*August 27, 1999.*

Hon. WILLIAM S. COHEN,  
*Secretary of Defense, 1000 Defense Pentagon, Washington, DC.*

DEAR MR. SECRETARY, I can appreciate the difficulty of adjudicating the competing desires of groups for the use of Vieques Island. It is important to me to be clear . . . Vieques training area is not just nice to have . . . it is part of the complex training regime that allows us to send our men and women into harms way with a clear conscience. As I mentioned to you in my July Quarterly Issues and Activities Report, the moratorium on this live fire training will have an impact on the readiness of military forces assigned to U.S. Atlantic Command and on the quality of the joint forces that I provide worldwide to the other CINCS.

Continued access to the Vieques training area, because of its geographic location and access to base support, provides us with a unique ability to conduct year-round integrated live fire training. The island is one of the few locations in the world where carrier battle groups can conduct high volume ordnance training, from "magazine to target." It is the only East Coast facility that offers a live fire land target complex with unencumbered access to airspace and deep-water sea space. Shifting portions of this training to other locations would degrade the quality of training while increasing the OPTEMPO for our East Coast forces.

I firmly believe that we have a critical need for this live fire and combined arms training to fulfill my responsibility of providing trained and ready joint forces worldwide. Part of the equation in this complex case must be, I believe, a requirement to identify a suitable alternative before we restrict this realistic training in any way.

I support the effort to retain the Vieques training area and to continue this mission essential training. Combined and integrated live fire training on the island is a valid joint warfighting requirement. I am willing to assist in any way necessary to resolve this readiness issue.

Very respectfully,

H.W. GEHMAN, Jr.,  
*Admiral, U.S. Navy.*

CENTRAL COMMAND,  
OFFICE OF THE COMMANDER IN CHIEF,  
*MacDill Air Force Base, FL.*

Gen. HENRY H. SHELTON, USA,  
*Chairman of the Joint Chiefs of Staff, 9999 Defense Pentagon, Washington, DC.*

DEAR GENERAL SHELTON: As the issue of the Vieques Island Training Range continues to be debated, I wanted to offer the CENTCOM perspective. Live fire training at the Vieques Training Range is vital to the readiness of naval forces assigned to U.S. Central Command. As you know, the Vieques

training range is the only Atlantic Fleet live-fire range where land, sea, and air forces can practice combat operations. Although the range closure potentially affects several warfighting areas, the most serious and immediate degradation would occur in our ability to conduct precision air to ground strike.

If the Vieques Training Range does not reopen soon, we can anticipate less effective air to ground weapons delivery accuracy in the early stages of our newly deploying battle groups. Vieques is the only U.S. range that can support the kind of high altitude TACCAIR ordnance delivery that we regularly employ in Operation Southern Watch. It is the only Atlantic Fleet range with airspace and facilities that can support full air to ground and Naval Surface Fire Support (NSFS) training from planning, to execution, to debrief. This training is an absolute necessity to prepare our ships, aircraft, and aircrews for ongoing operations (Southern Watch), short-notice contingencies or MTW operations.

Although we have not recently seen the use of naval gunfire in surface engagements or in support of forces ashore, it is a capability our ships do and should routinely exercise. NAVCENT will experience the first effects of not having this training when U.S.S. *John Hancock* in-chops on 18 October. The degradation of this ship is not significant in terms of present operations and can be partly mitigated by other means, however this shortcoming will continue to grow and will degrade our standard of readiness for combat operations.

It is imperative that Atlantic Fleet ships and Navy and Marine Corps aircraft have access to realistic training ranges in support of their NSFS and air to ground qualifications. Forces deployed to the CENTCOM AOR have faced the very real potential for combat operations everyday. These forces must be prepared to fight and win upon arrival in theater. The Commander, Marine Corps Forces, Atlantic, and Commander, Second Fleet have always provided me, and other Unified Commanders, with battle ready forces essential to the successful execution of our mission. Short of development of a fully functional alternative range or training process, we must reopen Vieques and allow our forces to receive this critical training prior to facing real world operations and contingencies in our theater.

Respectfully,

A.C. ZINNI,  
*General, U.S. Marine Corps.*

Gen. HENRY H. SHELTON,  
*Chairman of the Joint Chiefs of Staff, Pentagon, Washington, DC.*

AUGUST 23, 1999.

DEAR GENERAL SHELTON, I have followed with interest and concern recent events in Vieques and Puerto Rico and their potential impacts on Southern Command and fleet readiness. This controversy has come at a crucial time for SOUTHCOM as our components depart Panama and activate their new Headquarters on Puerto Rico. Fortunately, up to this point unit relocations and Vieques ranges have been treated as separate issues on the island and by the press here in Miami which has considerable influence in San Juan.

By virtue of past assignments, I am familiar with the importance of Vieques to Fleet and Fleet Marine Force readiness. Working through contacts on Puerto Rico, I have tried to assist the Navy by creating increased awareness of the unique and vitally important nature of the training that is conducted on Vieques. While doing so, I have emphasized the creative steps the Navy has taken or is considering to ensure the health and safety of Vieques residents and to pro-

mote the economic development of the island. Unfortunately, I have yet to receive an encouraging response from even our most consistent and energetic supporters. I have also followed closely efforts to identify alternative training sites to Vieques Island. Thus far, no suitable alternative has surfaced.

Though Southern Command has a minimal stake in the training that is conducted on Vieques, I am compelled to voice my support for the Navy/Marine Corps cause. I have followed closely efforts to identify alternative training sites to Vieques Island. Due to a variety of hydrographic, geographic and other considerations these efforts have not yet borne fruit.

Whether the solution is Vieques or some other site in the SOUTHCOM AOR, I am prepared to assist in any way that I can as we strive to ensure that our forward-deployed forces maintain their combat edge.

Very respectfully,

C.E. WILHELM,  
*General, U.S.M.C., Commander in Chief, U.S. Southern Command.*

COMMANDER IN CHIEF,  
U.S. EUROPEAN COMMAND,  
*August 16, 1999.*

Gen. HENRY H. SHELTON,  
*Chairman of the Joint Chiefs of Staff, Pentagon, Washington, DC.*

DEAR GENERAL SHELTON: Wanted to take this opportunity to address an issue of importance to the readiness on naval forces assigned to the European command—live fire training at Vieques Island, Puerto Rico.

Concerned that with the current moratorium on training at Vieques, the naval forces that will be assigned to EUCOM in the future may not be fully combat ready to perform their assigned missions. As you know, during the recent conflict in the Balkans the U.S.S. *Theodore Roosevelt* battlegroup arrived on station, and within hours of arrival was conducting sustained combat operations. The level of precision and low collateral damage achieved by naval forces during the Kosovo conflict was possible primarily due to the realistic live fire strike warfare training the carrier battlegroup completed at Vieques just before their deployment.

Similarly, the 26th MEU assigned to the U.S.S. *Kearsarge* Amphibious Ready Group also performed flawlessly during the Kosovo conflict. Although Marines were not committed ashore in an opposed battlefield environment, our Marines were fully prepared to conduct force entry operations if the situation would have required an amphibious capability under combat conditions. Clearly, the coordinated and integrated operational training that they received in a live fire environment at Vieques was instrumental in preparing our Marines for Kosovo and the combat conditions they encountered as they entered Yugoslavia. Remain deeply appreciative of the efforts of Commander, Second Fleet and Commander, Marine Forces Atlantic to provide me, and the other Unified Commanders with the most battle ready force possible, one that is combat ready and can win on the sea, in the air, and on the ground.

Firmly believe that there is an enduring need for live fire training. We fight like we train, and a great measure of the success our forces achieved in Kosovo can be directly attributed to the realistic training environments in which they prepared for combat. The live fire training that our forces were exposed to at training ranges such as Vieques helped ensure the forces assigned to this theater were "ready on arrival" and prepared to fight, win, and survive. To provide our Soldiers, Sailors, Marines, and Airmen with less than this optimum training in the future would be unconscionable, cause undue

casualties, and place our nation's vital interests at risk.

Realistic training under live fire conditions is a necessity to ensure our men and women are afforded every possible advantage over their potential adversaries.

Sincerely,

WESLEY K. CLARK,  
General, USA.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Has the Senator from Virginia concluded his comments?

Mr. WARNER. Correct.

Mr. THOMAS. I yield to the Senator from New Hampshire as much time as he needs.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Senator from Wyoming for his courtesy in yielding to me.

#### OUR DOMESTIC TERRORISM POLICY

Mr. GREGG. I rise today to talk about the recent clemency decision, pardon decision by the President, relative to 16 Puerto Rican terrorists. This occurred on September 10.

There has been a lot of discussion in the newspapers and amongst people generally as to the reasons for this, as to the background of why this occurred, and as to the political implications within the election cycle as to what were the real causes. But that is not what I want to talk about.

What I want to talk about is the effect of this action by the President on our domestic terrorism policy and our preparedness to deal with domestic terrorism. The committee that I chair, the Commerce-State-Justice Committee, has spent a great deal of time trying to build an infrastructure to address the threat of terrorism.

Regrettably, we know as a nation that some time in the coming years we will be subjected to another terrorist attack. That is the nature of the times that we live in. Regrettably, it is even possible that such an attack may be a chemical or biological attack or an even more threatening attack.

We have attempted over the last 3 years to develop a coherent, thoughtful strategy for how to get ready for, to anticipate, and to hopefully interdict an attack and, should an attack occur, to respond to such a terrorist event. We have set up a system of developing a policy of addressing the issue of terrorism as a result of that.

The decision by the President to free these terrorists who were jailed for terrorist activity has fundamentally undermined this effort at reforming and preparing for the terrorist threat in the United States.

Stated simply, the question has to be: How can you claim you are being tough on terrorism if you free terrorists from your jails?

Today, we held a hearing in my committee, in the committee that I chair.

We heard from the director at the FBI, Neil Gallagher, the director of the bureau dealing with terrorism. He is their expert on it. And we heard from Patrick Fitzgerald, the head of the terrorism bureau in the U.S. attorney's office in the city of New York. These two individuals talked about the policy implications and the effect of the decision by this President to free these terrorists.

I want to review a little bit of what the testimony was because it was startling and it was serious, and it shows that the implications of this decision by the President could have a very broad-reaching impact on the lives of Americans.

First off, we discussed the issue of what type of terrorist act these folks participated in relative to the decision for clemency. The decision for clemency has been represented in the press by the White House public spokespersons as having been made because these people were not actually involved in a violent act or, if they were involved in a violent act, they were not charged with participating in a violent act; therefore, they really were not that bad is essentially the defense that the administration makes for giving clemency to these 16 terrorists.

First off, it should be pointed out the FBI agent recited that these individuals participated in activities which led to the death of five different individuals as a result of bombings and terrorist attacks, which also led to the injury of 83 individuals, many of them U.S. service people who were directly attacked by the organization, the FALN, that also represented millions of dollars of property damage and spanned a period of approximately 10 years of violent action against the United States, citizens of the United States, and military and police personnel of the United States, leading to the death and the maiming of American citizens by the actions which were participated in by these 16 individuals. Yes, they were charged and convicted, in most instances, of something less than actually pulling the trigger—no question about that.

So I asked the U.S. attorney from New York, what was Sheik Abdul-Rahman, who was the orchestrator of the World Trade Center bombing, charged with? Was he present at the scene? Did he pull the trigger? Did he light the fuse that blew up the World Trade Center?

Of course, the U.S. attorney said, no, he was not there. He is blind. He was charged with seditious conspiracy—the same thing that the Puerto Rican terrorists from the FALN were charged with.

Then I asked him: What was Terry Nichols charged with, who was not at the scene of the explosion in Oklahoma City where so many Americans were killed but, rather, who aided the individual who undertook that specific act? And he said he was charged with seditious conspiracy.

Then I asked, if we bring to trial Osama bin Laden—and an indictment has been brought back against Osama bin Laden—who perpetrated the attacks on the American embassies in Kenya and Dar es Salaam—and that indictment is not for lighting the fuse or being at the scene of the crime but for conspiracy to participate in the crime—all of these major terrorists who have caused huge harm to American citizens and to the American institution of Government, to our free democratic form of government were not on the scene of the crime any more than were the Puerto Rican terrorists, at least as they were charged and convicted. Rather, they were all, with the exception of Bin Laden because he wasn't American, he wasn't on American soil. But the tenor of the charges being, they were all essentially charged with seditious conspiracy—all 16, I believe, FALN members, the sheik, Mr. Nichols, and Bin Laden.

So if the logic of the White House is—the logic of the President is—well, these aren't such bad people because they weren't convicted of actually killing the police officers, of actually maiming the police officers, of actually undertaking the heist of the armored cars, of actually attacking the U.S. Navy personnel and killing them, of actually killing the individual, Mr. Connor, in Chicago, of actually maiming the 83 other people who had been injured by these folks, because they weren't actually charged and convicted of that, and therefore they should be given clemency because their charge is a lesser charge, then the White House and the President are going to have to explain why the White House, why the President, is not giving clemency to Sheik Abdul-Rahman, Terry Nichols, and why they are even going forward with the prosecution of Bin Laden.

The defense of the White House on that point simply does not stand. These people participated in acts of terrorism, orchestrated acts of terrorism, and should not be let out early as a result of having not been convicted of actually being physically on the site of the terrorist event any more than we should let out Sheik Abdul-Rahman, Terry Nichols, or Bin Laden should we be successful in prosecuting and convicting him.

That was the first point. But it flows into the second point, which is, What is the effect of these clemencies on our ability as a nation to defend ourselves against other terrorist acts?

The U.S. attorney from New York made a lot of excellent points. He said they are going to keep working hard, they are going to keep trying to prosecute, and they will aggressively prosecute to the fullest extent of their ability any terrorist they can charge and convict. And I congratulate them for that. But he also made the point, he said, you know, their decision could be misconstrued in foreign capitals around the world, and this decision for clemency could have an impact on how

trials are undertaken of terrorists in our country.

So I followed that up. I asked Agent Gallagher: What impact will this have on our ability to deal with foreign countries?

A great deal of our capacity to be successful in terrorism interdiction requires that our FBI agents overseas—and we have been expanding our FBI presence overseas, and our CIA and our State activities overseas—have the confidence of the countries they are dealing with—the police officers in those states, the law enforcement agencies in those states—that when they are given information which may lead to them having the capacity to act against a terrorist group by bringing them to trial and maybe extraditing them to the United States, that foreign official or country has the confidence that our legal system and our political system is going to handle this terrorist aggressively and they aren't going to let that person out so that someday they may come back to that country and take retribution for having had that country assist us in capturing them.

This is a huge issue for our law enforcement agencies because without that sort of confidence, they can't get the cooperation they need in order to get the intelligence they need in order to capture these people before they act against us, against our country.

The U.S. attorney, supported essentially by Agent Gallagher of the FBI, said essentially many countries may misread this decision on clemency—a generous way to say it. What they were really saying was: Yes, this has now created a problem for us; when our agents go overseas to try to interdict terrorists, we are going to have to deal with that foreign government, with that foreign official saying to us: Why should we cooperate with you? Your President frees terrorists for political reasons. Why should we cooperate with you and put our political system at risk by maybe having that terrorist return to our streets as a result of your President's clemency action?

Then the U.S. attorney made another point: In the trial of terrorists, I do expect that the defense attorneys will use this decision on clemency in their defense of their clients, which is only reasonable. If you were a trial attorney and you were representing Sheik Omar Abdul-Rahman, or you were representing Terry Nichols, or you were about to try the Bin Laden case, you would say they were charged with the same crime for which the President just released 16 people. So why should my client have to go to jail when the President just let 16 of these people out for the same crime, seditious conspiracy?

Although it may not be definitive, it will certainly have an impact on the trial activity. And this point was made rather bluntly.

Another question that comes to mind is: When the decision was made to pro-

ceed with clemency, since these folks had not been convicted of actually pulling the trigger which killed the 5 individuals involved here, or maimed the 83 others, or caused the robbery of the armored car, or did the other millions of dollars' worth of damage to places such as the Fraunces Tavern that they blew up—I think there were 70 different incidents of bombings—before these people were released, did the White House have the courtesy to come to the FBI or any other law enforcement agency and say: Hey, we are going to give these folks clemency, but why don't you go talk to them and find out what really happened and who really is responsible. And if there is anybody out there on the street we should be picking up and arresting for the actual event, is there anybody we missed? Is there any intelligence we could gain?

This is very typical. This is not an unusual situation. Before you release someone on parole, you expect that person to be cooperative. There is usually a quid pro quo in a parole situation. Since clemency is a much broader event of freedom than parole, you don't answer to anyone in any instance of clemency. I am not sure what the rules were which were set down on this, but I suspect there is very little oversight, considering how the White House handled these individuals. Shouldn't they have at least afforded the FBI and the other law enforcement agencies the opportunity to talk to these individuals before they freed them, so the FBI would have the opportunity to find out the intelligence necessary to go after some of the other people who were bad actors?

For example, there is a fellow named Morales—I think that is his name—who escaped from jail, who was part of their group and showed up at the rally, supposedly, in Puerto Rico to celebrate their return and in between went to Mexico and allegedly killed someone in Mexico. One wonders, if the FBI had been given an opportunity to try to track this fellow down through some information from these folks, whether that wouldn't have been helpful to the cause of law enforcement.

Much more information could also have been obtained by the FBI if they had a chance to talk to these people maybe a little bit before the clemency occurred, which one would think is just good elementary law enforcement.

Although the FBI did not specifically answer this question because they felt it was a matter of executive privilege, communications with the White House specifically stated that they had not interviewed these felons, these terrorists; since the time of their incarceration, the terrorists had not agreed to talk to them and they had therefore not been able to talk to them.

So one assumes that the opportunity was not afforded by this White House to talk to these people and try to find out a little bit more about what was going on—a little information that

might help save a few American lives down the road when we get another terrorist from this group, or their ancillary groups. In fact, it is discouraging.

Another point that Agent Gallagher made was that on September 13, 3 days after clemency was ordered for these people, the FBI received a communication from another activist-independence group in Puerto Rico that an individual, whose name I have forgotten, unfortunately, said essentially that they were going to turn to armed activity to make their point relative to the military base—I think earlier being discussed here—on an island off Puerto Rico unless they got their way.

So within 3 days of clemency, you actually have the threat of further terrorist action occurring by a sister or brother organization of the FALN. The threat was directed not only against the military but against the FBI.

The President was able to buy 3 days of peace with this clemency decision and at the same time turn 16 people loose who had participated in the most heinous crimes against American citizens.

I asked what the standard of pardon petitions was in making this decision. Unfortunately, these folks do not specialize in this. They wouldn't know the answer to that question. But I want to read into the RECORD that Presidential pardons are subject to a certain standard. There is a set standard for them.

Under section 1-2.112 of the Standards for Considering Pardon Petitions, there is a sentence that says:

In the case of a prominent individual or a notorious crime, the likely effect of the pardon on law enforcement interests or upon the general public should be taken into account.

I asked these folks if they felt it was taking into account the effect on law enforcement interests to not advise law enforcement or not give the law enforcement community the ability to interview these individuals. Obviously, it wasn't. Obviously, that standard of pardon was clearly not met—probably wasn't even considered. It didn't have anything to do with politics.

But the most devastating statement made this morning—and I know it took courage to say this because there probably will be some reaction to it, but I think it was a very appropriate thing for Agent Gallagher to say because it is his job to protect us. And when he sees the American people at risk, or when the FBI sees the American people at risk, I think they have to speak up, even if it may affront the sensibilities of the President and the White House.

His summation of the present status of the FALN was: "As of today, they represent a threat to the United States." "Today they represent a threat to the United States."

And more importantly, or equally important, the action of this President in granting pardons to these 16 terrorists has impacted our policy on terrorism and fighting terrorism dramatically. It has literally shredded that policy.

We find ourselves now with a terrorism policy which has two standards: Once you are convicted of seditious conspiracy, which is the key offense in terrorism, you may be freed if you have political friends; you will stay in jail if you don't have political friends. If you are a terrorist, go out and find some political friends. It means foreign countries will no longer have the confidence to deal with our law enforcement agencies in releasing information or even physically releasing terrorists to our control for prosecution because they will believe that person could potentially be returned to their shores.

It means trials of terrorists will now be tainted—when the charge of seditious conspiracy is included—by a clemency for 16 people who committed violent acts against the United States and were charged with seditious conspiracy.

It has undermined the morale of those who work on our front lines to protect us from terrorism. And all for what purpose? I see none that can justify this action. I think we should condemn it. I hope we, as a nation, do not have to pay a dear price because of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### APPROPRIATIONS AND OVERSIGHT

Mr. THOMAS. Mr. President, I thank the Senator from New Hampshire for sharing the results of the hearing he had this morning. It is one of the real serious issues before the Senate, as is the case with the Senator from Oklahoma when he talks about the military problems in Puerto Rico. We have a lot of things with which to deal.

Most importantly, of course, is finishing our appropriations work. The end of the fiscal year occurs within 2 weeks. We will have at that time all the appropriations bills to the President. We intend to do that. It is difficult, of course, to go through the appropriations process and stay within those boundaries we have given ourselves, to stay within the boundaries of the caps, to stay within the boundaries of available funds and, maybe most important, to stay within spending limits without reaching into Social Security funds, which I think everyone is committed not to do.

There is a great difference of philosophy about how we do this. It seems to me we need to continue to think. There are those who legitimately want to see more government, more Federal Government, more involvement, more programs, and others who believe there ought to be a limited Federal Government—that, indeed, the role of the Federal Government is limited.

I had the opportunity yesterday to celebrate with four junior highs in my hometown of Casper, WY, the 212th anniversary of the signing of the Constitution. These were 9th graders. It was great fun. Some of them had on Uncle Sam suits in red, white, and

blue. They all signed their own copy of the Constitution. One of the issues talked about by these 9th graders was the 10th amendment. The 10th amendment says the Federal Government's duties are spelled out in the Constitution. If they are not, they are left to the States or the people. It was interesting to talk about that. These young people who read that say: What are some of the things that our Government is doing? Of course, there is a legitimate debate about that.

Each year, as we come into the appropriations process, it seems to me we miss an opportunity to have evaluated where we want to go, what we legitimately want to do, and then fund it. Unfortunately, we get into the funding proposition before we have decided what it is we want to do; maybe more importantly, before we have had the opportunity to measure the effectiveness of what is in place.

That is one of the reasons many Members are seeking to have a biennial budget—so that the appropriations process only takes place every other year. In that case, agencies have a longer time to know what their budget is.

The key is that the Congress has oversight responsibility. Indeed, it should be looking at the expenditures; it should be looking at programs and setting priorities; it should be decided how effective they are and what the expenditures have been.

We had a little example this morning. About a year ago, three Members asked the GAO to do an examination of the cost of Presidential travel. They came in with their primary report yesterday. Even though there are a great many trips to be made, this President has made more trips than any other President in recent history. We asked that three trips be examined—a trip to Chile, a trip to China, and a trip to Africa—to see what it cost taxpayers.

The trip to Chile. Chile is not too far. There were a couple of stops. It cost \$10.5 million; 592 people traveled with the President, 109 from the White House. That was the least expensive trip.

The trip to China last year was almost \$19 million; 510 people traveled, 123 from the White House.

These are the type of things at which we need to look. I think it is perfectly legitimate for the President to travel. Is it legitimate to have these costs?

Africa. There was contact with six countries. It cost nearly \$43 million to visit Africa. Mr. President, 1,300 people traveled with the President, 205 from the White House.

These are the kind of expenses we should evaluate. These are the things at which we ought to look. These are the areas we ought to say: Yes, there ought to be trips, but \$43 million for a trip to Africa is a bit expensive and a little extensive.

That is what the oversight is all about. I think we need to be sure we evaluate those things. We need to see if

programs now in place, programs that are now being funded, are still as necessary as they were when they began, or do they need to be changed. There is a constituency that builds up around programs. Any change is resisted. That is not how to run any other business. We have to take a look to see if it is still effective, see what the mission is, see if that mission is being carried out, see if the dollars could be spent more efficiently somewhere else. That is what the budget process is about.

Now we are faced with having put together a budget some time back, about 3 or 4 years ago, and finding ourselves being pushed hard to break through the budget caps put in place at that time, largely through emergency spending. It is legitimate when we have emergencies such as we have had this year with weather.

We are committed not to go into Social Security money. The President has been saying for 4 years: Save Social Security. But he doesn't have a plan. We have a plan to save Social Security. We are going to do our work towards implementing that plan so the dollars that come in have a place to go so they, indeed, are kept for Social Security.

I think the key is the idea of individual accounts, which is what we propose to do. People under a certain age would have an individual account crediting a portion of the money they paid into Social Security. It would be their account, their money, invested in the private sector to return a much higher yield, to ensure that benefits are available. In that way, the money would not be spent for other things, as has been in the past.

It also deals with the fact that such changes have taken place. I mentioned we have to look at programs from time to time. When Social Security began, I think there were 150 people working for every beneficiary. It came down to 30. Now there are about three workers for every beneficiary and headed towards two. The choices in that program have become simple: We have to raise taxes, and most people don't want to do that; reduce benefits, and most people don't want to do that; or we can increase the return on revenue, increase the return on the money that is in the account—in this case, your individual account.

These are the kinds of things that seem to me to be part of the appropriations process, part of the budgeting process. That is what we are facing. It will be difficult to complete that task, but we are dedicated to doing it.

As I indicated, there is a legitimate difference of philosophy. I understand that. We see some of it every day. There are those who believe more spending, more government is better. There are those who believe in the 10th amendment, that more government ought to be closer to the people; that States and communities, and in the case of schools, school districts, have

the best opportunity to make the decisions that affect their children. I believe in that strongly. I think most on this side of the aisle do.

There was a long discussion about education today. Education is important to all Members. I think also there was an interesting set of polling done which indicated that for the most part, people do want to make the decisions at the local level, to make the decisions where the kids are, to make the decisions where the families are.

There is quite a difference between what needs to be done in Jugwater, WY, or Philadelphia. So the one-size-fits-all kind of program does not fit. We want to have the flexibility to make the changes that are necessary to do that.

Unfortunately, our bills will go to the President. The President has, of course, vowed to veto the tax relief bill that we have sent. I do not believe there will be much opportunity to negotiate the basis for that. That is too bad. As we project, there will be excesses. We think they ought to go back to the taxpayers. In fact, the President wants to spend more money, indeed, increase some taxes—for instance, 55 cents on cigarettes that would be there to offset more spending.

So these are the kinds of things with which we must deal. We must do that soon. I believe we are headed in the right direction to have the budget that does reflect our needs, that does deal with patients' health care. We passed a bill. We will do that and we will move forward and complete our work by the end of September.

Mr. President, I think we have taken nearly all of our time. I yield the remainder of our time and suggest the absence of a quorum.

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

The legislative assistant proceeded to call the roll.

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

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

#### BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. The time between now and 5:30 is equally divided between the Senator from Utah and the Senator from New Jersey.

Mr. HATCH. Mr. President, this bill is a bipartisan bill, drafted jointly by Senators GRASSLEY and TORRICELLI. This legislation has been developed in a fair and inclusive manner.

The reforms proposed in this bill have been carefully studied and have been deliberated upon at length. Indeed, Congress has been engaged in the consideration of this issue now for several years. The National Bankruptcy Review Commission spent two years comprehensively examining the bankruptcy system. The findings and opinions of the Commission, which were reported to Congress, have proved helpful

in identifying the problems in the bankruptcy system and in finding appropriate solutions.

Furthermore, the Subcommittee on Administrative Oversight and the Courts, which is chaired by Senator GRASSLEY, has held numerous hearings on the issue of bankruptcy reform. The subcommittee heard extensive testimony on the subject from dozens of witnesses. Again, I would like to thank Senators GRASSLEY and TORRICELLI for their leadership in this important consumer bankruptcy reform, and also last session's ranking member of the Administrative Oversight and the Courts Subcommittee, Senator DURBIN, along with other members of the Senate, for their hard work on this issue.

Throughout the process of consideration of this bill, at both the subcommittee and full committee level, changes suggested by the minority were included in the bill. During this entire process, I have expressed my willingness to work to address any remaining concerns the minority has about the bill. It is apparent, however, that efforts are underway to defeat this important legislation by attaching irrelevant, extraneous "political agenda" items to it, such as minimum wage, guns, abortion and tobacco, to name a few.

I am open to full debate on relevant issues. Nevertheless, some of my friends on the other side of the aisle continue to tie up consideration of this bill for what appears to be political points.

Despite the efforts of those in opposition, I remain hopeful and optimistic that we will be able to pass legislation this year that provides meaningful and much-needed reform to the bankruptcy system.

The House of Representatives passed a much more stringent bankruptcy reform bill by an overwhelming bipartisan majority earlier this spring. The time has come for us to rise above politics and to do what is right for the American people. It is time for meaningful and fair bankruptcy reform.

I urge my colleagues to vote for cloture so we may consider the substance of this important legislation and make our bankruptcy system better for all Americans.

The Bankruptcy Reform Act of 1999 closes many of the loopholes in our bankruptcy system that allow unscrupulous individuals to use bankruptcy as a financial planning tool rather than as a last resort.

Despite the White House's statement of opposition to the House's bankruptcy reform bill, H.R. 833, the House of Representatives realized that the time has come to restore personal responsibility to our nation's bankruptcy system. House Democrats and Republicans alike recognized that if we do not take the opportunity to reform our broken system, every family in my own State of Utah and throughout the country, many of whom struggle to make ends meet, will continue to bear

the financial burden of those who take advantage of the system. As a result, the House bill passed by an overwhelming margin of 313 to 108. Half of the House Democratic Caucus joined with every House Republican to support the bill. And notably, the House bankruptcy reform bill is more stringent in its reforms than the Senate bill before us today.

More than three decades ago, the late Albert Gore, Sr., then a Senator, commented on the moral consequences of a lax bankruptcy system. He said:

I realize that we cannot legislate morals, but we, as responsible legislators, must bear the responsibility of writing laws which discourage immorality and encourage morality; which encourage honesty and discourage deadbeating; which make the path of the social malingeringer and shirker sufficiently unpleasant to persuade him at least to investigate the way of the honest man. (Cong. Rec. 905, January 19, 1965.)

I too believe that the complete forgiveness of debt should be reserved for those who truly cannot repay their debts. S. 625 provides us with the opportunity to prevent people who can repay their debts from "gaming the system" by using loopholes that are presently in place.

Mr. President, S. 625 provides a needs-based means test approach to bankruptcy, under which debtors who can repay some of their debts are required to do so. It contains new measures to protect against fraud in bankruptcy, such as a requirement that debtors supply income tax returns and pay stubs, audits of bankruptcy cases, and limits on repeat bankruptcy filings. It eliminates a number of loopholes, such as the one that allows debtors to transfer their interest in real property to others who then file for bankruptcy relief and invoke the automatic stay. And, the bill puts some controls on the ability of debtors to get large cash advances on their credit cards and to buy luxury goods on the eve of filing for bankruptcy.

At the same time, the Senate bill provides many unprecedented new consumer protections. It imposes penalties upon creditors who refuse to negotiate in good faith with debtors prior to declaring bankruptcy. Also, it imposes penalties on creditors who willfully fail to properly credit payments made by the debtor in a chapter 13 plan, and for creditors who threaten to file motions in order to coerce a reaffirmation without justification. Moreover, the bill imposes new measures to discourage abusive reaffirmation practices.

Mr. President, S. 625 addresses the problem of bankruptcy mills, firms that aggressively promote bankruptcy as a financial planning tool, and often end up hurting unwitting debtors by putting them in bankruptcy when it may not be in their best interest. The bill also imposes penalties on bankruptcy petition preparers who mislead debtors.

Importantly, the bill makes major strides in trying to break the cycle of indebtedness. It educates debtors with

regard to the alternatives available to them, sets up a financial management education pilot program for debtors, and requires credit counseling for debtors. I must commend Senator SESSIONS for his leadership on these important credit counseling provisions.

I am proud that the bill also makes extensive reform to the bankruptcy laws in order to protect our children. I have authored provisions of the bill to ensure that bankruptcy cannot be used by deadbeat dads to avoid paying child support and alimony obligation. Under my provisions, the obligation to pay child support and alimony is moved to a first priority status, as opposed to its current place at seventh in line, behind attorneys fees and other special interests. My measures also ensure the collection of child support and alimony payments by, among other things, exempting state child support collection authorities from the "automatic stay" that otherwise prevents collection of debts after a debtor files for bankruptcy, and by exempting from discharge virtually all obligations one ex-spouse owes another. A new amendment will make changes to a number of provisions in the bill to clarify that the provisions are not intended, directly or indirectly, to undermine the collection of child-support or alimony payments.

The bill includes a provision that I offered, which was accepted in the Judiciary Committee, which creates new legal protections for a large class of retirement savings in bankruptcy, a measure which is supported by groups ranging from the AARP, to the Small Business Council of America and the National Council on Teacher Retirement.

Rampant bankruptcy filings are a big problem. In 1998, 1.4 million Americans filed for bankruptcy. That was more Americans than graduated from college, were on active military duty, or worked in the post office. Indeed, more people filed for bankruptcy in 1998 than lived in the states of Alaska, Delaware, Hawaii, Idaho, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, or Wyoming.

Last year, about \$45 billion in consumer debt was erased in personal bankruptcies. Let me give this number some context. Forty-five billion dollars is enough to fund the entire U.S. Department of Transportation for a year. Losses of this magnitude are passed on the American families at an estimated cost—if we use low estimates—of \$400 to every household in America every year. That \$400 could buy every American family of four: five weeks worth of groceries, 20 tanks of unleaded gasoline, 10 pairs of shoes for the average grade-school child, or more than a year's supply of disposable diapers.

Under current law, families who do not file for bankruptcy are unfairly having to subsidize those who do. Currently, our bankruptcy system is devoid of personal responsibility and is spiraling out of control. This is our opportunity to do something about it.

As noted scholars Todd Zewicky of George Mason Law School and James White of the University of Michigan Law School recently wrote:

Current law requires a case-by-case investigation that turns on little more than the personal predilections of the judge. This chaotic system mocks the rule of law, and has resulted in unfairness and inequality for debtors and creditors alike. The arbitrary nature of the process has also undermined public confidence in the fairness and efficiency of the consumer bankruptcy system.

I am proud to be proposing several enhancements to the bill that primarily are designed to protect consumers and further provide incentives for consumers to take personal responsibility in dealing with debt management.

In the area of domestic support, as I indicated earlier, Senator TORRICELLI and I intend to build upon the new legal protections we created, as part of the underlying bill, for ex-spouses and children who are owed child support and alimony payments. The changes will further strengthen the ability of ex-spouses and children to collect the payments they are owed, and will make changes to a number of existing provisions in the bill to clarify that they will not directly or indirectly undermine the collection of child support or alimony payments.

In the area of education, Senator DODD and I, along with Senator GREGG, have developed an amendment that will protect from creditors contributions made for education expenses to education IRAs and qualified state tuition savings programs. This is a significant protection for those who honestly put money away for the benefit of their children and grandchildren's educational expenses. The potential that education savings accounts will be abused in bankruptcy is addressed by the amendment's requirement that only contributions made more than a year prior to bankruptcy are protected. I believe that protecting educational savings accounts is particularly important because college savings accounts encourage families to save for college, thereby increasing access to higher education. Nationwide, there are more than a million educational savings accounts, meaning there are more than a million children who would benefit from this amendment. As much as I believe that the bankruptcy laws need to be reformed to prevent abuse and to ensure debtors take personal responsibility, the ability to use dedicated funds to pay the educational costs of children should not be jeopardized by the bankruptcy of their parents or grandparents.

I have also developed a debt counseling incentive provision, which builds on the credit counseling provisions currently in S. 625. It removes any disincentive for debtors to use credit counseling services by prohibiting credit counseling services from reporting to credit reporting agencies that an individual has received debt management or credit counseling, and estab-

lishes a penalty for credit counseling services that do. Debt management education is vital to reducing the number of Americans who, because of poor financial planning skills, are forced to declare bankruptcy. Providing credit counseling—instruction regarding personal financial management—to current and potential filers will help curb bankruptcy filing.

In addition, I intend to offer an amendment that is designed to curb fraud in filing. This amendment puts in place new procedures and provides new resources to enhance enforcement of bankruptcy fraud laws. It will require No. 1 that bankruptcy courts develop procedures for referring suspected fraud to the FBI and the U.S. attorney's office for investigation and prosecution and No. 2 that the Attorney General designate one assistant U.S. attorney and one FBI agent in each judicial district as having primary responsibility for investigating and prosecuting fraud in bankruptcy.

I also plan to offer an amendment that will allow a victim of a crime of violence or drug trafficking offense or another party in interest to petition the bankruptcy court to dismiss a petition voluntarily filed by a debtor who was convicted of the crime of violence or drug trafficking offense. In order to protect women and children who may be owed payments by such a debtor, however, the amendment would still allow the bankruptcy petition to continue if the debtor can show that the filing of the petition is necessary to ensure his ability to meet domestic support obligations. Bankruptcy is not an entitlement—it is a process by which certain qualifying individuals with substantial debts may cancel their debts and obtain a "fresh start." Under this amendment, violent criminals and drug traffickers—individuals who have chosen to engage in serious, criminal conduct—would be precluded from availing themselves of the benefits of bankruptcy protection.

Again, I thank Senator GRASSLEY, the distinguished chairman of the Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, for his leadership and dedication to this effort, and look forward to working with him and the subcommittee's ranking member, Senator TORRICELLI, in passing this legislation.

Let's look at a couple of other charts. This one is done by Penn, Schoen and Bergland Associates, Inc.: 83 percent of the American people favor an income test in bankruptcy reform. Only 10 percent oppose it and 7 percent don't know. So we should have an income test in bankruptcy reform.

Americans agree that bankruptcy should be based on need. Ten percent believe an individual who files for bankruptcy should be able to wipe out all their debt regardless of their ability to repay that debt. Only 10 percent of our society believe that, and I am surprised that many people believe that. If somebody has the ability to pay a debt,

why should they stiff other people with their debts and why shouldn't they have to live up to paying off their debts?

Four percent refused to answer this. But 87 percent believe an individual who files for bankruptcy—all of this yellow—should be required to repay as much of their debt as they are able and then be allowed to wipe out the rest.

That makes sense. Otherwise, we have people who are using the bankruptcy laws as an estate planning device. We have people who every 5 years file for bankruptcy after running up all kinds of bills and enjoying the life of Riley during those intervening years. What we want to do is have people realize there are some disincentives for doing that and that they have to pay some of these bills themselves.

These particular charts show that the American people have their heads screwed on right, except for about 10 percent of them. If an individual has the ability to repay some of the debt, they ought to be able to and they ought to want to, they ought to do what is right, and 87 percent of the American people believe that is the case. Only 10 percent believe they should be able to wipe out any debts at any time by going into bankruptcy.

I hope we can get people to vote for cloture on this matter so we can proceed and so we will not have any further delay in passing what really will be one of the most important bills in this particular session of Congress.

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. HATCH. 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. HATCH. Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

The PRESIDING OFFICER. Time will be charged to both sides. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will speak briefly in opposition to cutting off debate on S. 625, the Bankruptcy Reform Act of 1999. I say to my colleagues, the entire concept of the bill is wrong. It addresses a "crisis" that appears to be self-correcting. It rewards the predatory and reckless lending by banks and credit card companies which fed the crisis in the first place, and it does nothing to actually prevent bankruptcy by promoting economic security for working families.

To support, if you will, my case on the floor, I will talk about a couple of amendments I intended to offer to this bill which I think will make a huge difference. Let me give a couple of examples.

One amendment will prevent claims in bankruptcy on high-cost credit transactions in which the annual interest rate exceeds 100 percent, such as pay-day loans and car title pawns. Pay-day loans are intended to extend small amounts of credit, typically \$100 to \$500, for an extremely short period of time, usually 1 week or 2 weeks.

These loans are marketed as giving the borrower a little extra until pay day, hence the term "pay-day" loan. The loans work like this:

The borrower writes a check for the loan amount plus a fee. The lender agrees to hold the check until an agreed-upon date and gives the borrower the cash. On the due date, the lender either cashes the check or allows the borrower to extend the loan by writing a new check for the loan. In any case, the annual interest rate can get as high as 391 percent.

We ought to do something about that, Mr. President. I have an amendment that will make a difference. I believe I would win if I offered this amendment to address this problem.

Another amendment I want to offer is about making sure banks offer low-cost banking services to their customers. For about 12 million Americans, having a checking account is a simple convenience which they cannot afford. Why? Because quite often there is a large minimum or you have fees that are really too high, and therefore people cannot even have these accounts. I want to make sure these banks are responsive to low-income citizens as well.

Mr. President, I was on the floor last week for several hours talking about the crisis in agriculture. I said that those of us from the farm States want an opportunity to pass legislation that would change the course of policy and prevent our family farmers from being driven off the land and prevent, really, what is right now the devastation of our rural communities.

The minority leader, Senator DASCHLE, has an amendment to get the loan rate up, to get prices up, which I support. I have an amendment—and Senator DORGAN will join me—which basically says we are going to—for 18 months, until we pass some antitrust action—put a moratorium on a lot of these mergers and acquisitions. We want to have some competition in the food industry.

I think I can get a lot of support from Republicans as well as Democrats. I think there will be a lot of support on the floor of the Senate for these amendments that try to do something about changing farm policy so our producers—whether they be in Minnesota, whether they be in Idaho, whether they be in the Midwest, or whether they be in the South—are able

to make a living and support their families.

In all due respect—I hate to say this—bankruptcy is all too relevant to what these family farmers are going through. I have an amendment that says we ought to do some policy evaluation if we are going to be talking about bankruptcy and we are not going to do a darn thing to deal with the predatory policies of these credit companies, that we are not going to do a darn thing about the ways in which they hook people in who have precious little consumer protection, that if we are going to talk about low-income citizens, I would like to see some policy evaluation.

I would like to see us have some understanding about what is going on in welfare. Where are these mothers and children who are no longer on the rolls? What are their wage levels? Is there affordable child care? Do these families have health care coverage or do they not have health care coverage?

It is also the case that my colleague who sits right next to me, Senator KENNEDY, has an amendment he wants to offer to raise the minimum wage. I find it interesting that what we have here is a piece of legislation that does nothing by way of providing consumer protection, does nothing by way of challenging these credit card companies, and does absolutely nothing to prevent the bankruptcy in the first place.

We have the evidence that shows that very few people—maybe 3 percent—have abused the law. And because of that, we are passing a draconian, harsh piece of legislation which imposes enormous difficulties on the poorest families, on working-income families. Yet when some of us say we want to bring some amendments to the floor that deal with exorbitant interest rates, to make sure that low-income people have access to banking services, and to make sure we do something about the economic security for working families—and I include family farmers who are going bankrupt—we are told by the majority leader we are going to be shut out from being able to offer amendments, and therefore the majority leader files cloture.

We will have a cloture vote. I am going to vote against cloture; I am sure many of my colleagues are going to vote against cloture, and then I am sure the majority leader is going to pull the bill. If he pulls the bill, that will be actually a plus for Americans. This is a deeply flawed piece of legislation—great for the credit companies, terrible for consumers.

But if he pulls the bill, also that is basically a message to those of us who for weeks now have been saying we want to come to the floor with substantive amendments, to fight for the people we represent, to do something about making sure they have a decent chance—and I am talking in particular about family farmers. Basically what I am hearing from the majority leader

is: Anytime you say you are going to come to the floor with these amendments, I am going to pull the legislation. I am not going to give you a vehicle. We are not going to have an up-or-down vote on minimum wage.

Apparently, a lot of my colleagues on the other side do not want to be on record; we are not going to have an up-or-down vote on getting farm prices up; we are not going to have an up-or-down vote on a moratorium dealing with these mergers and acquisitions; We are not going to have an up-or-down vote on amendments that really do deal with these payday loans, with these exorbitant interest rates, making sure again that low-income people have access to banking services.

I think there will not be enough votes for cloture. I do not think there should be enough votes for cloture. I want to say today on the floor of the Senate, especially to the majority leader—not so much to my colleague from Utah—if each and every time, as a Senator from an agricultural State, I am going to be shut out from having any vehicles whereby I can bring some amendments to the floor to change farm policy so these producers do not go under in my State, then I am going to have to look for whatever leverage I have as a Senator to force some cooperation on the other side so we can have a genuine, substantive debate about a lot of issues that are important to people's lives.

Let's talk about raising the minimum wage. Let's talk about what is happening to family farmers. Let's talk about health care policy. Let's talk about consumer protection.

This effort on the part of the majority leader—and I guess, therefore, the majority party—to shut us out from introducing substantive legislation that would make all the difference in the world to the people we represent is just simply unacceptable. I do not think this is any way for us to operate as a Senate. I urge my colleagues to vote against cloture.

I yield the floor.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield 7 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 7 minutes.

Mr. SESSIONS. I thank the Senator from Iowa and appreciate his steadfast leadership on this issue. I also thank the distinguished chairman of the Judiciary Committee, Senator HATCH, for his leadership.

We have worked over the past several years to produce a much needed piece of legislation, a reform of Federal bankruptcy law. Bankruptcy is provided for in the U.S. Constitution, and we have seen some remarkable changes in the last few years that demand that we reform the system.

Last year there were over 1.4 million bankruptcies filed in America. That

comes out to almost 4,000 filings every day of the year. Since 1990, personal bankruptcies are up 94.7 percent. This dramatic increase in personal bankruptcies occurred in spite of the fact that over that same period business bankruptcies fell 31 percent and the country enjoyed a healthy and expanding economy. These statistics demonstrate there is need for reform immediately.

Bankruptcy exists to provide relief as a last resort for the most debt-ridden individuals. It is not a financial planning device. This bill was needed last year, but it did not pass due to the same kinds of partisanship and political tactics we have seen here today.

This year, I think Congress will pass this bill. I hope we will proceed to it today for a final vote. The majority leader of the Senate and the Members of this Senate have a lot of work to do this year. We have quite a number of critical appropriations bills, including the Defense appropriations that may come up later tonight. We have to consider those bills.

We cannot have a bankruptcy bill like the one that passed this Senate last year with 97 votes—a very similar bankruptcy bill which almost every single Senator voted for. That bill turned into a Christmas tree of amendments on every kind of unrelated issue that any Senator wanted to bring up, and I am afraid that the same thing might happen today.

Why is this happening? I will tell you why. Some Senators do not want this bill to pass, but they are afraid to vote against it straight up, and so they offer amendment after amendment, and they tell the majority leader: We won't have any limit. We want to offer as many amendments as we can on a number of unrelated subjects—international affairs, economics, whatever they want to bring. This means we could be here for weeks on a bill that has been debated for the last 2 years with great intensity. The Senate does not need that. The majority leader cannot allow that to happen. We will have to not proceed with it, I assume, if we cannot get cloture today.

A bankruptcy bill similar to this passed the House earlier this year 313-108. Senator GRASSLEY's bill came out of the Judiciary Committee 14-4. So I am proud to be a key sponsor of this. I think it makes the kind of changes we need without changing the fundamental principles that if a person is over their head in debt, helplessly unable to pay their debts, they ought to be able to wipe out those debts and start over. We have no dispute with that principle. That is a fundamental, historic principle.

I know it makes a lot of people mad to think that somebody does not have to pay their debts, that they can just go to court and wipe out their duly signed contract. But this country has always adhered to the view that if your debts reach a certain level and you cannot pay them, you can start afresh.

We do not have debtors' prisons. And I certainly agree with that. But we do have a growing trend in America in which people making \$60,000, \$80,000, \$100,000 a year owe a significant—but not great—debt and just go into court and file straight bankruptcy under chapter 7. If they make \$100,000 a year and they owe \$60,000 that they could easily pay off in a period of years, they can go into bankruptcy court and wipe out their debt. These individuals can file under Chapter 7 and just not pay their debts—whether it is the guy next door, the garage mechanic, the automobile car dealer, the credit card bank note—that debt can simply be wiped out. There is no way a court can stop this behavior right now. It is not being stopped. And it is going on regularly.

What Senator GRASSLEY's legislation does is say to the courts: You have a duty to look at the debtor's income, to analyze what a person's income is. If they are able, over a reasonable period of time, to pay back a significant portion of their debt, they ought to pay it back. Why? Because it is a moral question. And the moral question is this: The man making \$100,000, who owes \$60,000 in debt—\$2,000 of that may be to the mechanic who fixed his car—who ought to be paying that?

Who ought to get the money? The man who did the work for him and fixed his car or fixed the roof on his house? Should he be paid, or should this man be able to live in his house bankrupt and not pay his debt to the people who helped fix it for him? It is just that simple. It is a question of justice and right and wrong.

One provision that I worked hard to put into this bill that I think is good and very innovative is a requirement that people at least consider an approach to credit counseling before they actually file for bankruptcy. There are a number of excellent credit counseling agencies in America. They can sit down with people and negotiate with their creditors and get them to reduce the interest rates. They can help people make payment plans. They help the family put a budget together. If somebody is addicted to gambling, these credit counseling agencies can get them in Gamblers Anonymous. If they have mental health problems, they can help with that. The agencies can help them decide which debts ought to be paid first, such as the ones with the highest interest. They can negotiate on behalf of their clients delays in certain debt so they can pay others first.

I visited for virtually a full day at a credit counseling agency in my hometown of Mobile. I was extraordinarily impressed with what they do and the services they offer. This bill would require that, before you file for bankruptcy, you ought to at least talk to one of these credit counseling agencies.

We have seen what is happening today before. Senator GRASSLEY saw this at just about this time last year. We had a bill that came up and cleared the committee by an overwhelmingly

bipartisan vote—a bill that we got through this body with an overwhelming vote. I believe 97 Senators voted for it. Yet when it came back up, we had just these kinds of dilatory tactics designed to delay and put the bill off to avoid a vote. I don't know why that is true.

There is nothing but fairness and justice and improvement in this bill. It is time for us to respond to this growing rush of people who are claiming bankruptcy, many of whom don't deserve or need the protections of the judicial system to address their debts. We want bankruptcy to be available for those who truly need it but not for those who view it as an easy way to wipe out debts that they could pay.

I think we have made some real progress with this bill. I hope politics doesn't enter into the Senate's consideration of these reforms. If it does, I hope the American people will understand and look through the political tactics and the manipulation to see right through this.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, before the Senator from Alabama leaves, he needs to be thanked for the outstanding work he has done to help put this compromise piece of legislation together that came out of committee by a bipartisan vote of 14-4, and also during the remarks he just presented for laying out the history of this legislation last year in which the bill passed 97-1. He very accurately stated what the situation is.

He also now raises the question, which is a legitimate question: What has gotten rotten in Denmark, so that all of a sudden a bill that passed 97-1 about a year ago is being filibustered in the effort to bring it up, if some people aren't playing some sort of game?

I thank the Senator from Alabama for his work on this bill.

I also thank him for reminding the Senate of what that situation was a year ago and raising the question of what has changed. Not much has changed. It is just that some people want to use tactics behind the scenes to keep a bill from coming out in the open when they wouldn't express those same views in a vote on the floor of the Senate.

Also, there was a previous speaker on the other side, a friend of mine, who recently spoke against the cloture motion to bring debate on this bill to a halt on the motion to proceed and then immediately get to the bill; he expressed a view that there ought to be opportunity to offer nongermane amendments on the issue of agriculture.

Normally, I am sympathetic to those opportunities to bring to the floor of the Senate the complaints and concerns of an economic crisis such as we are facing in agriculture. But I think there are opportunities available to do that other than messing up an oppor-

tunity to bring needed reform to the bankruptcy code.

Besides, during my remarks today, I am going to point out to the Senator from Minnesota how there are opportunities in this very bankruptcy bill to help the family farmer. They relate directly to the permanent reauthorization of chapter 12 bankruptcy. If that is not authorized in this bill—in fact, if this isn't done by the 1st of October—there is no chapter 12. Then, instead of using a chapter of the bankruptcy code that is written to the special needs of agriculture, the farmers are going to have to file for bankruptcy under chapter 11. That was written for corporate America. That doesn't fit the needs of agriculture. They are going to find, unlike chapter 12's existence for reorganization of farmers where 88 percent of them are still able to farm and maintain the family farming operation, that there will be a very high percentage of farmers forced to file under chapter 11, the chapter friendly to corporate structure, and they are not going to be farming anymore at all. They won't be farming as family farmers, if they farm.

Mr. President, we are coming soon to a cloture vote on the bankruptcy bill. If cloture is not invoked, it will be very unfortunate. I've worked very closely with the minority and with Senator TORRICELLI, who is the ranking member on the Subcommittee on Administrative Oversight and the courts, to fashion a bill which contains many changes and modifications requested by Democrats. For instance, the means-test is looser than I would personally prefer. But I have made this change to respond to concerns raised by the other side of the aisle.

I think we're in this situation because we have Members from the minority party who want to offer an unlimited number of amendments on subjects totally unrelated to bankruptcy. This, of course, is a delay and stalling tactic by imposing these nongermane amendments upon a very important bill, a bill that will pass this body by an overwhelming margin, if we get it up for a vote, but a bill that can be stalled by people who maybe don't want this bill to pass and don't want to face it head on, because this bill passed by a 97-1 vote in the last Congress.

From my conversations with the Republican leadership, I think it's fair to say that we are willing to accommodate a few unrelated amendments from the minority. But, it appears that some Members of the Minority want to turn the bankruptcy bill into a Christmas tree for everything you can think of. Obviously, that's not acceptable. So here we are. At some point, I hope that this situation is resolved. We Republicans stand ready to be reasonable.

I want to take this opportunity to talk about what is being delayed. The bankruptcy bill contains some very important provisions that are vital for family farmers, especially Midwestern family farmers, and particularly with

this economic crisis even in my State of Iowa.

As we all know from recent debate on the emergency agriculture appropriations bill, which is in conference this very night to iron out the differences between the House and Senate, many of America's farmers are facing financial ruin. We have some of the lowest commodity prices in 30 years. Pork producers have lost billions of dollars—not just in income but in equity. The price of corn is currently well under the cost of production. And the cash market for soybeans has reached a 23-year low. This is all in addition to the poor weather conditions in parts of the Midwest and the drought in the 10 States of the Eastern United States.

Just last week, I sent a letter with a number of farm State Senators from both parties, including the Democratic leader, Senator DASCHLE, signing it, to all Senators, discussing the needs for reauthorization of chapter 12, which is done in this all-encompassing bankruptcy reform legislation.

As you can imagine, these difficult financial circumstances have sent many farming operations into a tailspin. Clearly, we need to make sure that the family farmers continue to have bankruptcy protection available during this difficult period. But bankruptcy protection won't be available if this bill is blocked by turning it into a Christmas tree.

I don't pretend to talk about bankruptcy being needed by the family farmers as a substitute for anything that can be done here in the Congress or what can be done through the marketplace to bring profitability because that is what is absolutely necessary. But under any circumstances, in good times or bad times, some farmers are going to need to have the protection of chapter 12, just as corporations in America have the protection of chapter 11. And farmers are entitled to a chapter that fits the needs of agriculture, the same way corporate America is entitled to a chapter that fits the needs of corporate America.

Title X of this bill makes chapter 12 permanent and makes several changes to chapter 12 to make it more accessible for farmers and to give farmers new tools to assist in reorganizing their financial affairs.

As things stand now, chapter 12 will cease to exist by September 30 unless we get this bill through the Senate, through conference, and on the President's desk. It would be a supreme act of irresponsibility if we let chapter 12 die and we leave our farmers without a last ditch protection against foreclosure and forced auctions.

Make no mistake about it. By delaying this bill, Senators who vote against cloture will leave family farmers across America exposed to forced auctions and foreclosures. That is what I urge the Senator from Minnesota to be cognizant of as he votes against cloture, as he indicated he would do.

Back in the mid-1980s, when Iowa was in the midst of another devastating

farm crisis, I wrote chapter 12 to make sure family farmers would receive a fair shake in dealing with the banks and the Federal Government as a lender of last resort. At that time I didn't know if chapter 12 was going to work or not, so it was only enacted on a temporary basis. Chapter 12 has been an unmitigated success. As a result of chapter 12, many farmers in Iowa and across the country are still farming and contributing to the American economy. With a new crisis in the farm country, we need to make chapter 12 a permanent part of Federal law. This bankruptcy bill provides for permanency for farmers.

Chapter 12 worked in the mid-1980s and it should be made permanent so family farmers in trouble today or any time in the future can get breathing room and a fresh start. This statement that chapter 12 works for farmers is backed up by an Iowa State University study of farmers who used chapter 12 during the 1980s. Mr. President, 88 percent of those farmers were successfully farming at the time of the study.

The Bankruptcy Reform Act doesn't just make chapter 12 permanent; the bill makes improvements to chapter 12 so it will become more accessible and helpful for farmers. First, the definition of a family farmer is widened so more farmers can qualify for chapter 12 bankruptcy protections. Second, and perhaps more importantly, my bankruptcy bill reduces the priority of capital gains tax liabilities for farm assets sold as a part of a reorganization plan. This will have the beneficial effect of allowing cash-strapped farmers to sell livestock, grain, and other farm assets to generate cash-flow when liquidity is essential to maintaining a farming operation. Together, all of these suggested reforms will make chapter 12 more effective in protecting America's family farms during this difficult period. These reforms will never happen if the bill is continually blocked by Senators offering unrelated and non-germane amendments.

It is imperative we keep chapter 12 alive. Before we had chapter 12, banks held a veto over reorganization plans. They wouldn't negotiate with farmers and the farmer would be forced to auction off the farm, even if the farm had been in the family for generations. The fact is that fire-type sales under these circumstances actually drive down prices at those auctions so both the creditor and the debtor end up with less. Now, because of chapter 12, the banks are willing to come to terms.

We must pass this bankruptcy reform bill to make sure America's family farms have a fighting chance to reorganize their financial affairs. Unless things change, this bill may be set aside because of stalling tactics by some Members on the other side of the aisle.

I ask unanimous consent to have printed in the RECORD a letter signed by five Members, including Senator JOHNSON of South Dakota, Senator

BROWNBACK of Kansas, Senator Bob KERREY of Nebraska, and Senator Tom DASCHLE of South Dakota.

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

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 13, 1999.  
SUPPORT BANKRUPTCY PROTECTIONS FOR  
FAMILY FARMERS

DEAR COLLEAGUE: As the Senate returns to work for the final months of the first session of the 106th Congress, we will likely consider S. 625, "the Bankruptcy Reform Act." We are writing to ask your support for Title X of S. 625, which contains vital protections for America's family farmers.

By now, we are sure that you are aware that the agricultural sector of our economy is experiencing severe distress. Due to grain, livestock, cotton, rice, and commodity indexes plunging to record lows this summer, many family farmers are in the midst of an economic crisis. Farmers across the nation are suffering some of the lowest farm commodity prices in 30 years. Pork producers have lost billions of dollars in equity, the price of corn is currently well under the cost of production and the cash market for soybeans has reached a 23 year low. This is all in addition to the poor weather conditions in parts of the Midwest.

In the midst of desperate times in farm country, we believe that the important reforms contained in the Title X of S. 625 are essential. Title X makes Chapter 12 of the bankruptcy code permanent. As it stands now, Chapter 12 will expire at the end of this fiscal year. If that happens, millions of family farms may face foreclosure and forced auctions. We believe that Congress has an affirmative responsibility not to leave financially troubled family farmers without the protections of Chapter 12.

Title X also alters Chapter 12 to make it more accessible and helpful for farmers. First, the definition of family farmer is widened so that more farmers can qualify for Chapter 12 bankruptcy protections. Second, Title X also reduces the priority of capital gains tax liabilities for farm assets sold as a part of a reorganization plan. This will have the effect of allowing cash-strapped farmers to sell livestock, grain and other farm assets to generate cash flow when liquidity is essential to maintaining a farming operation. Together, we believe that these reforms will make Chapter 12 even more effective in protecting America's family farms during this difficult period.

While floor debate may focus on other provisions of S. 625, we ask that you support Title X.

CHUCK GRASSLEY.  
TIM JOHNSON.  
SAM BROWNBACK.  
BOB KERREY.  
TOM DASCHLE.

Mr. GRASSLEY. I yield the floor and ask unanimous consent that a quorum call I suggest be equally charged to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I will say a few words about the cloture vote

we will have shortly on the bankruptcy bill, S. 625. I understand many in this body want to pass bankruptcy legislation this year. Certainly, the credit card industry is eager for the Senate to act. I want to be able to vote for what I consider a balanced bankruptcy bill.

Hardball tactics of this kind will not move this body closer to that goal. By filing a cloture motion a few seconds after he brought up the bill, the majority leader is predetermining the outcome. Cloture, I am glad to say, will not be achieved this afternoon. Cloture should not be achieved until Senators have a chance to offer amendments to the bill.

Bankruptcy is, of course, a very complicated area of the law. We have not had real bankruptcy reform and change since 1978. It has an impact upon millions of American consumers and businesses. Unfortunately, S. 625 is a very one-sided piece of legislation. I have found an amazing virtual unanimity among all the experts on bankruptcy. Whether talking to academics or judges or trustees and even practitioners—of course you expect to hear this from debtors' attorneys but also from many creditors' attorneys—they all say this bill as it stands today should not pass.

The only way to make it work, the only way to improve it, is to amend it. However, many of the amendments we want to offer—and they are very much relevant to the bankruptcy issue—could not be offered if we invoke cloture today.

So I am hopeful and believe Democrats will vote today against cloture, to protect their right to offer bankruptcy amendments to this bankruptcy bill.

Let me also take a moment to remind my colleagues that this body passed a bankruptcy reform bill last year by a vote of 97 to 1. I voted for it. We had nearly a unanimous vote for a bill. That bill could have become law if the conference committee had not disregarded the wishes of the Senate. Let me just be clear, in response to the comments a few minutes ago of the Senator from Iowa, there is nothing fishy going on here. It is not as if the same bill that passed 97 to 1 is before us. It is very much the opposite. This is the hard nosed, one-sided legislation that in my mind is the fantasy of the other body in this institution. It is not the bill I was comfortable voting for and was pleased to vote for last year.

This bill is not the balanced approach that the Senate came up with last year. So amendments, many amendments, frankly, are needed. The way to reduce the number of amendments is to accept some of them. Many of the amendments I and my colleagues are going to offer on this bill are reasonable, moderate, and widely supported. They will make this a more fair and balanced piece of legislation.

I urge my colleagues to vote "no" on cloture. And even more, I urge the majority leader and the proponents of this

bill to simply face the honest policy disagreements that need to be resolved either through amendments or through negotiations. Strong-arm tactics like filing for cloture right off the bat on a bill of this magnitude and complexity are not going to work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DORGAN. Mr. President, 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. DORGAN. Mr. President, I ask consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### THE TRADE DEFICIT

Mr. DORGAN. Mr. President, today there was an announcement by the Commerce Department about this country's monthly trade deficit. This month our trade deficit in goods and services surged to a high of \$25.2 billion just for the month. If you are just worried about manufactured goods, it's much higher than that; but for goods and services, the trade deficit was \$25.2 billion just this month. It is the 7th consecutive month. We have a very serious trade deficit problem and nothing seems to be being done about it.

I want to show my colleagues a chart that describes what is happening with both exports and imports in this country. Incidentally, this will be met with a large yawn tomorrow in the newspapers. I assume the daily papers here in Washington, DC, will go to the same so-called experts for comments about what is causing the trade deficit. They will give the same comments they have given month after month, year after year. In fact, in the old days they used to say that the reason we have a trade deficit is because we have a fiscal policy deficit and as soon as we get rid of the budget or fiscal policy deficit, we will not run a trade deficit. Of course that is not the case. The trade deficit continues to grow at an alarming pace, even when the Federal budget deficit is largely erased.

The question is whether this Congress and this administration will decide that the current trade policy, which is drowning this country in red ink, will be changed and if so how it will be changed. I find it interesting that we are now headed towards a World Trade Organization meeting in Seattle, in late November and early December. During that first week of December, our trade officials will go to Seattle and talk with representatives from other countries around the world, talking about our trade policies. If ever there was a need for this country to de-

cide its current trade strategy is unworkable, it is now, at this moment.

I thought it would be interesting to talk a little bit about what our trade officials have been doing while this huge trade deficit continues to explode. Recently, this country got angry with the European Union for, among other things, the European Union's refusal to lower barriers to the import of bananas into Europe. We do not produce bananas, but large American companies produce bananas in the Caribbean. They wanted to ship these bananas into Europe, but Europe didn't want their bananas.

This got us upset, so this country is taking tough action against Europe. We said, Europe, if you don't shape up this is what we are going to do. We are going to impose 100 percent tariffs on your products and selected the products we want to impose 100 percent tariffs on.

We went through a similar dispute with the European Union over imports of beef with growth hormones. And we imposed 100 percent tariffs on selected products. Let me show you what they are, among others: Roquefort cheese. That is getting tough, imposing a 100 percent tariff on Roquefort cheese. Goose livers—that's going to scare the devil out of the Europeans, a 100 percent tariff on goose livers. How about chilled truffles? That is getting tough. And animal bladders.

So this country cranks up all its energy because we can't get bananas we don't produce into Europe. In our dispute over beef hormones, we decide that we are going to clamp down on goose livers, truffles, and animal bladders. That is a trade strategy? I don't think so. If down at Trade Ambassador's office, down at Commerce or elsewhere, you want to do something to help this country's trade balance, then get serious about it. Do something to stand up for this country's producers. Force open foreign markets and demand—literally demand—other countries to stop the dumping of products into our marketplace below their acquisition cost, injuring our producers.

I have talked for a moment about goose livers, truffles, Roquefort cheese and animal bladders. Let me talk about something that is a bit different—durum wheat that is being hauled into this country from Canada in record supply. In North Dakota we produce 80 percent of all the durum produced in America. Durum, by the way, is ground into semolina flour and then turned into pasta. If you eat pasta, you are likely eating something that came from a field in North Dakota. Guess what is happening? Our farmers are losing money hand over fist, and at the same time Canadian farmers are dumping massive quantities of durum wheat into our marketplace, undercutting our farmers and injuring them badly.

What are we doing about it? Nothing. We don't lift a finger. We are willing to go to war over truffles and goose livers.

We are willing to take tough action against the Europeans with Roquefort cheese. Do you think anybody will go to the northern border and decide to stop unfair trade coming into this country, injuring our family farmers? No. Not with this trade strategy.

This Congress and this administration need to understand that this is a very serious problem. Today's announcement of a \$25.2 billion trade deficit for the month of July suggests again that we must take additional action. As we head towards the December meeting of the World Trade Organization, and as we see this morning's announcement about the trade deficit, I hope meetings here in the Congress, and with the administration, will allow us to develop a trade strategy that better represents this country's economic interests, stands up for this country's producers, and demands open foreign markets.

Mr. President, I know the Senator from Vermont wants to speak on the bill that is going to be pending so at this point let me yield the floor.

#### BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the time situation? I thank the Senator from North Dakota for yielding.

The PRESIDING OFFICER. The minority has 12 minutes and 38 seconds remaining.

Mr. LEAHY. So the Senator from North Dakota was speaking on my time?

Mr. DORGAN. I was speaking in morning business.

Mr. LEAHY. No, I think the Senator from North Dakota had assumed he was speaking in morning business. I ask unanimous consent the time he was using was as in morning business and that I be given the full time I had available at the time he began speaking.

Mr. DORGAN. Mr. President, if I might inquire, I had sought consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. The Senator is correct. The Senator spoke under morning business.

The Senate was in a period of morning business. The Senate was not on the bill, and the time until 5:30 is controlled.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that I have 15 minutes.

The PRESIDING OFFICER. Acting in my independent capacity as a Senator from Kansas, I object.

Mr. LEAHY. So the Senator from North Dakota effectively used my time? Is that what the Presiding Officer is saying?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I understand.

Mr. President, I was on the floor last week when the majority leader brought up S. 625, the Bankruptcy Reform Act of 1999, but then he immediately filed for cloture on the bill. I was rather surprised by the action, since, on behalf of the Democratic leader, I did not object to proceeding to the bankruptcy bill. Indeed, my side of the aisle was ready for a reasonable and fair debate on passing bankruptcy reform legislation. But when you file for cloture within seconds of bringing the bankruptcy reform bill up for debate on the Senate floor, that is not reasonable or fair. A cloture motion is for the express purpose to bring to a close debate but this was saying we will bring to close the debate before we even have the debate. It is as if we were in Alice in Wonderland. Cloture first, then debate.

Mr. President, every American agrees with the basic principle that debts should be repaid. The vast majority of Americans are able to meet their obligations. But, for those who fall on financial hard times, bankruptcy should be available in a fair and balanced way.

Our country's founders felt this principle was so important that it should be enshrined in the Constitution.

Article I, section 8 of the Constitution explicitly grants Congress power to establish uniform laws on the subject of bankruptcies throughout the United States.

We in Congress have a constitutional responsibility to oversee our nation's bankruptcy laws. The Senate should now take that constitutional responsibility seriously.

Unfortunately, this premature cloture motion to cut off debate before it even started on this bill is not a serious effort.

If we are going to respect the fact we are dealing with a constitutional issue here we should not start off the debate by stopping the debate. We know there is a rise in bankruptcies and people are abusing the system. Fine, let's close any loopholes in the bankruptcy code. But there are some other issues we should look at. What about credit cards? Last year we had a very balanced reform bill which passed 97 to 1 in the Senate. We had consumer credit card reforms in that bipartisan bill. Now we do not any consumer credit card reforms in this bill before us today. Should we not have some debate on whether we should get those reforms back in this bill to add balance to any reform measure?

As the Department of Justice stated in its written views on this bill: The challenge posed by the unprecedented level of bankruptcy filings requires us to ask for greater responsibility from both debtors and creditors. Credit card companies must give consumers more and better information so that they can understand and better manage their debts.

The Administration has made it clear that for the President to sign bankruptcy reform legislation into law it must contain strong consumer credit

disclosure and protection provisions. I wholeheartedly agree.

The credit card industry must shoulder some responsibility for the nationwide rise in personal bankruptcy filings. Last year, the credit card lenders sent out 3.4 billion solicitations. That is more than 12 credit card solicitations a year for every man, woman and child in America.

I have an example of one of these credit card solicitations. Let me show you what happens in some of these credit card solicitation. Here is one for a Titanium Visa card. It was passed out after the movie: "Austin Powers: The Spy Who Shagged Me." You get some kid coming out, he's handed this, it's "titanium, baby." They will give one for you and one for Mini-me, I guess, at the movie theater. It calls its credit card "titanium, baby." It has an introductory rate of only 2.9 percent. How could any 13-year-old coming out of that movie not want that great credit card?

Besides, it comes in three versions. Especially attractive to the 10-year-olds who might be getting one of these credit cards: "Groovy Flowers," "Shagadelie Swirls," and, of course, for their older siblings who might be 16 or 17, and more staid, you have "Traditional."

The next chart shows the second page of this credit card solicitation. They are now called, I can't quite do it like Austin Powers, but they are "smashing baby." But then look at the small print: "2.9 percent introductory," you teenagers, you cannot do better. Of course that's available only for the 5 billing cycles. Then the interest rate goes to 10.99 percent. Getting awful close to 11 percent. However, that is not quite the full story. You have an annual interest rate for cash advances that is 19.99 percent.

We are now up to 20 percent. Oh, no, wait. There is another little insy-binsy-winsy-tiny print in this solicitation. That is, if you have two late payments during any 6-month period, whoops, you are up to 22.99 percent.

Can you imagine, as the kids get these Austin Powers credit card applications as they are walking out of the theaters for 2.9 percent, all of a sudden they are up to 22.99 percent?

It is not all bad, and I want to speak in favor of the credit card companies. Most people seeing this would figure they are really out to shaft you; they are taking advantage of you; they are being unfair to you; they are being usurious; they are being greedy; they are being mean; they are being sneaky; they are trying to loop these people in. I know most people say that about the credit card companies, but I want to be fair to them because if you apply for this, you get the chance to receive two free tickets to the movie, one medium popcorn, and two small drinks.

I hope Senators who thought, because these credit card companies were deceiving these teenagers into something to give them a 22.9-percent rate,

those credit card companies were being mean feel badly about that. After all, you forgot about the medium popcorn and the two small drinks and the two free movie tickets.

There are billions of credit card solicitations like this sent to Americans every year, and that has increased the number of personal bankruptcies. If cloture is invoked, then the Senate will be prevented from adding any credit industry reforms to this bill because the amendments will not be germane. That is not a reasonable or fair.

Senator TORRICELLI and Senator GRASSLEY negotiated with the credit card industry to craft a managers' amendment that incorporates many of the credit industry reforms proposed by Senators SCHUMER, REED, DODD, SARBANES, and others. It is a bipartisan effort, and I commend them. I am pleased to cosponsor this amendment to add more balance to the bill. But we cannot even hear about this bipartisan effort if we invoke cloture.

Senator KENNEDY plans to offer an amendment to increase the minimum wage over the next 2 years from \$5.15 to \$6.15 an hour. I am proud to be a cosponsor of that amendment. Maybe if we had a decent minimum wage we would have a lot less bankruptcies. It is more than appropriate to help working men and woman earn a livable wage on a bill related to bankruptcy.

These minimum wage workers are some of the same Americans who are struggling to make a living everyday and might be forced into bankruptcy by a job loss, divorce or other unexpected economic event. More than 11 million workers will get a pay raise as a result of a \$1 increase in the minimum wage. We should all agree to help millions of hard working American families live in dignity.

But the Senate would be prevented from considering any amendment to raise the minimum wage if cloture is invoked on this bill now—on the first day of debate on bankruptcy reform. That is not reasonable or fair.

As we move forward with reforms that are appropriate to eliminate abuses in the system, we need to remember the people who use the system, both the debtor and the creditor. We need to balance the interests of creditors with those of middle class Americans who need the opportunity to resolve overwhelming financial burdens.

I welcome Senator TORRICELLI, the new Ranking Member of the Administrative Oversight and the Courts Subcommittee, to the challenges this matter presents. I know that he and his staff have been working hard and in good faith to improve this bill.

As the last Congress proved, there are many competing interests in the bankruptcy reform debate that make it difficult to enact a balanced and bipartisan bill into law. Unfortunately, Congress failed to meet that challenge last year after the Senate had crafted a bill that passed 97-1.

I look back to what Senator DURBIN did, with heroic efforts, last year in

crafting a bill that passed 97-1, and then it fell apart in a partisan conference. This is not a matter that should be partisan. Every one of our States has people who are facing bankruptcy. Every one of our States has the kind of shoddy practices shown here where we have these credit card applications passed out to kids coming out of a movie. They are almost designed to get them to go from this 2.9 percent interest to 23 percent interest as fast as they possibly can.

But if we are going to go into bankruptcy reform, let's do it right. I think we should. I worked hard in the Judiciary Committee on this bipartisan bill. Let's do it in a way that we look at all aspects of it, and let's ask some of the credit card companies and others if they are not doing as much to create the problem as anybody else.

I can give a lot of other examples. I could show you a member of my office whose 6-year-old son received a preapproved credit application for \$50,000. All he had to do was sign it. I do not know about kids today, but when I was 6 years old, if I had a credit card with \$50,000 worth of credit in my pocket, I could have thought of a lot of things I would have liked to have bought.

This may not be the spy that shagged us; it may well be the credit card companies that shagged the Senate. We ought to pay attention to the fact that when they are asking kids to pay 22.99 percent interest, there is more than one reason why we have bankruptcies in this country.

I am hopeful that this year Republicans and Democrats in the Senate can work together to pass and enact into law balanced legislation that corrects the abuses by both debtors and creditors in the bankruptcy system.

But this partisan attempt to prematurely cut off debate before we even started to consider this bill does not bode well for that effort.

I hope that once this cloture motion is defeated, the Senate will begin a reasonable and fair debate on bankruptcy reform legislation that reflects a balancing of rights between debtors and creditors.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

#### NOMINATION OF BRIAN T. STEWART TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH

##### CLOTURE MOTION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Brian Theodore Stewart to be a U.S. District Judge for the District of Utah.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 215, the nomination of Brian Theodore Stewart, of Utah, to be United States District Judge for the District of Utah Vice J. Thomas Greene, Retired.

Trent Lott, Orrin Hatch, Mike Crapo, Wayne Allard, Ben Nighthorse Campbell, Charles Grassley, Peter G. Fitzgerald, Connie Mack, Chuck Hagel, Rod Grams, Pat Roberts, Conrad Burns, Judd Gregg, Larry E. Craig, Robert F. Bennett, and Mike DeWine.

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, under the order, this vote on the motion to invoke cloture on the Stewart nomination will occur immediately following the vote that is scheduled to begin momentarily. The first vote is on the bankruptcy reform cloture motion. The second vote would be on this cloture motion on the nomination of Brian Theodore Stewart to be U.S. District Judge for the District of Utah.

There could be one or two procedural motion votes that would follow after that, so Members should be on notice there could be up to four votes in succession here.

I yield the floor.

#### BANKRUPTCY REFORM ACT OF 1999—Resumed

##### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

##### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 109, S. 625, a bill to amend title 11 of the United States Code, and for other purposes:

Trent Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry Craig, Orrin Hatch, Don Nickles, Conrad Burns, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under rule XXII is waived.

The question is, Is it the sense of the Senate that debate on S. 625, a bill to amend title 11 of the United States Code, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 280 Leg.]

#### YEAS—53

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McConnell	

#### NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

#### ANSWERED "PRESENT"—1

Fitzgerald

#### NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 45, and one Senator responded "present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

#### ORDER OF PROCEDURE

Mr. THOMAS. I ask unanimous consent the remaining votes in the series be limited to 10 minutes in length.

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

#### EXECUTIVE SESSION

#### NOMINATION OF BRIAN THEODORE STEWART, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

##### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

Mr. KENNEDY. Mr. President, I send an amendment to the desk on the minimum wage and ask for its immediate consideration.

The PRESIDING OFFICER. The Senate is not on that bill.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative assistant proceeded to call the roll.

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

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

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 215, the nomination of Brian Theodore Stewart, of Utah, to be United States district judge for the district of Utah vice J. Thomas Greene, retired:

Trent Lott, Orrin Hatch, Mike Crapo, Wayne Allard, Ben Nighthorse Campbell, Charles Grassley, Peter G. Fitzgerald, Connie Mack, Chuck Hagel, Rod Grams, Pat Roberts, Conrad Burns, Judd Gregg, Larry E. Craig, Robert F. Bennett, and Mike DeWine.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under rule XXII is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Brian Theodore Stewart, of Utah, to be United States District Judge for the District of Utah, be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN), is necessarily absent.

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 281 Ex.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voivovich
Domenici	Mack	Warner
Enzi	McConnell	
Fitzgerald	Moynihan	

NAYS—44

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEAHY. Mr. President, I deeply regret that we have reached this point in connection with the nomination of Brian Theodore Stewart to the District Court for Utah. Please understand that Democrats are prepared to vote on this nomination, as we are on all of the judicial nominations pending on the Senate Executive Calendar. This impasse is caused not by Democrats' refusals to vote on that nomination but by Republican refusals to allow a vote on the nominations of Judge Paez or Ms. Berzon. If we can vote on the Stewart nomination in less than 2 months, we should be able to vote on the Paez nomination within 4 years and the Berzon nomination within 2 years.

This debate is about fairness. The Senate needs to be fair to all people in this country. For too long nominees—judicial nominees like Judge Paez, Ms. Berzon and Justice Ronnie White of Missouri, and Executive Branch nominees like Bill Lann Lee—have been opposed in anonymity through secret holds and delaying tactics. They have been forced to run a gauntlet of Senate confirmation. Those strong enough to survive are being dealt the final death blow not by being defeating in a fair up or down vote on the nomination but through a refusal of the Republican leadership to call them up for a vote. These nomination are being killed through neglect and silence, not defeated by a majority vote.

Today we are not asking for any Senator's vote for any nomination. Instead, I am asking the Senate recognize that its responsibility is to vote on all the judicial nominations on the calendar. We can vote for them or against them, we can vote them up or vote them down, but after 44 months or 27 months or 20 months, after completing every step in what is a long, tortuous confirmation process, the nominations of Judge Richard Paez, Justice Ronnie White and Marsha Berzon are as entitled to a Senate vote as the nomination of Ted Stewart.

I do not begrudge Ted Stewart a Senate vote. Despite strong opposition from many quarters from Utah and around the country, from environmentalists and civil rights advocates

alike, I did not oppose the Stewart nomination in Committee and I expect to vote for his final confirmation here on the floor of the United States Senate. I have been supportive of Chairman HATCH in his efforts to expedite Committee consideration of the Stewart nomination with the expectation that these other nominees who have been held up so long, nominees like Judge Richard Paez, Marsha Berzon and Justice White, were to be considered by the Senate and finally voted on, as well. The Chairman and I have both voted for Judge Paez and Justice White each time they were considered by the Committee and we both voted for and support Marsha Berzon.

I have tried to work with the Chairman and with the Majority Leader on all these nominations. I would like to work with those whom the Majority Leader is protecting from having to vote on the Paez and Berzon nominations, but I do not know who there are. In spite of what was supposed to be a Senate policy that did away with anonymous holds, we remain in a situation where I do not even know who is objecting to proceeding to schedule a vote on the Paez and Berzon nominations, let alone why they are objecting. In this setting I have no ability to reason with them or address whatever their concerns are because I do not know their concerns. That is wrong and unfair to the nominees.

I do not deny to any Senator his or her prerogatives as a member of the Senate. I have great respect for this institutions and its traditions. Still, I must say that this use of anonymous holds for extended periods that doom a nomination from ever being considered by the United States Senate is wrong and unfair.

Again, I say that this debate is about fairness and about the Senate being fair to all nominees and to other Senators and to the American people. If we can vote on the Stewart nomination within 4 weeks in session, we can vote on the Paez nomination within 4 years and the Berzon nomination within 2 years. That is the point that the distinguished Democratic Leader was making by moving to proceed to consider those nominations this evening. The Republican majority has refused to debate those nominations and continues its steadfast refusal to vote on them after years of delay.

I do not want to see any judicial nomination held up without a vote, but the Republican leadership is not being fair to the other judicial nominees on the calendar. We ask only for a firm commitment that they will each get an up or down vote, too. The Republican Majority refuses to make even that commitment to a vote before the end of the session on these qualified nominees.

In my statement last week I detailed the path that each of these nominees has traveled to the Senate. All are now available for a vote on confirmation by the Senate. All should be accorded an up or down vote.

Judge Richard Paez is an outstanding jurist and a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed to the federal court bench several years ago and is currently a Federal District Court Judge. He has twice been reported to the Senate by the Judiciary Committee and has spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in January 1996, 44 months ago.

Justice Ronnie White is an outstanding member of the Missouri Supreme Court and has extensive experience in law and government. He is the first African American to serve on the Missouri Supreme Court. He has also been twice reported favorably to the Senate by the Judiciary Committee and has spent a total of 7 months on the floor calendar awaiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in June 1997, 27 months ago.

Marsha Berzon is one of the most qualified nominees I have seen in 25 years. Her legal skills are outstanding, her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Nominated for a judgeship within the Circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, Ann Aiken, Margaret McKeown and Susan Oki Mollway—she, too, is listed ahead of the Stewart nomination on the floor calendar. Ms. Berzon was first nominated in January 1998, 20 months ago, and a year and one-half before Mr. Stewart.

It is against this backdrop that we are asking the Senate to be fair to these judicial nominees and all nominees. I do not want to see votes delayed on any nominee. For the last few years the Senate has allowed one or two or three secret holds to stop judicial nominations from even getting a vote. That is wrong.

The Chief Justice of the United States Supreme Court wrote in January last year:

Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

Let us follow the advice of the Chief Justice. Let the Republican leadership schedule up or down votes on the nominations of Judge Paez, Justice White and Marsha Berzon so that we can vote them up or vote them down. And so that we can proceed on all the judicial nominations that our federal courts need to do their job of administering justice. Let us be fair to all.

Mrs. BOXER. Mr. President, I voted against cloture on the Stewart nomina-

tion because the process that brought us to this vote has, to date, prevented the Senate from even considering the nominations of several other judicial nominees who have been waiting far longer than has Mr. Stewart.

Richard Paez and Marsha Berzon, two nominees for the 9th Circuit, have both been reported by the Judiciary Committee and have been on the Senate Executive Calendar since July. But, more important, their nominations have been pending in the Senate for years—2 years in the case of Ms. Berzon and three years for Judge Paez!

It is patently unfair to ignore these fine nominations while moving forward on the Stewart nomination. I have no problem with Mr. Stewart, as far as I know. But this is an important process question, and I simply had no choice but to vote no on cloture on Stewart until we are assured of also moving ahead with those nominations which have been pending far longer.

Mr. KOHL. Mr. President, Ted Stewart, as any other nominee, deserves a vote. And eventually, I expect to vote for him, because I respect the judgment of my friend ORRIN HATCH and of the President. But there is a long line of qualified nominees ahead of him and, at least at this point, it's not right for him to "cut" in line.

For example, just compare Mr. Stewart's path with that of another qualified candidate, Tim Dyk, a nominee for the Federal Circuit. Mr. Dyk was first nominated 18 months ago, came out of Committee with strong bipartisan support, then stalled on the floor in the last days of the session because of a "secret" hold. He was nominated again eight months ago, and he has still never been placed on the agenda.

As for Mr. Stewart, he was nominated less than two months ago, and it took him just 48 hours to go from nomination, to hearing, to Committee approval. Now Mr. Stewart is up for a full Senate vote just 53 days after he was nominated. Meanwhile, five hundred and two days after Tim Dyk was nominated, he seems to be going nowhere fast.

That makes no sense to me or, I suspect, to Chairman HATCH, who also supports this nominee.

Mr. President, as with Mr. Stewart, Mr. Dyk will, I predict, be confirmed with bipartisan support. He's a first-rate intellect. He passed this Committee by a 14 to 4 vote last year, and all of us know that the Federal Circuit would be lucky to have someone of his caliber.

Like Tim Dyk and Ted Stewart, there are many other deserving nominees out there. Let's not play favorites. These nominees, who have to put their lives on hold waiting for us to act, deserve an "up or down" vote. And, more importantly, the American people deserve prompt action, so that our courts can stay on top of their workload, and continue putting criminals behind bars.

So, Mr. President, I expect to support Ted Stewart, but don't think he alone

should get the timely consideration that all nominees—including Tim Dyk, Marsha Berzon and Richard Paez—deserve. So I hope we can get an agreement to move forward not only Mr. Stewart, but also other deserving nominees. Thank you.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, under the previous consent agreement, I ask the Chair to lay before the Senate the conference report to accompany the DOD authorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1059), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 5, 1999.)

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate Democratic leader.

#### FAILURE OF REGULAR ORDER IN THE SENATE

Mr. DASCHLE. Mr. President, I wanted to have the opportunity to talk about the next four votes because it is critical that everyone understand what really is at stake tonight. Many Democratic Senators are in favor of the bankruptcy bill. Many of us have indicated publicly we support a bankruptcy bill. But we also support debate on a bankruptcy bill.

We support the opportunity to take up a bill under the regular rules of the Senate, regular order, have a good debate, have amendments offered, do what we should do in the Senate tradition, and have the kind of full and open debate we have not had on a bill since last May.

We have not brought a nonappropriations bill to the Senate floor since last May under the normal Senate rules.

Every single bill that has come before us since May has been under unanimous-consent agreements that circumvent, if not completely eliminate, the use of the normal Senate rules.

I had a clear understanding, as early as last summer, that when we brought the bankruptcy bill up, it would come up under normal Senate rules. I understand times change and circumstances

change, but it is regrettable—although not surprising—that once again cloture was filed preemptively and without good cause.

Keep in mind, when one files cloture, it calls for the end of all debate. It is amazing to me that tonight we are voting on a motion to end all debate before we have even had any debate. Not a word of debate has been uttered on the bankruptcy bill.

We find ourselves in an amazing Orwellian circumstance in which we are ending debate before it begins, calling it a debate, filing cloture, and calling it quits. We cannot do that.

Time after time, I have indicated that many of us have opportunities to stop legislation, and we will be inclined to do that if we have no opportunity to bring up amendments, as regular order would allow. Again, many of us support bankruptcy reform and want to see a bankruptcy bill, but we also want to be able to offer amendments.

If cloture is invoked tonight, many of the amendments we had agreed to prior to bringing the bill to the floor will fall—amendments that both sides agree will improve the bill. Cloture will actually prevent those relevant amendments from being considered.

I do not know why any colleague would vote to eliminate even relevant amendments, amendments for which there is agreement. We have a managers' amendment to make improvements to the bill, but under cloture it would be subject to a point of order.

We want to go to bankruptcy. I want to see if we can reach some agreement on going to bankruptcy, but we cannot continue to gag Senators and prevent them from using the normal rules of the Senate in offering amendments.

Second issue: Cloture on Mr. Stewart. I have indicated publicly that even though I have some misgivings about Mr. Stewart, I will support him. This issue is not about Mr. Stewart. This issue is about the 45 nominations that are still pending, awaiting Senate action a few weeks before the end of the session. This issue has to do with 38 nominations in committee, 24 district, 13 circuit, and 1 International Trade Court judge. This issue has to do with nominees who have been waiting for the Senate to act now since January of 1996.

Judge Richard Paez, who is currently a U.S. district court judge, was first nominated in January of 1996. Judge Paez has been waiting 3½ years for a Senate vote—3½ years. That is half a Senate term. He has been waiting half a Senate term for the Senate to act. He has been waiting for more than 1,300 days for the Senate to vote, or 25 times longer than Mr. Stewart. Mr. President, 1,300 days is a long time to wait for the Senate to act. Judge Paez is a patient man, but I do not think it is too much to ask that, up or down, we let him get on with his life, up or down he have the opportunity to have a vote, up or down we say yes or no, you will be a circuit judge.

Justice Ronnie White, the first African American to serve on the Missouri Supreme Court, was originally nominated on June 26 of 1997. He was actually put on the calendar in this Congress on July 22 of 1999, but he has waited for a total of over 7 months on the calendar in this and in previous Congresses.

Marsha Berzon was first nominated in January of 1998. Her nomination has been pending over 10 times longer than Ted Stewart's nomination.

There are 64 vacancies in the Federal judiciary today. Chief Justice Rehnquist has noted that and has urged the Senate to act. We have 45 nominations pending in the Senate right now awaiting action either in the committee or on the floor. There are seven nominations on the Executive Calendar. Only 17 judges have been confirmed to date.

Some might claim: We have seen that happen before. I hate to say "when we were in the majority," but when we were in the majority, during the first session in 1991, the last year we were in the majority in a nonelection year, we confirmed 57 judges; in 1992, an election year, we confirmed 66 judges. In the election year 1994, the last election year where we were in the majority, we had 101 judges confirmed.

All one has to do is look back at past precedent. All one has to do is look at the terrible unfairness of someone having to wait 1,300 days, 25 times longer than Ted Stewart, months and months—10 times longer than Ted Stewart in the case of Marsha Berzon—to see how unfair this system is.

I want to find a way to work through this. I know Senator HATCH, the chairman of the Judiciary Committee, wants to find a way through it. I am hopeful we can find a way through it within the next few days. Tonight I will move to proceed to the nominations of Judge Paez and Ms. Berzon, and we will have an opportunity to express ourselves on the importance of these judges. We will vote. I hope the majority will not oppose moving to proceed to those two judges: Ms. Berzon, an exceptional nominee for the ninth circuit; and Judge Paez, a sitting district court judge, a Hispanic American, also fully qualified, a nominee for the Ninth Circuit. I hope we can find a way to resolve our differences and move forward.

I felt strongly about the importance of having these votes. I feel equally strongly about the importance of trying to resolve this impasse. We will make every effort to do so. I believe my colleagues will support an effort to break this impasse, recognizing that, as important as this is, we cannot go home leaving all of this work undone.

I hope we can do so this week. I know the majority leader has indicated a willingness to perhaps even hotline Judge Paez and Ms. Berzon. I hope that will happen this week. If that happens, we will be in a better position to know just how much opposition there is. We

have to move on. We have to have these votes. We have to confirm these nominations. We have to ensure we can pass a good bankruptcy bill. There is so much more we can and ought to do. That will take working together, and I stand ready to do so.

#### NOMINATION OF MARSHA L. BERZON OF CALIFORNIA TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—MOTION TO PROCEED

Mr. DASCHLE. I now move to proceed to executive session to consider calendar No. 159, Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to executive session to consider the nomination of Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 282 Leg.]

#### YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

#### NAYS—54

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

#### NOT VOTING—1

McCain

The motion was rejected.

NOMINATION OF RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—MOTION TO PROCEED

Mr. DASCHLE. I move to proceed to executive session to consider Executive Calendar No. 208, Richard A Paez, to be a U.S. Circuit Court Judge for the Ninth circuit. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BENNETT). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to executive session to consider the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit. 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 Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—53

Abraham	Fitzgerald	Murkowski
Allard	Frist	Nickles
Ashcroft	Gorton	Roberts
Bennett	Gramm	Roth
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McConnell	

NOT VOTING—2

Helms	McCain
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The motion was rejected.

Mr. HATCH. Mr. President, I must begin by confessing my disappointment that the minority would refuse to avoid a filibuster of one of the nominees of its own administration, when the record of this Senate so dramatically proves the deference this Senate has shown to this administration's judicial nominees. But that is what has just happened this evening, and in the face of this blatant double standard by the minority, I will only say that I will continue to work in good faith to secure a vote on the merits on the Presi-

dent's nomination of Ted Stewart to be a Federal district court judge.

When I speak of the traditional deference the Senate has shown to the executive in matters of Federal judicial nominations, I believe I speak with considerable experience. Since the time I was first sworn into the Senate in 1977, I have participated in and witnessed the confirmation of 1,159 judges and Justices, and have voted in favor of almost all of them.

I have personally presided over the confirmation of 321 of President Clinton's judicial appointments. This accounts for almost a quarter of the entire Federal judiciary. And this session alone, I have held 4 judicial confirmation hearings, and reported 24 nominees out of committee.

This evening's cloture vote concerns me all the more because I had publicly stated, in response to some of my colleagues' concerns about moving forward with other judicial nominations, that we would hold another hearing in this month of September, yet another in October, and, if the Senate continued in session throughout November, that it had been my hope to hold yet another hearing during that time.

With these plans, we would have been on track to equal or exceed the historical average for first-session judicial confirmations by the Senate. And so I find it incredible that this distinguished body resorted to the unfounded criticism that we are not doing as much as we should to fill the ranks of the Federal judiciary.

And now, in light of today's vote on cloture, we shall have to reexamine the best way to move forward on judicial nominees so that we eliminate the double standard that has been applied to-night.

To take a step back, and apply some perspective to the matter at hand, I want to emphasize that I have made every effort to promote a fair nominations process, recognizing the deference a President is traditionally accorded in nominating judges akin to his political philosophy. I have done as much notwithstanding the sometime heated criticism of interest groups opposed to President Clinton's nominations.

Even nominees attacked by interest groups as liberal and controversial have received my support in the Judiciary Committee and on the Senate floor. In fact, since I have been chairman, I have never voted against any of the 31 Clinton judicial nominations for whom there has been a roll call vote. I have supported these nominees not because I agreed with their philosophies, but because I have always believed that the judicial nominations process should be as free from politics as possible.

But let me offer some specifics. I have supported getting out of committee controversial nominees such as Judge William Fletcher, Judge Richard Paez, Judge Lynn Adelman, and Marsha Berzon, even though I would not

have nominated them had I been President. Rather, so long as a nominee is qualified and capable of serving with integrity in a position, and I have his/her assurance that they will follow precedent, I believe they deserve to be confirmed.

Judge Fletcher, Judge Paez, and Ms. Berzon were opposed by a number of conservative organizations; yet, I supported their report by the committee to the floor. Now, Mr. Stewart is being unduly attacked by liberal groups. In this same spirit of bipartisanship with which I have supported this administration's nominees, it had been and continues to be my hope that the Democrats would support the nomination of Ted Stewart.

I ultimately want this body to recognize that, in the same manner that I have been fair to this administration's nominees in the face of severe opposition, trust must be placed in the judgment of home State senators for a nominee whose jurisdiction would be confined wholly to that senator's State. So now, as I expect we will soon be considering Ted Stewart, I will ask you to extend your deference to President Clinton's choice and the Judiciary Committee's ranking member's support, but also to extend your trust to the judgment of both senators from Utah.

Ted is a good, honorable person, who has been deemed qualified for a position as District judge of the District of Utah and who will make a wonderful District Court Judge. I urge the Democrats to stop playing politics with this nomination and allow a vote expeditiously.

I ask unanimous consent to have printed in the RECORD pertinent charts.

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

*Status of article III judicial nominations*

Total number of Clinton judges appointed, 1993-present .....	321
Clinton nominees confirmed during the 106th Congress:	
U.S. Circuit Court Judge .....	3
U.S. District Court Judge .....	14
Total confirmed .....	17
Vacancies in the Federal judiciary:	
U.S. Circuit Court .....	23
U.S. District Court .....	40
USIT .....	1
Total number of vacancies: .....	64
Percent vacant .....	7.6
Vacancies with no nominee slated to fill position:	
U.S. Circuit Court .....	7
U.S. District Court .....	14
Total number of vacancies without nominee .....	21
Nominations Pending:	
U.S. Circuit Court Judge .....	16
U.S. District Court Judge .....	28
USIT Judge .....	1
Total number of nominees .....	45
Nominees pending on the Senate floor .....	7

Status of article III judicial nominations—  
Continued

Nominees pending in committee  
w/hearing ..... 6

Status of article III judicial nominations—  
Continued

Nominees pending in committee w/o  
hearing ..... 32

HISTORICAL VACANCY AND CONFIRMATION  
RATES OF JUDICIAL NOMINEES

101ST CONGRESS

[Republican President (Bush)—Democrat Senate (Biden)]

	Convened—Jan. 3, 1989		Confirmed	Adjourned—Oct. 28, 1990	
	Judgeships	Vacancies		Judgeships	Vacancies
Supreme Court .....	9	0	1	9	0
Court of Appeals .....	168	10	22	168	7
District Court .....	575	26	48	575	25
Court of International Trade .....	9	1	0	9	1
Total .....	761	37 (4.9%)	71	761	33 (4.3%)

102ND CONGRESS

[Republican President (Bush)—Democrat Senate (Biden)]

	Convened—Jan. 3, 1991		Confirmed	Adjourned—Oct. 8, 1992	
	Judgeships	Vacancies		Judgeships	Vacancies
Supreme Court .....	9	0	1	9	0
Court of Appeals .....	179	18	20	179	16
District Court .....	636 (+13T)	107	101	636 (+13T)	79
Court of International Trade .....	9	1	1	9	2
Total .....	846	126 (15%)	123	846	97 (11.5%)

103RD CONGRESS

[Democrat President (Clinton)—Democrat Senate (Biden)]

	Convened—Jan. 5, 1993		Confirmed	Adjourned—Dec. 1, 1994	
	Judgeships	Vacancies		Judgeships	Vacancies
Supreme Court .....	9	0	2	9	0
Court of Appeals .....	179	17	19	179	15
District Court .....	636 (+13T)	90	107	636 (+13T)	46
Court of International Trade .....	9	2	0	9	2
Total .....	846	109 (13%)	128	846	63 (7.4%)

104TH CONGRESS

[Democrat President (Clinton)—Republican Senate (Hatch)]

	Convened—Jan. 3, 1995		Confirmed	Adjourned—Oct. 3, 1996	
	Judgeships	Vacancies		Judgeships	Vacancies
Supreme Court .....	9	0	0	9	0
Court of Appeals .....	179	16	11	179	18
District Court .....	636 (+13T)	52	62	636 (+11T)	46
Court of International Trade .....	9	2	2	9	1
Total .....	846	70 (8.3%)	75	844	65 (7.7%)

105TH CONGRESS

[Democrat President (Clinton)—Republican Senate (Hatch)]

	Convened—Jan. 7, 1997		Confirmed	Adjourned—Oct. 21, 1998	
	Judgeships	Vacancies		Judgeships	Vacancies
Supreme Court .....	9	0	0	9	0
Court of Appeals .....	179	22	20	179	14
District Court .....	636 (+10T)	62	79	636 (+10T)	35
Court of International Trade .....	9	1	2	9	1
Total .....	843	85 (10.1%)	101	843	50 (5.9%)

106TH CONGRESS

[Democrat President (Clinton)—Republican Senate (Hatch)]

	Convened—Jan. 4, 1999	
	Judgeships	Vacancies
Supreme Court .....	9	0
Court of Appeals .....	179	17
District Court .....	636 (+10T)	41
Court of International Trade .....	9	1
Total .....	843	59 (7.0%)

Mr. LEAHY. Mr. President, the distinguished Senator from South Dakota, Mr. DASCHLE, stated the case very well this evening about the unprecedented sequence of three votes on judicial nominations. As I look at the Senate floor now, I have served in this body longer than anybody presently on the floor. In 25 years, I have not seen

an instance where we have had such a series of votes.

We certainly have had times when Republicans have been in control of the Senate and times when Democrats have been in control of the Senate where nominees were sometimes voted down and sometimes were voted up, which is the way it should be. When the President is of a different party from the party controlling the Senate, that does not mean that the President's nominee, the man or woman he nominates for whatever position, automatically has to be voted against because one party controls the Senate and a different party is in the White House.

I look at two of my very distinguished, dear friends on the floor—the Senator from Virginia and the Senator from Michigan—both of whom have voted many times for nominees of the President of the other party in a whole lot of areas, certainly within their expertise on armed services but also for ambassadors and judicial nominations.

I am sure that if the distinguished Senators sitting here were to go back and search their memories, they could think of a number of people for whom they voted who were confirmed and who were not the persons they would have nominated had they been President. They might have picked somebody else. They might have picked somebody with a different political

bent or ideology. But I think they have given the President of the United States the benefit of the doubt, and if the person is otherwise qualified, he or she gets the vote.

We have come to a difficult situation with judges. There continue to be a large number of vacancies, and there are a lot of nominees who are not being voted on. There are some that have waited for several years to be voted on. We talked about Judge Paez and Marsha Berzon who have been waiting for years to be voted on. We should either vote for or against them.

The distinguished chairman of the Senate Judiciary Committee deserves great credit for having gotten these nominees through our committee, notwithstanding opposition from some members of his own party, and for having gotten them onto the floor and on the calendar. I compliment the distinguished senior Senator from Utah, Mr. HATCH, for what he has done.

I have worked closely with him to help him get matters out of that committee. There were some matters with which I disagreed and that I voted against. But he was chairman, and I thought he should have as much leeway as possible in setting the agenda. I made it possible through various procedural actions for him to get his legislation out of committee.

Tonight we had a situation born out of the frustration, possibly mistakes, and, unfortunately, some unnecessary partisanship—although not partisanship between the distinguished chairman of the committee and myself. I intend to vote for his recommended nominee for district judge from Utah, Mr. Stewart. I intend to vote for him as I did in the committee.

I also intend to vote for Marsha Berzon. I intend to vote for Judge Richard Paez, Justice Ronnie White, and, for that matter, for all of the other judicial nominees who are on the Executive Calendar. I intend to vote for every one of them.

I hope we will have a chance to vote on them, not just in committee where I have voted for each one of them, but on the floor of the Senate. That is what the Constitution speaks of in our advise and consent capacity. That is what these good and decent people have a right to expect. That is what our oath of office should compel Members to do—to vote for or against. I do not question the judgment or conscience of any man or woman in this Senate if they vote differently than I do, but vote.

We have just a very few people, a small handful of people stopping these nominees from coming to a vote. Basically, the Senate is saying we vote "maybe"—not yes or no—we vote maybe. That is beneath Members as Senators.

We are privileged to serve in this body. There are a quarter of a billion people in this great country. There are only 100 men and women who get a chance to serve at any time to rep-

resent that quarter of a billion people in this Senate. It is the United States Senate. No one owns the seat. No one will be here forever. All will leave at some time. When we leave, we can only look back and say: What kind of service did we give? Did we put the country's interests first? Or did we put partisan interest first? Did we put integrity first, or did we play behind the scenes and do things that were wrong?

I hope my children will be able to look at their father's representation in this body as one of honor and integrity, as many of my friends on both sides of this aisle have done.

I hope what happened tonight was something we will not see repeated. I understand the distinguished majority leader in going forward with his motion. I understand and support the motion of the distinguished Democratic leader.

Now that this has happened, can it be like the little escape valve on a pressure cooker? The distinguished Presiding Officer and I are from a generation that remembers the old pressure cookers prior to the age of microwaves. Certainly, my wife and I as youngsters saw a pressure cooker now and then in the kitchen. Let us hope that maybe tonight's votes will act as a little valve and let the pressure off.

I do not want to infringe on the kindness of the distinguished chairman and ranking member of the Armed Services Committee, two of the very best friends I have ever had in the Senate and two Senators whom I respect and like the most here.

Let me close with this: Maybe the pressure cooker has allowed its pressure to be released now. I suggest that the distinguished majority leader, the distinguished Democratic leader, the distinguished Senator from Utah, Mr. HATCH, and I now sit down and perhaps quietly, without the glare of publicity and the cameras, try to work out where we go from here. It may be necessary for the four of us to meet with the President. But let us find a way to tell these nominees they will get a vote one way or the other.

I am not asking anybody how they should or should not vote but allow nominees to have a vote. All the people being nominated are extremely highly qualified lawyers and judges. They have to put their lives on hold and the lives of their family on hold while they wait. They are neither fish nor fowl as a nominee. In private practice, all your partners come in and throw a big party and say it is wonderful, we are so proud of you, could you move out of the corner office because we want to take it now. And you cannot do anything while you wait and wait and wait.

Vote them up, vote them down.

Now that we have done this, let the cooler heads of the Senate prevail so the Senate can reassure the United States we are meeting our responsibility. Again, each Member is privileged to be here. There are only 100 Members, with all our failings and all

our faults, to represent a quarter of a billion people. Let us represent that quarter of a billion people better on this issue.

The distinguished Senator from Utah, Mr. HATCH, and I have a close personal relationship. We will continue to have that. We will continue to work together, but the Senate has to work with us.

#### JUDICIAL NOMINATIONS

Mr. KENNEDY. Mr. President, for several months, many of us have been concerned about the Senate's continuing delays in acting on President Clinton's nominees to the federal courts. Since the Senate convened in January, we have confirmed only 17 judges and 43 are still waiting for action. These delays can only be described as an abdication of the Senate's constitutional responsibility to work with the President and ensure the integrity of our federal courts.

At the current rate it will take years to confirm the remainder of the judicial nominees currently pending before the Judiciary Committee. This kind of partisan, Republican stonewalling is irresponsible and unacceptable. It's hurting the courts and it's hurting the country. It's the worst kind of "do nothing" tactic by this "do nothing" Senate.

The continuing delays are a gross perversion of the confirmation process that has served this country well for more than 200 years. When the Founders wrote the Constitution and gave the Senate the power of advice and consent on Presidential nominations, they never intended the Senate to work against the President, as this Senate is doing, by engaging in a wholesale stall and refusing to act on large numbers of the President's nominees.

Currently, there are 61 vacancies in the federal judiciary, and several more are likely to arise in the coming months, as more and more judges retire from the federal bench. Of the 61 current vacancies, 22 have been classified as "judicial emergencies" by the Judicial Conference of the United States, which means they have been vacant for 18 months or more.

The vast majority of these nominees are clearly well-qualified, and would be confirmed by overwhelming votes of approval. It would be an embarrassment for our Republican colleagues to vote against them. It should be even more embarrassing for the Republican majority in the Senate to abdicate their clear constitutional responsibility to do what they were elected to do.

The delay has been especially unfair to nominees who are women and minorities. Last year, two-thirds of the nominees who waited the longest for confirmation were women or minorities. Already, in this Congress, the Senate is on track to repeat last year's dismal performance. Of the 11 nominees who have been waiting more than

a year to be confirmed, 7 are women or minorities. On the 50th anniversary of President Truman's appointment of the first African American to the Court of Appeals—Judge William Hastie—the Republican leadership should be ashamed of this record, particularly given the caliber of the distinguished African American, Latino, and female nominees waiting for confirmation.

For example, Marsha Berzon, Richard Paez, and Ronnie White have waited too long—far too long—for a vote on the Senate floor. Ms. Berzon is an outstanding attorney with an impressive record. She has written more than 100 briefs and petitions to the Supreme Court, and has argued four cases there. When she was first nominated last year, she received strong recommendations and had a bipartisan list of supporters, including our former colleague, Senator Jim McClure, and Fred Alvarez, a Commissioner on the Equal Employment Opportunity Commission and Assistant Secretary of Labor under President Reagan. Her nomination is also supported by major law enforcement organizations, and by many of those who have opposed her in court.

Ms. Berzon was first nominated in January 1998—20 months later, the Senate has still not voted on her nomination.

The Senate is also irresponsibly refusing to vote on two other distinguished nominees—Judge Ronnie White, an African American Supreme Court judge in the state of Missouri, and California District Court Judge Richard Paez. Judge White was nominated to serve on the District Court for the Eastern District of Missouri more than two years ago. Judge Paez was first nominated three years ago—three years ago—to serve on the Court of Appeals for the Ninth Circuit.

It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote “yes” or “no.” These nominees and their families deserve a decision by the Senate. Parties with cases, waiting to be heard by the federal courts deserve a decision by the Senate. Ms. Berzon, Judge White, and Judge Paez deserve a decision by this Senate.

While Republican leaders play politics with the federal judiciary, countless individuals and businesses across the country are forced to endure needless delays in obtaining the justice they deserve. Justice is being delayed and denied in courtrooms across the country because of the unconscionable tactics of the Senate Republican majority.

It is long past time to act on these and other nominations. I urge my Republican colleagues to end this partisan stall and allow the President's nominees to have the vote by the Senate that they deserve.

#### ORDER OF PROCEDURE

Mr. LOTT. Mr. President, there are now 2 hours for debate on the DOD authorization conference report. I ask unanimous consent the vote occur on adoption of the conference report at 9:45 a.m. on Wednesday and there be 15 minutes equally divided prior to the vote for closing statements.

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

Mr. LOTT. Therefore there will be no further votes this evening. The next vote will occur at 9:45.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT—Continued

Mr. WARNER. Mr. President, the distinguished majority leader has laid before the Senate the DOD authorization bill, and I inquire of the Chair if that is the pending business.

The PRESIDING OFFICER. That is the pending business.

Mr. WARNER. Mr. President, I am prepared to stay here for the remainder of the evening. This is a very important subject. I am joined by the distinguished ranking member, Mr. LEVIN.

However, I observed our distinguished colleague from New Mexico in the Chamber. It was my understanding he desired to lead off the comments on this bill tonight since the bill incorporates a very important provision which was sponsored by Senator DOMENICI, Senator MURKOWSKI, and Senator KYL. Seeing Senator DOMENICI I yield the floor to him.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, this bill is a very important bill. The part I worked on is very small. It has to do with reforming the Department of Energy as it pertains to the handling and maintenance of nuclear weapons and everything that goes with them.

I compliment those who prepared the overall bill. It is a very good bill for the defense of our Nation, and it deserves the overwhelming support of the Senate.

We had no other way to accomplish something very important with reference to a Department of Energy that was found to be totally dysfunctional, not by those who have tried over the years to build some strength into that Department, some assurance that things would be handled well, but rather by a five-member select board that represented the President of the United States, headed by the distinguished former Senator Warren B. Rudman.

Those five members of the President's commission, with reference to serious matters that pertain to our national security, concluded that the Department of Energy could not handle

the work of maintaining our weapons systems, maintaining them safe from espionage and spying, and could not handle an appropriate counterintelligence approach because there was no one responsible and, thus, everybody pinned the blame on someone else and we would get nowhere in terms of accountability.

I ask unanimous consent that the names of the five members of that board be printed in the RECORD, with a brief history of who they are and what they have done in the past.

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

#### PANEL MEMBERS

The Honorable Warren B. Rudman, Chairman of the President's Foreign Intelligence Advisory Board. Senator Rudman is a partner in the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison. From 1980 to 1992, he served in the U.S. Senate, where he was a member of the Select Committee on Intelligence. Previously, he was Attorney General of New Hampshire.

Ms. Ann Z. Caracristi, board member. Ms. Caracristi, of Washington, DC, is a former Deputy Director of the National Security Agency, where she served in a variety of senior management positions over a 40-year career. She is currently a member of the DCI/Secretary of Defense Joint Security Commission and recently chaired a DCI Task Force on intelligence training. She was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community.

Dr. Sidney D. Drell, board member. Dr. Drell, of Stanford, California is an Emeritus Professor of Theoretical Physics and a Senior Fellow at the Hoover Institution. He has served as a scientific consultant and advisor to several congressional committees, The White House, DOE, DOD, and the CIA. He is a member of the National Academy of Sciences and a past President of the American Physical Society.

Mr. Stephen Friedman, board member. Mr. Friedman is Chairman of the Board of Trustees of Columbia University and a former Chairman of Goldman, Sachs, & Co. He was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community and the Jeremiah Panel on the National Reconnaissance Office.

#### PFIAB STAFF

Randy W. Deitering, Executive Director; Mark F. Moynihan, Assistant Director; Roosevelt A. Roy, Administrative Officer; Frank W. Fountain, Assistant Director and Counsel; Brendan G. Melley, Assistant Director; Jane E. Baker, Research/Administrative Officer.

#### PFIAB ADJUNCT STAFF

Roy B., Defense Intelligence Agency; Karen DeSpiegelaere, Federal Bureau of Investigation; Jerry L., Central Intelligence Agency; Christine V., Central Intelligence Agency; David W. Swindle, Department of Defense, Naval Criminal Investigative Service; Joseph S. O'Keefe, Department of Defense, Office of the Secretary of Defense.

Mr. DOMENICI. Mr. President, I am just going to address three issues as it pertains to the reform of the Department of Energy as it pertains to nuclear weapons development.

Mr. WARNER. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. WARNER. You opened by saying that this was a way to have the Senate

address this important subject. Of course, the Senator is aware that the Armed Services Committee oversees about 70 percent of the budget of the Department of Energy, so this is a very logical piece of legislation on which to put the important provision. And, of course, you and I worked together on it.

Mr. DOMENICI. Absolutely.

Mr. President, what I want to do is dispel any notion that the amendment that created a semiautonomous agency within the Department, to be headed by an assistant secretary who would be in charge of everything that has to do with nuclear weapons development—and they would do things in a semi-autonomous way, not in the way that the rest of the Department of Energy does its business—is taking away the authority of the Secretary; that is, the Secretary of Energy.

The Department of Energy is an amorphous Department put together at a point in history when a lot of things were dumped in there. Some have no relationship to other matters in the Department. And, yes, we put the nuclear defense activities in that Department.

No one could contend that if the Congress of the United States, and the President concurring, wanted to take all of the nuclear weapons out of that Department and put them in an independent agency—which was one of the recommendations of the five-member panel—that that would be unconstitutional, illegal. And there would be no Secretary of Energy involved at all.

The other suggestion was, rather than make it totally independent, to leave it within the Department and make it semiautonomous. We did that.

The Secretary, and some of those arguing on behalf of a different approach, chose to say that the Secretary does not have enough to do and enough say-so about nuclear weapons development, and therefore it is wrong.

I want to read from the bill's two provisions.

In carrying out the functions of the administrator—

That is the new person in charge of the semiautonomous agency—

the undersecretary shall be subject to the authority, direction, and control of the Secretary.

Second:

The Secretary shall be responsible for establishing policy for the National Nuclear Security Administration.

It goes on with two other provisions assuring that the overall policy is under the jurisdiction of the Secretary.

But I remind everyone, had we chosen not to do that, it would have been legal. We could have taken it all out and had no Energy Secretary involved. We chose not to. We chose to say: Leave it there so there can be some cross-fertilization between the Energy Department's work and the nuclear activities on behalf of our military and our defense.

We got this finished, and we made accommodation on the floor of the Sen-

ate with reference to the environment. Never was it intended that the semi-autonomous agency would be immune from any environmental law. In fact, the first writing of this bill had a legal opinion that if you do not mention it, it is subject to all environmental laws.

We came to the floor and some Members on the other side, I think quite properly, said: Why don't you specifically mention that the new semi-autonomous agency is subject to the environmental laws? We did that. In fact, it says:

The administrator shall ensure that the administration complies with all applicable environmental, safety, health statutes, and substantive requirements. Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that compliance occurs.

Because we wrote it in, some quibble with the words that we used to write it in. Now they are saying: Are you sure you included everything? We thought we included everything by mentioning nothing; then we tried to include everything verbally and some said: You have to change the words because you really don't mean it.

There is nothing to indicate that we have exempted or immunized any of our environmental laws in this statute. They are totally applicable. It is just that the new administrator applies them to the nuclear weapons department separate and distinct from the rest of the activities of the Department of Energy—and it is high time, in my opinion.

There are some letters from attorneys general, and I just want to say I read some of them. I have no idea how they came to their conclusions. I will just cite one. The attorney general of Texas, in responding after he received an explanation of the bill from the distinguished chairman, Senator WARNER, wrote a letter saying:

After reading your letter, I am satisfied that this legislation was neither intended to affect existing waivers of Federal sovereign immunity nor to exempt in any way the NSAA—

The new semiautonomous agency—from the same environmental laws and regulations applied before the reorganization.

For those attorneys general who are worried about Hanford out on the west coast—and it might be difficult for attorneys general in the States to be involved—let me remind them that facility does not even come under the jurisdiction of the new semiautonomous agency. It is not considered to be part of the current ongoing nuclear weapons activities.

In closing, I just want to make sure that my fellow Senators understand that some people working in the Department of Energy will say almost anything about us trying to reform it. Secretary Richardson is doing a good job for a department that is dysfunctional. He wakes up every week with something that has gone wrong.

We ought to start fixing it with the passage of this bill with a new semi-

autonomous agency in control. But there is a general that was hired named Habiger. He is the Secretary's czar for the Department right now. He went to the State of New Mexico and said—I am paraphrasing: I never involve myself in politics. Those are secret and private between me and my wife. However, in this case, I suggest that the creation of this semiautonomous agency is political.

I tried to find out who was playing politics. Was it the five-member commission that I just cited, headed by Warren Rudman, with one of the members, Dr. Sidney Drell, one of the most refined and articulate and knowledgeable people on this whole subject matter? Were they playing politics? Was the Senate playing politics when we got an overwhelming vote? What is the politics of it?

If you think the only way to preserve and maintain our nuclear weapons development and to maximize the opportunity for accountability and less opportunity for spying is to have a Secretary of Energy who runs that part of it, then you will not be happy. Because the truth of the matter is, the Secretary will be in charge overall, but there will be a single administrator in charge of this department in the future, with everything that has to do with nuclear, including its security; although in counterintelligence we have agreed with the administration, with the Secretary, and have permitted the counterintelligence to be in two places. There is a czar under the Secretary, and there will be somebody running the counterintelligence within the new semiautonomous agency.

I ask unanimous consent that the story in the Albuquerque Journal regarding the distinguished general, who I suggested knows nothing about the Department of Energy—he has been there 3 or 4 months, and maybe he ought to learn a little more about it before he goes to New Mexico and elsewhere and mouths off about the independent semiautonomous agency—be printed in the RECORD.

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

[From the Albuquerque Journal, Sept. 17, 1999]

SECURITY CHIEF PANS NEW NUKE AGENCY  
(By Ian Hoffman)

The Security chief for the U.S. Department of Energy says legislation creating a new nuclear-weapons agency inside DOE is being driven by politics and could impair, rather than promote, tighter security at the nation's nuclear weapons labs.

Gen. Eugene Habiger, the new DOE security czar, acknowledges the Energy Department needs reform to fix "organizational disarray" and a longstanding lack of accountability.

But the latest version of a bill to create the new National Nuclear Security Administration actually will insulate the new weapons agency from oversight of security for nuclear secrets, he said.

"What you're doing is creating a bureaucracy within a bureaucracy that's going to perpetuate the problems of the past—lack of

focus on security, lack of awareness of security and lack of accountability," Habiger said Thursday at Sandia National Laboratories while presiding over hearings on proposed polygraph testing for weapons workers.

House lawmakers approved the new weapons agency Wednesday by voting overwhelmingly in favor of the 2000 Defense Authorization Bill. Congress has billed the new agency as a way to increase security and accountability in the wake of China's alleged theft of U.S. nuclear-warhead designs.

The new agency is largely the handiwork of Sen. Pete Domenici, R-N.M., but the original legislation underwent changes last month in a closed-door conference of select Senate and House members. Habiger sees some of the changes as dramatically reducing his authority to ensure security at the nuclear-weapons labs.

"I'm not political. Nobody knows my politics except my wife," said Habiger, former commander in chief over the U.S. Strategic Command. "What's going on now—It's not about security. It's about politics."

He declined to speculate on the political motivations in Congress behind the new agency.

Habiger's comments add to mounting criticism of the legislation, which is being promoted by its authors as the answer to lax security and poor accountability in the U.S. nuclear-weapons program.

The leading critics are states that host DOE facilities, environmental watchdog groups and Energy Secretary Bill Richardson.

The National Governors Association and the National Association of Attorneys General urged Congress earlier this month to reconsider the legislation as written. They were joined by 46 state attorneys general, including New Mexico's Patricia Madrid. They say the bill stands to harm the environment and the safety of workers and the public by curtailing or eliminating oversight by the states, as well as by the remainder of DOE itself.

The bill would package DOE weapons work into its own semi-autonomous agency, with its own internal security, environmental and safety apparatus. As such, the bill codifies a more independent and insulated version of DOE's Office of Defense Programs, a politically well-connected office renowned for its resistance to outside oversight of security, safety and environmental protection.

In separate letters to Congress, the governors' association and the attorneys general said the new agency would preserve the self-regulation of the nuclear weapons complex that has left a legacy of more than 10,000 contaminated sites. Cleanup or fencing off of those sites could take 75 years, at a DOE estimated cost of at least \$147 billion.

"For over four decades, DOE and its predecessors operated with no external (and little internal) oversight of environment, safety and health," the attorneys general wrote. "Over the past 12 years or so, the disastrous consequences of this self-regulation have become plain . . . Much of this land and water will never be cleaned up."

To date, many of the nation's toughest environmental and safety laws and regulations still contain explicit exemptions for the U.S. nuclear-weapons complex, its wastes and worker safety.

Richardson forced the resignation in May of former Assistant Secretary for Defense Programs Vic Reis, partly for Reis' role in pressing lawmakers for the new agency and partly for his failure to attend to security at the weapons labs.

Habiger took Richardson's offer to become director of DOE's newly formed Office of Security and Emergency Operations on several

conditions. Habiger insisted he work directly with Richardson and report solely to him. He also requested full control of the department's security apparatus and its entire \$800 million security budget.

The new bill transfers emergency operations to the deputy administrator of the new weapons agency. And it provides the agency with its own security and counterintelligence authority and funding, Habiger said.

The changes threaten to roll back the tightened security measures that he and Richardson have taken in recent months, Habiger said.

"Unfortunately, the National Nuclear Security Administration Act would derail this progress," he said. "The bill would negate the president's ability to hold the Secretary of Energy responsible for managing the nation's nuclear defense and production complex. It would strip the secretary's responsibility to determine and manage sensitive classified programs. And it would shield DOE's nuclear defense work from the rest of the department's regimens, insulating it from secretarial oversight, supervision and scrutiny. . . . To continue our work, we need expanded oversight at the nuclear labs, not the insulated system this bill proposes."

Mr. DOMENICI. With that, I yield the floor and say I hope the Senate, by bipartisan, overwhelming majorities, passes this bill with this amendment on it, which is going to be good for America, good for nuclear weapons, and it will diminish the chances for spying and counterintelligence to work against our nuclear weapons in the secrets that are so imperative. Let's look back on this day and say we finally did something to move in the right direction.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have had the real privilege of working with Senator DOMENICI on this particular amendment from its inception. Together with Senators MURKOWSKI and KYL, we crafted this very carefully.

The original concept was adopted by the Senate in the consideration of the intelligence bill. We then incorporated it in our bill, and we worked it with the House. I will go into further details.

Throughout, Senator DOMENICI has been really the leader of this effort. The Senate owes Senator DOMENICI a deep debt of gratitude for his perseverance on this provision. I am sure that America will recognize that service because it is in the best interests of the country. It was not motivated by politics. It was crafted carefully on the report of our distinguished colleague, Senator Rudman, who, of course, is one of the principal advisors to the President on intelligence and other matters. He was selected by the President to do this report. So we thank you, I say to the Senator.

Last night, Senator DOMENICI took the initiative of going down to see the President. I was privileged to accompany him and join in that meeting. We were going to have a meeting for, I suppose, 20 minutes or so. The President

had just arrived. He still had a little mud on his boots from visiting a flood area and was in his clothes from the trip, his casual clothes. He was preparing his address to the United Nations.

But he stopped to take the time to carefully evaluate the concern of the Senator from New Mexico, and a meeting of 20 minutes lasted well over an hour on this and other subjects. But primarily he has a grasp of the issues. He asked specific questions. And the Senator from New Mexico, together with his able staff member, Alex Flint, who was also there with us, responded.

The Senator from New Mexico talked to one question tonight. But I wanted to raise the second question and put it in the RECORD.

He will recall the concern he had about the split provision and where it was. I went back, researched, and found in our record a letter dated July 29 from Jacob Lew, Director of the Executive Office of the President, Office of Management and Budget. Mr. Lew wrote me the following:

I understand that Representative Spence has proposed an amendment for the FY 2000 defense authorization bill conference concerning the creation of a National Nuclear Security Administration at the Department of Energy. The Administration strongly opposes this language because it does not provide sufficient authority to the Secretary of Energy to assure proper policy development for, and oversight of, the new organization at the Department of Energy. The language jeopardizes the creation of sound counterintelligence, intelligence, and security efforts, and environmental, safety, and health compliance activities at the new organization. If this legislation were presented to the President, his senior advisors would recommend that it be vetoed.

We carefully tried to take into consideration Mr. Lew's concerns. We drafted that provision for that specific reason. So we were trying to follow the directions of the Director of Budget.

I ask unanimous consent that there be printed in the RECORD a short letter from me to the President thanking him for the meeting last night, containing a copy of this letter and explaining just how we arrived at that provision. But I think it would be helpful for the Record if the Senator from New Mexico were to expand on the President's question and the response of the Senator.

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

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, September 21, 1999.

Hon. WILLIAM J. CLINTON,  
President of the United States,  
The White House, Washington, DC.

DEAR MR. PRESIDENT: Thank you for meeting with Senator Domenici and me last night to discuss the Department of Energy (DOE) reorganization provisions in the National Defense Authorization Act for Fiscal Year 2000 Conference Report.

You expressed concern last night with the organization of counterintelligence functions within DOE and the National Nuclear Security Administration (NNSA). The provisions in the conference report were crafted in

response to a July 29, 1999, letter from Office of Management and Budget Director, Jacob Lew, which stated that the Administration would oppose language that does not "ensure that the Secretary is provided sufficient authority to assure proper policy development for, and oversight of, the new organization . . .". The letter identified "counterintelligence, intelligence, security, and environment, safety and health compliance activities" as the organizational areas of concern.

Chairman Spence and I took Director Lew's letter very seriously and modified the conference report specifically to address the concerns in his letter. We modified the conference report by establishing the Office of Counterintelligence, which would be responsible for establishing all counterintelligence policy for the Department and for integrating such policies across organizational lines. I would point out that the Senate-passed DOE reorganization framework placed all responsibility for counterintelligence in the National Nuclear Security Administration.

Mr. President, let me again convey the importance of the Defense Authorization Act to the men and women in uniform. The soldiers, sailors, airmen, marines, their families and veterans are aware of the increased benefits in the conference report and are looking to you to follow through on your promises to them. I strongly encourage you to sign the bill when it is sent to you.

Respectfully,

JOHN WARNER.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT  
AND BUDGET,

Washington, DC, July 29, 1999.

Hon. JOHN W. WARNER,  
Chairman, Committee on Armed Services,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that Representative Spence has proposed an amendment for the FY 2000 defense authorization bill conference concerning the creation of a National Nuclear Security Administration at the Department of Energy. The Administration strongly opposes this language because it does not provide sufficient authority to the Secretary of Energy to assure proper policy development for, and oversight of, the new organization at the Department of Energy. The language jeopardizes the creation of sound counterintelligence, intelligence, and security efforts, and environmental, safety, and health compliance activities at the new organization. If this legislation were presented to the President, his senior advisors would recommend that it be vetoed.

Sincerely,

JACOB J. LEW, DIRECTOR.

Mr. DOMENICI. Mr. President, I will not take much time because there are so many people who want to speak to this bill and its many other ramifications.

My assessment was that the President was concerned about the environmental provisions. We went through it very carefully. I believe the President was satisfied that what we had done was intended to keep this semi-autonomous agency totally within the purview of every environmental law of this land.

The second issue, obviously, had to do with counterintelligence because the Department under Bill Richardson had gone to a great deal of effort to create a policymaking mechanism for counterintelligence and had appointed

somebody to be in charge of it. The amendment in its original form did not account for that. It put all of the counterintelligence within the new, semi-autonomous agency.

That issue was raised with Chairman Rudman as he testified, and, as the distinguished chairman of the full committee indicates, it was raised to the committee by Mr. Lew from the OMB. Perhaps the good point was made. I think it could have gone either way. But I am certain that everybody involved in security will say it is all right the way it is.

Secretary Richardson made the point that there are some counterintelligence issues that are broader and apply in different places within the Department than just in the nuclear weapons part. You shouldn't have two kinds of policies developed on counterintelligence. So we said the policy will be developed in the Office of the Secretary and it will be implemented and carried out in toto for the nuclear part by the semiautonomous agency, and the Assistant Secretary, or administrator—whichever we choose to call him—implements this provision.

I believe those are the most important issues of which we spoke.

I think the President clearly understood that you could manage a nuclear weapons system without a Secretary of Energy. You could do it similar to NASA, with perhaps a board of directors, and he even commented that certainly would not be illegal. But the point is, we want to leave it in the Department. But when you leave it there, you have to make it somewhat autonomous or you haven't changed anything. I think by the time we were finished that was well understood.

I believe we have a good bill with reference to reforming this Department. I think within a couple of years you will see security in a much better shape. I think you will see "accountability" as a word of which you will not only speak but you will know who is accurate. And it is high time, in my opinion.

I thank the distinguished Senator, Mr. WARNER, for involving me again here tonight.

I think I have said enough. I yield the floor. I hope the Senate passes this tomorrow overwhelmingly.

Mr. WARNER. Mr. President, I thought it very important and as a courtesy to the President that this be a part of the legislative history of this bill. Senator DOMENICI has given an excellent explanation.

So this part of the RECORD contains all the information that is pertinent, I ask unanimous consent that my letter to the attorneys general, to which our distinguished colleague, Mr. DOMENICI, referred, likewise be printed in the RECORD so that those studying this issue will have in one place all of the pertinent material.

I thank the Senator.

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

CONGRESS OF THE UNITED STATES,

Washington, DC, September 14, 1999.

Hon. MICHAEL O. LEAVITT,  
Chairman, National Governors' Association Hall  
of States,  
Washington, DC.

Hon. CHRISTINE O. GREGOIRE,  
President, National Association of Attorneys  
General,  
Washington, DC.

DEAR GOVERNOR AND MADAM ATTORNEY GENERAL: We are aware that concerns have been raised regarding the impact of Title XXXII of S. 1059, the conference report for the National Defense Authorization Act (NDAA) for fiscal year 2000, on the safe operation and cleanup of Department of Energy (DOE) nuclear weapons sites. Title XXXII provides for the reorganization of the DOE to strengthen its national security function, as recommended by the House of Representatives, the Senate, and the President's Foreign Intelligence Advisory Board (PFIA). In so doing, the NDAA would establish the National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department.

However, as the purpose of this effort was focused on enhancing national security and strengthening operational management of the Department's nuclear weapons production function, the conferees recognized the need to carefully avoid statutory modifications that could inadvertently result in changes or challenges to the existing environmental cleanup efforts. As such, Title XXXII does not amend existing environmental, safety and health laws or regulations and is in no way intended to limit the states' established regulatory roles pertaining to DOE operations and ongoing cleanup activities. In fact, Title XXXII contains a number of provisions specifically crafted to clearly establish this principle in statute.

NNSA COMPLIANCE WITH EXISTING ENVIRONMENTAL REGULATIONS, ORDER, AGREEMENTS, PERMITS, COURT ORDERS, OR NON-SUBSTANTIVE REQUIREMENTS

Concern has been expressed that Title XXXII could result in the exemption of the NNSA from compliance with existing environmental regulations, orders, agreements, permits, court orders, or non-substantive requirements. We believe these concerns to be unfounded. First, Section 3261 expressly requires that the newly created NNSA comply with all applicable environmental, safety and health laws and substantive requirements. The NNSA Administrator must develop procedures for meeting these requirements at sites covered by the NNSA, and the Secretary of Energy must ensure that compliance with these important requirements is accomplished. As such, the provision would not supersede, diminish or otherwise impact existing authorities granted to the states or the Environmental Protection Agency to monitor and enforce cleanup at DOE sites.

The clear intent of Title XXXII is to require that the NNSA comply with the same environmental laws and regulations to the same extent as before the reorganization. This intent is evidenced by Section 3296, which provides that all applicable provisions of law and regulations (including those relating to environment, safety and health) in effect prior to the effective date of Title XXXII remain in force "unless otherwise provided in this title." However, nowhere in Title XXXII is there language which provides or implies that any environmental law, or regulation promulgated thereunder, is either limited or superseded. Therefore, we clearly intend that all existing regulations, orders, agreements, permits, court orders, or non-substantive requirements that presently

apply to the programs in question, continue to apply subsequent to the enactment and effective date of Title XXXII.

Concern has also been expressed that the creation of the NNSA would somehow narrow or supersede existing waivers of sovereign immunity or agreements DOE has signed with the states. Title XXXII merely directs the reorganization of a government agency and does not amend any existing provision of law granting sovereign immunity or modify established legal precedent interpreting the applicability or breadth of such waivers of sovereign immunity. The intent of this legislation is not to in any way supersede, diminish or set aside existing waivers of sovereign immunity.

NNSA RESPONSIBILITY FOR ENVIRONMENT, SAFETY AND HEALTH AND OVERSIGHT BY THE OFFICE OF ENVIRONMENT, SAFETY AND HEALTH

Concern has been expressed that the NNSA would be sheltered from internal oversight by the Office of Environment, Safety and Health. In keeping with the semi-autonomous nature of the proposed NNSA, the legislation establishes new relationships between the new NNSA and the existing DOE secretariat. Principally, it vests the responsibility for policy formulation for all activities of the NNSA with the Secretary and devolves execution responsibilities to the NNSA Administrator. However, there is clear recognition of the need for the Secretary to maintain adequate authority and staff support to discharge the policy making responsibilities and conduct associated oversight. For instance, Section 3203 establishes a new Section 213 in the Department of Energy Organization Act which provides that:

(b) The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

(c) The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary's responsibilities under this section."

While some maintain that both of these provisions are redundant restatements of the Secretary's inherent authority as chief executive of his department, we recognized the importance of being abundantly clear on this point, particularly as it pertained to environmental, safety and health matters. Therefore, we fully expect that the Secretary will continue to rely on the Office of Environment, Safety and Health or any future successor entity to support his policy making and oversight obligations under the law.

To further clarify this point, the conferees also included a provision in Section 3261(c) that states that "Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs." This provision makes reference to the requirement that the NNSA Administrator ensure compliance with "all applicable environmental, safety and health statutes and substantive requirements." Once again, the conferees intended this further language to make it abundantly clear that the Secretary retains the authority to assign environmental compliance oversight to the Office of Environment, Safety and Health to support his responsibilities in this area.

Finally, concern has also been raised over the interpretation of the assignment of environmental safety and health operations to the NNSA Administrator by Section 3212. This provision establishes the scope of functional

responsibilities assigned to the NNSA Administrator and is not intended to, and does not, supersede the assignment of primacy for policy formulation responsibility to the Secretary of Energy for environment, safety and health or any other function.

EFFECT OF SECTION 3213 ON OVERSIGHT BY THE OFFICE OF ENVIRONMENT, SAFETY AND HEALTH

Concern has also been raised that Section 3213 could be interpreted in a manner that would preclude oversight by the Office of Environment, Safety and Health. Section 3213 deals exclusively with the question of who within the Department of Energy holds direct authority, direction and control of NNSA employees and contractor personnel. As such, this provision establishes the operational and implementation chain of command in keeping with the organizing principle of the legislation to vest execution authority and responsibility within the NNSA. However, neither this principle nor Section 3213 would in any way preclude the Secretary from continuing to rely on the Office of Environment, Safety and Health for providing him with oversight support for any program or activity of the NNSA.

NNSA RESPONSIBILITY FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Concern has also been raised that Title XXXII somehow would extend to the NNSA responsibility for environmental restoration and waste management. We consider this concern to be unfounded and inaccurate. Contrary to some interpretations, Section 3291(c) grants no authority to the Secretary to move additional functions into the NNSA. Rather, Section 3291(c) recognizes the possibility that some future activity may present the need to migrate a particular facility, program or activity out of the NNSA should it evolve principally into an environmental cleanup activity. Therefore, this provision would allow such activity only to be transferred out of the NNSA.

Further, contrary to some expressed concerns, Title XXXII would not permit control of ongoing cleanup activities being carried out by the Office of Environmental Management to be assumed or inherited by the NNSA, thus ensuring that DOE's environmental responsibilities will not be overshadowed by production requirements. Finally, as previously noted, Section 3212, which assigns the functional responsibilities of the NNSA Administrator, is not intended to, and does not, establish responsibility to the NNSA Administrator for environmental restoration and waste management.

OVERSIGHT ROLE OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Concern has been raised that the external oversight role of the Defense Nuclear Facilities Safety Board (DNFSB) will be impaired by the conference report language. This concern is without merit, since Title XXXII makes no change to the existing authority or role of the DNFSB. While there was some discussion during the conference of possibly expanding the role of the DNFSB to enhance external environmental and health oversight, this proposal was eventually dropped resulting in no change to the existing authority of the DNFSB.

We firmly believe that this legislation will result in much needed reforms to better protect the most sensitive national security at our nuclear weapons research and production facilities and to correct associated longstanding organizational and management problems within DOE. However, we agree that these objectives should not weaken or undermine the continuing effort to ensure adequate safeguards for environmental, safety and health aspects of affected programs and facilities. More specifically, we believe

that these objectives can be met without in any way limiting the established role of the states in ongoing cleanup activities. This legislation is fully consistent with our continuing commitment to the aggressive cleanup of contaminated DOE sites and protecting the safety and health of both site personnel and the public at large.

We appreciate your willingness to share your concerns with us and hope that this response will address them in keeping with our mutual objectives. In this regard, we look forward to continuing to work closely with you and your associations to ensure that this legislation is implemented in a manner that is consistent with the principles stated above and strikes the intended careful balance between national security and environmental, safety and health concerns.

Sincerely,

FLOYD D. SPENCE,  
Chairman, House  
Armed Services Committee.

JOHN WARNER,  
Chairman, Senate  
Armed Services Committee.

NATIONAL ASSOCIATION OF  
ATTORNEYS GENERAL,  
Washington, DC, September 3, 1999.

Re Department of Energy Reorganization.

Hon. TRENT LOTT,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. THOMAS DASCHLE,  
Minority Leader, U.S. Senate,  
Washington, DC.

Hon. J. DENNIS HASTERT,  
Speaker, U.S. House of Representatives,  
Washington, DC.

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

DEAR SENATORS LOTT AND DASCHLE; AND REPRESENTATIVES HASTERT AND GEPHARDT: We write to express our serious concerns with certain provisions of the Department of Defense ("DOD") Authorization bill as reported by the House/Senate conference committee on August 4, 1999. Title XXXII of the bill would create a new, semi-autonomous entity within the Department of Energy ("DOE") called the National Nuclear Security Administration ("NNSA"). We recognize the need to ensure national security at DOE, and acknowledge the strong Congressional interest in restructuring DOE to address these concerns. However, any such restructuring must not subordinate the states' legitimate environment, safety, and health concerns to weapons production and development. We fear that the proposed bill will have this unintended consequence. We urge you to oppose those provisions of Title XXXII that would weaken the existing internal and external oversight structure for DOE's environmental, safety and health operations.

For over four decades, DOE and its predecessors operated with no external (and little internal) oversight of environment, safety and health. Over the past twelve years or so, the disastrous consequences of this self-regulation have become plain. DOE now oversees the largest environmental cleanup program in the world. DOE has contaminated thousands of acres of land, and billions of gallons of groundwater. Much of this land and water will never be cleaned up. Instead, states and the federal government will have to ensure these contaminated areas remain isolated or contained for hundreds or thousands of years. Achieving even this sad legacy will cost \$147 billion, according to DOE's most recent estimates. As recent revelations about

worker health and safety at DOE's Paducah, Kentucky, plant further demonstrate, will be should not return to the era of self-regulation.

Congress and President Bush responded to these concerns in 1992 by passing the Federal Facility Compliance Act, which clarified that states have regulatory authority over DOE's hazardous waste management and cleanup. DOE also made internal reforms. It created an internal oversight entity in the Office of Environment, Safety, and Health. It also created the Office of Environmental Management, whose mission is to safely manage DOE's wastes, surplus facilities, and to remediate its environmental contamination.

Title XXXII of the Defense Authorization bill would undercut each of these reforms. It would impair State regulatory authority, eliminate DOE's internal oversight of environment, safety and health, and transfer responsibility for waste management and environmental restoration to the entity responsible for weapons production and development. The following provisions of the bill are particularly troubling:

Under well-established Supreme Court jurisprudence, section 3261 could be interpreted as a very narrow waiver of sovereign immunity, leaving the NNSA exempt from state environmental regulations, permits, orders, penalties, agreements, and "non-substantive requirements."

Sections 3212(b)(8) and (9) make the NNSA responsible for environment, safety and health operations, and section 3291(c) clarifies that this includes environmental restoration and waste management. Under this arrangement, environmental concerns would likely take a back seat to production.

Together, sections 3202, 3213(a) and 3213(b) provide that the NNSA's employees and contractors would not be subject to oversight by the Office of Environment, Safety, and Health.

Section 3296, intended as a savings clause, will not preserve application of existing laws and regulations because of the introductory phrase "unless otherwise provided in this title."

Against these provisions, section 3211's unenforceable exhortation that the Administrator shall ensure the NNSA's operations are carried out "consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce" is of little comfort.

Enhancing national security does not have to be inconsistent with protecting environment, safety, and health. But as set forth in Title XXXII, it is. Unfortunately, there have been no hearings where states could comment on the language of this bill. The provisions we are concerned about surfaced in the conference committee. We urge you to oppose the DOE reorganization provision, Title XXXII, as proposed in the Defense Reauthorization bill. If Congress believes that reorganization is necessary to resolve security issues at DOE, such changes should be accomplished through the regular legislative process, with hearings that provide an opportunity for states and others who are concerned about the environmental, safety and health consequences to have their views heard before a final vote.

Sincerely,

Christine O. Gregoire, Attorney General of Washington, President, NAAG.

Carla J. Stovall, Attorney General of Kansas, Vice President, NAAG.

Ken Salazar, Attorney General of Colorado.

Andrew Ketterer, Attorney General of Maine, President-Elect, NAAG.

Mike Moore, Attorney General of Mississippi, Immediate Past President, NAAG.

Bruce M. Botelho, Attorney General of Alaska.

Mark Pryor, Attorney General of Arkansas.

Richard Blumenthal, Attorney General of Connecticut.

Robert A. Butterworth, Attorney General of Florida.

John Tarantino, Acting Attorney General of Guam.

Janet Napolitano, Attorney General of Arizona.

Bill Lockyer, Attorney General of California.

M. Jane Brady, Attorney General of Delaware.

Thurbert E. Baker, Attorney General of Georgia.

Earl Anzai, Attorney General Designate of Hawaii.

Alan G. Lance, Attorney General of Idaho.

Jeffrey A. Modisett, Attorney General of Indiana.

A.B. "Ben" Chandler III, Attorney General of Kentucky.

Tom Reilly, Attorney General of Massachusetts.

Mike Hatch, Attorney General of Minnesota.

Jim Ryan, Attorney General of Illinois.

Tom Miller, Attorney General of Iowa.

J. Joseph Curran, Jr., Attorney General of Maryland.

Jennifer Granholm, Attorney General of Michigan.

Jeremiah W. Nixon, Attorney General of Missouri.

Joseph P. Mazurek, Attorney General of Montana.

Philip T. McLaughlin, Attorney General of New Hampshire.

Patricia Madrid, Attorney General of New Mexico.

Michael F. Easley, Attorney General of North Carolina.

Maya B. Kara, Acting Attorney General of the Northern Mariana Islands.

Frankie Sue Del Papa, Attorney General of Nevada.

John F. Farmer Jr., Attorney General of New Jersey.

Eliot Spitzer, Attorney General of New York.

Heidi Heitkamp, Attorney General of North Dakota.

Betty D. Montgomery, Attorney General of Ohio.

W.A. Drew Edmondson, Attorney General of Oklahoma.

D. Michael Fisher, Attorney General of Pennsylvania.

Paul Summers, Attorney General of Tennessee.

Jan Graham, Attorney General of Utah.

Hardy Myers, Attorney Myers, Attorney General of Oregon.

José A. Fuentes-Agostini, Attorney General of Puerto Rico.

John Cornyn, Attorney General of Texas.

William H. Sorrell, Attorney General of Vermont.

Darrell V. McGraw, Jr., Attorney General of West Virginia.

Gay Woodhouse, Attorney General of Wyoming.

James E. Doyle, Attorney General of Wisconsin.

Mr. DOMENICI. Mr. President, I want to say for the RECORD that there are so many people who have worked hard on this legislation. I don't want the RECORD to even imply that I was more responsible than others. Maybe I

worked earlier than some. But Senator KYL worked very hard. Senator MURKOWSKI conducted some marvelous hearings on the subject. Both the chairman and ranking member of the Committee on Intelligence were greatly involved and, in fact, participated in helping us with this and supported it wholeheartedly.

The Senators on the floor from the Armed Services Committee, Senator BINGAMAN and Senator LEVIN, contributed to some positive things on the floor that were changed as a result of their concerns. I think altogether we have a bill that will work.

Mr. WARNER. Mr. President, again I thank Senator DOMENICI.

The RECORD should reflect the valuable contributions by the staff members who worked on this amendment: Alex Flint of Senator DOMENICI's staff, John Roos of Senator KYL's staff, Howard Useem of Senator MURKOWSKI's staff, and Paul Longworth of my staff, and the Armed Services Committee staff.

#### PRIVILEGES OF THE FLOOR

Mr. WARNER. I ask unanimous consent Clint Crosier, a fellow from Senator SMITH's office, be granted floor privileges during the DOD authorization debate.

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

Mr. WARNER. I also ask unanimous consent that staff members of the Committee on Armed Services on the list I send to the desk be extended privileges of the floor during consideration of this conference report.

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

The list is as follows:

#### ARMED SERVICES COMMITTEE STAFF

Romie L. Brownlee, Staff Director.  
David S. Lyles, Staff Director for the Minority.  
Charles S. Abell, Professional Staff Member.  
Judith A. Ansley, Deputy Staff Director.  
John R. Barnes, Professional Staff Member.  
Christine E. Cowart, Special Assistant.  
Daniel J. Cox, Jr., Professional Staff Member.  
Madelyn R. Creedon, Minority Counsel.  
Richard D. DeBobs, Minority Counsel.  
Marie Fabrizio Dickinson, Chief Clerk.  
Kristin A. Dowley, Staff Assistant.  
Edward H. Edens IV, Professional Staff Member.  
Shawn H. Edwards, Staff Assistant.  
Pamela L. Farrell, Professional Staff Member.  
Richard W. Fieldhouse, Professional Staff Member.  
Mickie Jan Gordon, Staff Assistant.  
Creighton Greene, Professional Staff Member.  
William C. Greenwalt, Professional Staff Member.  
Joan V. Grimson, Counsel.  
Gary M. Hall, Professional Staff Member.  
Shekinah Z. Hill, Staff Assistant.  
Larry J. Hoag, Printing and Documents Clerk.  
Andrew W. Johnson, Professional Staff Member.  
Lawrence J. Lanzillotta, Professional Staff Member.

George W. Lauffer, Professional Staff Member.

Gerald J. Leeling, Minority Counsel.

Peter K. Levine, Minority Counsel.

Paul M. Longworth, Professional Staff Member.

Thomas L. MacKenzie, Professional Staff Member.

Michael J. McCord, Professional Staff Member.

Ann M. Mittermeyer, Assistant Counsel.

Thomas C. Moore, Staff Assistant.

David P. Nunley, Staff Assistant.

Cindy Pearson, Security Manager.

Sharen E. Reaves, Staff Assistant.

Anita H. Rouse, Deputy Chief Clerk.

Joseph T. Sixeas, Professional Staff Member.

Cord A. Sterling, Professional Staff Member.

Madeline N. Stewart, Receptionist.

Scott W. Stucky, General Counsel.

Eric H. Thoemmes, Professional Staff Member.

Michele A. Traficante, Staff Assistant.

Roslyne D. Turner, Systems Administrator.

Mr. WARNER. Mr. President, this evening we consider the conference report to accompany S. 1059, the National Defense Authorization Act for fiscal year 2000.

I am pleased to report for the first time in 15 years—I want to repeat that and let it sink in, 15 years—the defense budget before the Senate represents a real increase above the normal allowance we make for inflation. This is above inflation for defense spending.

I rejoice in that as all members of our committee do. I am hopeful that all Members of the Senate, likewise, do. We authorize \$288.8 billion in defense funding for next year, which is \$8.3 billion above the President's budget request, and a 4.4-percent real increase in spending from last year.

I acknowledge the roles particularly of the Members of the Joint Chiefs of Staff who appeared before the Armed Services Committee on two occasions. We have a longstanding tradition in our committee that when these individuals are confirmed before our committee, we obtain from them a commitment that at any time the committee desires to receive their personal, professional, military opinion on matters, and those issues could be contrary to the policies of the administration which they proudly serve, they will be received.

These individuals testified to the needs of their respective services which were over and above the dollar figures, the budget allocations set by OMB and, indeed, the administration. That gave the foundation of evidence that enabled Members, first in committee, and then before this body, in passing the bill to get the increased sums I have just referenced—\$8.3 billion above the President's budget request.

The President himself this year took an initiative to get additional defense spending. To the credit of our former colleague, Senator Cohen, he, likewise, was very supportive of the President and took the initiative that led to the President increasing the defense budget. However, our committee was of the

opinion, again, based largely on the testimony of the Joint Chiefs, that we needed dollars above the President's figure and we obtained them.

First, a quick review of the precarious international situation. Remember, much of the budget consideration started with the problems in Bosnia, the problems with reference to Kosovo. All during that timeframe, the committee was holding hearings and working on its budgets. Most recently, the crisis in East Timor. Incidentally, in consultation with the President, I indicated I supported the action of sending U.S. troops as a part of the security force under the U.S. auspices to save the people of East Timor.

But I mention this is a very troubled world. It is a far different one than when I first came to the Senate 21 years ago, when it was a bipolar world dominated by the Soviet Union, at that time, and the United States as the two superpowers. We didn't realize the degree of stability we had during that period of the two superpowers in a bipolar world, but we appreciate it in today's world where we see so many ethnic, religious, and racial tensions which have now come to the forefront and have exploded into strife in various areas of the world. Russia evolved from that sort of crisis. But it does not remain, of course, as a superpower.

Many nations, therefore, and the United Nations, have turned to the United States as the sole remaining superpower to solve new types of conflicts and tensions around the world. We are called upon to be—to use a phrase which I dislike, but it is well ingrained in the media—the world's policeman. We are not the world's policeman. Our President—in my judgment too many times, but nevertheless by and large I have supported him on most of the occasions, such as East Timor—has directed our Armed Forces beyond our shores more times than any President in the history of the United States of America. All this to say that is justification for the additional defense spending, justification for the very significant sum of money embraced in this bill.

It is fascinating to pause and go back and examine just what has transpired in a very brief period of time in our history. We face and bear these new developments with a force that is overstretched around the world and operating on a shoestring. Over the past decade, our military manpower has been reduced by one-third, from 2.2 million men and women in uniform to now 1.4 million in uniform. At the same time, during that decade, those very young, magnificently trained, dedicated, committed young men and women were involved in 50 military operations worldwide. At the same time that we came down in force structure, up rose the number of occasions in which the Commander in Chief—successively, three Commanders in Chief—have deployed them throughout the world.

By comparison, let's look at another chapter of history. From the end of the war in Vietnam, 1975, until 1989, U.S. military forces were engaged in only 20 military operations. What a sharp contrast, and it is reflected by the ever-increasing threat from weapons of mass destruction; that is, weapons composed of fissile material, biological material, and chemical materials.

All of the ethnic and religious and racial tensions that are breaking out all over the world—that is the reason the President has had to send for our troops to meet these crises, but troops which are diminishing overall in numbers. It is critical the funding and the authorities contained in this conference report be quickly enacted into law so we can send a very clear message—we, the Congress of the United States—send a very clear message to our troops: We are behind you. We recognize that you are stretched. We recognize the hardships on your families. We recognize the risks you are taking. And we, the Congress, have responded by increasing the defense budget, by increasing the money for your salaries, increasing the money so that your salaries can begin to move up—and I carefully say move up—towards salaries commensurate with those in the private sector.

A sergeant in our military today with, say, 4 or 5 years of service and training in a specialty can command a much higher salary in the private sector. How well we know that because they are not staying. Our retention of those well-trained people is at levels below the needs of the military. That is why, sergeant, we are raising your salary. That is why, captain, major, we are raising your salary. Because we know you are at that juncture in your career where you have to make a decision for yourself—and your family, in most cases—as to whether to stay at this current salary or go into the private sector where you can get a 10, 15, 20, 30, 100 percent increase in salary. We recognize your commitment to your country, your selflessness to serve your Nation, and joined with your family, we give you this recognition in this bill of a very significant pay raise, together with certain retirement benefits which more nearly meet your long-term projected goals.

This is personnel reform. I thank Senator LOTT, who initiated correspondence with the President of the United States just as soon as this session of the Congress began and pointed out to the President the need for certain personnel reforms. In weeks thereafter, he was joined by other Senators—Mr. MCCAIN, Mr. ROBERTS—and the committee, in every respect that we could, followed the goals those three individuals laid down in devising this pay and benefits and retirement bill.

The result of this conference report is to aggressively close the gap between military and private sector wages by providing a 4.8-percent pay

raise and ensuring military personnel will be compensated more equitably. We did not get it all the way up to where they can draw a line equal to the private sector, but we came a long way.

The military retirement system will be reformed by providing military personnel with a choice. They will be allowed to choose to revert to the previous military retirement system or accept a \$30,000 bonus and remain under the Redux system. This may not be clear to all those who are not familiar with it, but I assure you this retirement system was derived by our committee and legislated by the Senate as a whole and adopted by the conference after the closest consultation with the senior uniformed personnel, as well as all grades and ranks, to make sure we got it right this time. I am pleased to give my colleagues that assurance. We did get it right.

Military members will also be given the opportunity to participate in the Federal Thrift Savings Program; again, an incentive for them to remain in the military.

During the course of our review, the committee found the single most frequent reason departing service members cite is that of family separation, occasioned most often by the back-to-back deployments of the uniformed member who has family, be it a male or a female, to the various parts of the world to meet the requirements of 50 deployments in this past decade. That puts a strain on families. For us, those who have the relative enjoyment of being with our families at all times, it is hard to understand. You are given orders: In 72 hours you are going to be aboard that plane or that ship and you have to leave your family and go abroad for, most often, an indefinite period of time.

Let every young wife and let every child put themselves in the place of a military family where your father, or, indeed, your mother as the case may be, comes home and says: My orders read I must leave in 72 hours and I am not sure when I will be back. That is a tough lifestyle. But these young people are accepting it. I hope as a consequence of this bill, greater numbers will elect to retain their current positions and continue to advance and serve this country in their expertise.

In addition to enhancing the quality of life for military personnel, this bill focuses on providing our Armed Forces the tools they need to meet their commitments worldwide. For example, this year the bill provides for \$1.5 billion increased funding above the President's request for military readiness. This includes an additional \$939 million to reduce equipment and infrastructure maintenance backlogs, \$179 million for ammunition, and \$112 million for service training centers.

The conference report also stresses the problem of aging infrastructure by fully funding \$8.5 billion in military construction projects, which is \$3 billion above the administration's re-

quest. Much of this additional funding is targeted for housing and other projects that will enhance the quality of life of the men and women in the Armed Forces—just really meeting the basic requirements for a standard and a quality of life that they have earned many times over.

The conference report also contains additional information about the modernization and specific provisions covering modernization and research and development funding to provide the requirement capabilities for the future. We try to look out a decade. What are the likely adversaries we will have 10 years from now, and what will be their military capabilities in terms of hardware? What is it the United States needs, to begin now or to continue research and development on, so as to meet those threats 10 years out and meet and exceed the capabilities of the military equipment likely to be in the possession of our adversaries a decade hence.

The F-22 is a clear example of that. Senator STEVENS, with whom I was consulting earlier this evening, is doing the very best he can to restructure, with the House of Representatives, that program so we can continue to develop that vital aircraft. I say vital because this Nation has adopted so many, if not all, of its military plans for combating an enemy on the concept of air superiority.

We have had air superiority since the Korean war, in which I played a very modest role as a communications officer in the First Marine Air Wing. That was the last war—in Korea—in which we lost airmen as a consequence of aerial combat. Our distinguished colleague, Senator Glenn, who retired last year, was very much involved in that. That is the last time we experienced a threat in air-to-air combat from military aircraft of any great significance.

There has been an isolated case here and there. I know at one point in time several planes took off during the Kosovo operation, but they were quickly knocked down and sent back to their bases. The same thing happens in Iraq today. Periodically, Saddam Hussein sends them up. They make a U-turn and scatter back home very quickly. Again, the reason they scatter back home quickly is the reason Milosevic was unsuccessful in his aircraft: Because we have air superiority. That is in air-to-air.

Where we must stay abreast in air superiority is in what we call ground-to-air missiles. That is an entirely different threat and one that, every day that goes by, other nations are getting capability to shoot from the ground into the air, at almost all the altitudes at which our aircraft operate, very dangerous missiles to knock down our aircraft. It is for that reason we have to have the F-22 and other modern aircraft which provide for our men to maintain air superiority.

The bill authorizes \$55.7 billion in procurement funding, \$2.7 billion more

than the President's request, and \$36.3 billion in research and development spending, \$1.9 billion more than the President's request. In considering where to add money, the conferees focused on those items contained in the service chiefs' list of critical unfunded requirements.

We did not just go straying off. We said to the chiefs: We recognize the President set a budget target within which you had to do your budgeting; but in the event the coequal branch of our Government—the legislative branch, the Congress—comes along and makes a determination that more money should be added to this budget, then where, in your professional judgment, should that money be added: In the Department of the Army? The Department of the Navy? The Department of the Air Force? That is what we used as guidance in adding moneys over and above the President's request to specific programs.

Our Nation is facing very real threats from the proliferation of weapons of mass destruction, international terrorism, information warfare, and drug trafficking. These are the dangerous threats that keep our Nation's leaders up at night and that require substantial investments to counter. To meet these challenges, the Emerging Threats Subcommittee—under the superb leadership of Senator ROBERTS—pursued a number of initiatives that were adopted by the conference including authorizing 17 new National Guard RAID Teams to respond to terrorist attacks in the United States; initiating better oversight of DOD's program to combat terrorism; and establishing an Information Assurance Initiative to strengthen DOD's information security program.

Now let me discuss the provisions in the bill that would reorganize the national security functions of the Department of Energy. A degree of controversy has arisen over these provisions and I wish to outline for my colleagues what the conference report does and, specifically, what it does not do.

The conference report includes a subtitle that would restructure the Department of Energy by consolidating all of its national security functions under a single, semi-autonomous agency within DOE, known as the National Nuclear Security Administration. This action represents the first significant reorganization of DOE in over 20 years and is in direct agreement with the June 1999 recommendation from the President's Foreign Intelligence Advisory Board, which called for the creation of "a new semiautonomous Agency \* \* \* whose Director will report directly to the Secretary of Energy."

There have been countless other reports that have questioned the management structure of the Department. But by far, the President's own Foreign Intelligence Advisory Board had the most damning assessment. This report

states that "the Department of Energy, when faced with a profound public responsibility, has failed." The report goes on to say that "the Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself".

It has been asserted that the conference report could diminish the role of the States in DOE cleanup actions and blur the authority of the Secretary of Energy to manage the national security function of the Department. Let me state clearly that each of these accusations are wholly untrue.

Language to maintain environmental protection was included that is identical to the language in the amendment offered by Senators LEVIN, BINGAMAN, and others in the Senate. This amendment was included in the DOE reorganization provision which overwhelmingly passed the Senate by a vote of 96-1 as part of the Intelligence Authorization Act. This vote on a very similar reform package as contained in the conference agreement demonstrated the clear intent of Congress that the current management structure at the Department was broken and was in need of reform.

With regard to the authority of the Secretary of Energy, the conferees were very careful and could not have been clearer in retaining the authorities of the Secretary necessary to manage, direct, and oversee the activities of the new Administration. I and most of the other conferees believe this new DOE organizational framework will dramatically streamline the management of our Nation's nuclear weapons labs, establish clear accountability, and ensure full compliance with the Secretary of Energy's direction and all applicable environmental laws.

Energy Secretary Bill Richardson, however, has indicated that this new organizational framework would make it "impossible for any Secretary of Energy to run the Department." Let me say, with all due respect to my good friend Mr. Richardson, I disagree. I was a Secretary of a military department and know what is required to make an organization work. I believe that the organizational structure that is created in this conference report could be successfully managed by a strong Secretary of Energy—and he should step up to this challenge.

In conclusion, I want to thank all the members and staff of the conference committee for their hard work and cooperation. This bill sends a strong signal to our men and women in uniform and their families that Congress fully supports them as they perform their missions around the world with professionalism and dedication. Many organizations including The Military Coalition and The National Military and Veterans Alliance, two consortiums of nationally prominent military and veterans organizations representing millions of current and former members of the uniformed services, their families and survivors, strongly endorse enactment of this bill.

I am confident that enactment of this bill will enhance the quality of life for our service men and women and their families, strengthen the modernization and readiness of our forces and begin to address newly emerging threats to our security. I urge my colleagues to adopt the recommendations of the conference committee.

I ask unanimous consent that letters from supporting organizations and a list of the staff members of the Armed Services Committee be printed in the RECORD.

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

THE MILITARY COALITION,  
201 NORTH WASHINGTON STREET,  
Alexandria, Va, September 15, 1999.

Hon. JOHN WARNER,  
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Military Coalition, a consortium of nationally prominent veterans organizations representing more than five million members of the uniformed services plus their family members and survivors, is grateful to you and the Armed Service Committee for your leadership in crafting the FY 2000 National Defense Authorization Act. The Coalition strongly supports enactment of S. 1059.

S. 1059 contains numerous initiatives to improve retention and the quality of life of members of the uniformed services and their families, including pay raises and enhancements in the post-1986 retirement system—both imperative to reverse the serious degradation in personal readiness the services are now experiencing. In addition, it addresses recruiting shortfalls, spare parts shortages, training accounts and deteriorating infrastructure.

Favorable floor action on the pay, retirement and quality of life initiatives in S. 1059 will send a powerful signal to the men and women in the uniformed services and their families that this Nation fully appreciates the sacrifices they are making and recognizes the vital role they play in ensuring a strong national defense.

The Military Coalition has urged every member of the Senate to vote in favor of this important legislation when it comes to the floor.

Sincerely,

THE MILITARY COALITION.

Air Force Association.  
Air Force Sergeants Association.  
Army Aviation Assn. of America.  
Assn. of Military Surgeons of the United States.  
Assn. of the US Army.  
Commissioned Officers Assn. of the US Public Health Service, Inc.  
CWO & WO Assn. US Coast Guard.  
Enlisted Association of the National Guard of the US.  
Fleet Reserve Assn.  
Gold Star Wives of America, Inc.  
Jewish War Veterans of the USA.  
Marine Corps League.  
Marine Corps Reserve Officers Assn.  
Military Order of the Purple Heart.  
National Guard Assn. of the US.  
National Military Family Assn.  
National Order of Battlefield Commissions.  
Naval Enlisted Reserve Assn.  
Naval Reserve Assn.  
Navy League of the US.  
Reserve Officers Assn.  
Society of Medical Consultants to the Armed Forces.  
The Military Chaplains Assn. of the USA.

The Retired Enlisted Assn.  
The Retired Officers Assn.  
United Armed Forces Assn.  
USCG Chief Petty Officers Assn.  
US Army Warrant Officers Assn.  
Veterans of Foreign Wars of the US.  
Veterans Widows International Network, Inc.

NATIONAL MILITARY AND  
VETERANS ALLIANCE,  
September 13, 1999.

Hon. JOHN W. WARNER,  
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Military Veterans Alliance (NMVA)—a group of 20 military and Veterans organizations with over 3 million members and their 6 million supporters and family members—strongly supports the Defense Authorization Act for FY 2000.

We are encouraged and pleased by the Conference Agreement on the Fiscal Year 2000 National Defense Authorization Act. The Act contains many substantive improvements for active and retired service members and should assist the armed services in attracting and maintaining a quality force. NMVA appreciates the fine work of your Committee on this important legislation which provides for a continued strong national defense.

This legislation will improve pay and compensation, and will improve the quality of life for military members and their families. It is an excellent step to strengthen our nation's defense and deserves prompt passage. A unanimous vote would let our brave young men and women know that the nation values their courage and dedication to duty.

We appreciate your past efforts on behalf of our men and women in uniform and look forward to working with you to safeguard our national security. You have our full support for this conference report.

Sincerely,

Grant E. Acker, National Legislative Director, Military Order of Purple Heart; Deirdre Parke Holleman, Gold Star Wives of America; James Staton, Executive Director, Air Force Sergeants Association; Mark H. Olanoff, Legislative Director, The Retired Enlisted Association; Bob Manhan, Veterans of Foreign Wars; Robert L. Reinhe, Class Act Group; Doug Russell, President, American Military Society; Richard D. Murray, President, National Association for Uniformed Services; Frank Ault, Executive Director, American Retirees Association; Arthur C. Munson, National President, Naval Reserve Association; Richard Johnson, Executive Director, Non Commissioned Officer Association; J. Norbert Reiner, National Service Director, Korean War Veterans Association; Dennis F. Pierman, Executive Secretary, Naval Enlisted Reserve Association; Brian Baurnan, Director, Tragedy Assistance Program for Survivors.

COMMISSIONED OFFICERS ASSOCIATION OF THE U.S. PUBLIC HEALTH SERVICE,

September 14, 1999.

Hon. JOHN W. WARNER,  
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the Commissioned Officers Association (COA) of the United States Public Health Service, a private, nonprofit, professional organization comprised of officers of the Commissioned Corps of the Public Health Service. My purpose in writing is to commend you for your leadership in crafting S.

1059, the conference report on the National Defense Authorization Act for Fiscal Year 2000.

More than any legislation in recent memory, this legislation focuses on "people", providing substantial enhancements to the quality of life of our men and women in uniform. In addition, the conference report addresses the critical issues of readiness and modernization, placing this country's national defense capacity on a more solid footing as we enter the next century.

COA deeply appreciates your efforts and your personal resolve to ensure the highest standard of readiness for all seven of our country's uniformed services. We stand ready to assist you with passage of this very important piece of legislation.

Sincerely,

MICHAEL W. LORD,  
*Executive Director.*

NAVY LEAGUE OF THE UNITED STATES,  
*Arlington, VA, September 16, 1999.*

Hon. JOHN WARNER,  
*Chairman, Senate Armed Services Committee,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the 70,000 members of the Navy League of the United States, I want to thank you and the members of the Senate Armed Services Committee for your leadership and hard work regarding S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

As you know, S. 1059 contains several initiatives that are critical to improving the quality of life and retention of our highly trained men and women in uniform, particularly the 4.8 percent pay raise, and a restructuring and restoration of the military retirement system. Additionally, the bill begins to address the serious shortfalls in recruiting, spare parts, training accounts and deteriorating infrastructure that is confronting our armed forces.

Quick passage of S. 1059 will send a strong signal to our service members and their families that Congress and our Nation support and recognize the hard work and long hours they endure to guarantee our safety and freedom.

The Navy League, as a civilian patriotic organization, is dedicated to the support of America's sea services and enthusiastically encourages every member of the Senate to vote in favor of this bill when it comes up for final consideration.

With best regards,

Sincerely,

JOHN R. FISHER,  
*National President.*

NATIONAL ASSOCIATION FOR  
UNIFORMED SERVICES,

*Springfield, VA, September 13, 1999.*

Hon. JOHN W. WARNER,  
*Chairman, Armed Services Committee, U.S. Senate,  
Washington, DC.*

DEAR MR. CHAIRMAN: The National Association for Uniformed Services (NAUS) represents all grades, all ranks, and all components for the seven uniformed services to include family members and survivors as well as over 500,000 members and supporters.

We are encouraged and pleased by the Conference Agreement on the Fiscal Year 2000 National Defense Authorization Act. We appreciate the fine work of your Committee on this important legislation. The Act contains many substantive improvements for active and retired service members and should assist the armed services in attracting and maintaining a quality force. NAUS strongly supports final passage of this important legislation to provide for a continued strong national defense.

This legislation will improve pay and compensation, and will improve the quality of

life for military members and their families. It is an excellent step to strengthen our nation's defense and deserves prompt passage. A unanimous vote would let our brave young men and women know that the nation values their courage and dedication to duty.

We appreciate your past efforts on behalf of our men and women in uniform and look forward to working with you to safeguard our national security. You have our full support for this legislation.

Sincerely,

RICHARD D. MURRAY,  
*Major General, U.S.A.F., Retired,  
President.*

ARMED SERVICES COMMITTEE STAFF

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David S. Lyles, Staff Director for the Minority.

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Michele A. Traficante, Staff Assistant.  
Roslyne D. Turner, Systems Administrator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I commend my good friend from Virginia for his work on this bill and his leadership in the committee. It is a bipar-

tisan style of leadership, and it is very productive. I commend him on it. It sets the kind of style which I hope will permeate this body in all the things we do, but it is absolutely essential in the national security area that we act in this way. He carries on a great tradition in doing so.

The conference report for the national defense for the fiscal year 2000 is a good bill, with one problem, and that problem is the provisions relating to the reorganization of the Department of Energy nuclear weapons complex. Because of the deficiencies in the DOE reorganization provisions, I declined to sign the conference report on this bill, but, at the time, I stated I would decide how to vote on the bill after a more careful analysis and a public airing of the provisions.

Back to the Department of Defense side of the bill because this is almost two bills but one conference report. We have a Department of Defense authorization bill, in its more traditional style, addressing the issues which we typically address, and we have this new kid on the block, this Department of Energy reorganization part of this bill, which is the problematic part.

The Department of Defense portion of the bill is a good agreement. It was reached through bipartisan and cooperative discussion among ourselves in the Senate and with our House colleagues. This conference report should go—and will go, in my judgment—a long way to meet the priorities established for our military by Secretary Cohen and the Joint Chiefs of Staff.

I very much agree with our good friend, Senator WARNER, as to what he said about this part of the bill and the priorities it sets, how it spends the additional funds. In accordance with the fiscal year 2000 budget resolution, the bill includes an \$8.3 billion increase in budget authority above the level provided in the President's budget. Unlike the budget increases in past years, the added money in this bill will be spent in a manner in which the Department of Defense indicates it has the highest priorities.

That is a very important point. The chairman made the point in his remarks that, relative to the additional funds, we solicited from the Department what their highest priorities are and tried to reflect those priorities.

The bottom line is that this bill will go a long way to improve the quality of life for our men and women in uniform, it will improve the readiness of our military, and it will continue the process of modernizing our Armed Forces to meet the threats of the future.

Some of the add-ons, as I have indicated, the so-called increases, represent the highest-priority readiness items identified by the Joint Chiefs of Staff, including an added \$788 million for real property maintenance, something we frequently neglect and delay but which is essential—real property maintenance is not a glamorous item, but it is very important to quality of

life and to readiness—\$380 million was added for base operations; \$172 million for ammunition; \$112 million for training center support; \$151 million for depot maintenance. These are items that too frequently get shortchanged. In each case, these items will significantly enhance the ability of our Armed Forces to carry out their full range of missions.

As far as the members of the military are concerned, this is probably the most important Defense Authorization Act in recent years because of the improvements it will make in pay and benefits for the women and men in uniform.

The bill includes the triad of pay and retirement initiatives sought by Secretary Cohen and the Joint Chiefs: A 4.8-percent military pay raise for fiscal year 2000, reform of the military pay table to increase pay for midcareer NCOs and officers, and changes to the military retirement system. These changes should go a long way in addressing recruiting and retention problems in the services. My greatest disappointment in this area is that we were not able to enact the GI bill improvements that were proposed by Senator CLELAND this year.

I think every Member of this body wants to do everything they can to ensure the men and women in uniform receive fair compensation for the service they provide to their country. Secretary Cohen and the Joint Chiefs of Staff made a persuasive case that the military is facing real recruiting and retention problems and that improvements in pay and benefits in the conference report are a critical element of any plan to address the recruiting and retention problems.

There are other important provisions in this bill as well. For example, the bill reported by the Armed Services Committee provides full funding for the DOD Cooperative Threat Reduction Program with Russia and other countries of the former Soviet Union, although it would terminate work on the Russian chemical weapons destruction facility. Unfortunately, two of the three companion programs at the Department of Energy, the initiative for proliferation prevention and the nuclear cities initiatives, received less funding than requested by the administration.

The bill also contains some unfortunate restrictions on those two programs at the Department of Energy which are going to limit the effectiveness of these programs. Nonetheless, the Cooperative Threat Reduction Program and those related Department of Energy programs are a cornerstone of our relationship with Russia, and although the DOE programs were not funded at the level requested, nonetheless they are funded at a significant level and these programs play an important role in our national security by reducing the threat of proliferation of weapons of mass destruction from Russia and rogue nations with which

Russia may form closer ties in the absence of those programs.

There were other disappointments as well. In addition to the reduction of the requests for the DOE programs that I mentioned, Senator WELLSTONE's amendment to provide some relief for a group of veterans who contracted serious illnesses after being exposed to radiation while participating in nuclear tests or while serving at Hiroshima or Nagasaki after the war, adopted in the Senate, was not accepted in conference because when we got to conference, the House conferees said the amendment would increase the so-called mandatory or entitlement spending, and they had no jurisdiction on that issue. As a result, they would not agree to include this provision in the conference report. That is a disappointment. It is a disappointment to me, and I think it will be a disappointment to those veterans who were so exposed.

But the conference report, again, has so many important provisions that we should look at the whole DOD report and weigh that as a whole. When we do that, it seems to me the Department of Defense portion of this bill makes a very large contribution to national security and the effective management of the Department of Defense—including other provisions such as the provision establishing new procedures to protect the military's access to essential frequency spectrum; such as the provision requiring the Department to establish specific budget reporting procedures for all funds to combat terrorism, both at home and abroad; such as a series of provisions to improve the effectiveness and efficiency of health care provided to service men and women under the TRICARE program; such as provisions promoting reform of the Department of Defense financial management systems; such as the provisions promoting more effective management of the defense laboratories and test and evaluation facilities; such as provisions extending the Department's small disadvantaged business goals and its mentor-protégé program for small disadvantaged businesses for 3 years.

As I indicated, this conference report is really two bills. It is a DOD authorization bill, but it is also a reorganization of the entire Department of Energy nuclear weapons complex. It does the latter in a way which is inconsistent with the bill that was passed by the Senate by a vote of 96-1 earlier this year, inconsistent in a number of important ways.

It goes beyond anything that has even been considered by the House of Representatives. While there is a broad consensus that we need to address the management and accountability programs at DOE, particularly in the areas of security and counterintelligence, the provisions in this bill could undermine Secretary Richardson's efforts to secure our nuclear secrets and make the Department even more difficult to manage than it is today.

That is the question we struggle with and that I and a number of the members of our committee have struggled with, and I know Members of this body are struggling with that as well—the final provisions that were put in the conference report to try to analyze: What is the difference, if any, between these provisions in the conference report and the Senate provisions which we adopted to implement the semi-autonomous agency recommendation of Senator Rudman?

So I wrote a letter to the Congressional Research Service requesting an independent assessment of the impact of the conference report on the ability of the Secretary of Energy to manage the Department's nuclear weapons programs. The CRS memorandum prepared in response to my letter this month raises serious questions about the impact of the Department of Energy reorganization provisions in this conference report.

The CRS concluded that the Secretary's authority over the new National Nuclear Security Administration "may be problematic in view of the overall scheme of the proposed legislation." For instance, the CRS memorandum raises the question about "whether it is possible, or desirable in practice, to split policy and operations in organizational terms"; and asks whether the practice of insulating administration staff offices from departmental staff offices "effectively vitiate[s] the meaning of the earlier provisions assigning the Secretary full authority and control over any function of the Administration and its personnel."

The CRS memorandum also points out the legislation would permit the administrator of the new National Nuclear Security Agency to "establish Administration-specific policies, unless disapproved by the Secretary of Energy." And the CRS points out that "This procedure reverses the general practice in the departments and to the extent that the Secretary is not the issuing authority, a major tool of management and accountability is shifted to a subordinate office."

If this legislation were interpreted, as the CRS indicates it could be interpreted, to undermine the authority of the Secretary, it would have the perverse effect of diffusing responsibility in the Department, leaving reporting channels even more "convoluted, confusing, and contradictory" than those observed by the Rudman Commission.

I supported the Rudman recommendation and still do. The Rudman recommendation recommends a semi-autonomous entity inside the Department of Energy. But what the CRS report does is raise questions about whether or not this language—which is different from the Senate language which was overwhelmingly adopted—in this conference report goes beyond semiautonomous.

None of the models of a semi-autonomous agency cited by the Rudman Commission in its report—the National Reconnaissance Office; the National Security Agency; the Defense Advanced Research Projects Agency, or DARPA; or the National Oceanographic and Atmospheric Administration, NOAA—limit the authority of the Cabinet Secretary responsible for the agency as much as these provisions seem to do.

However, the ambiguities in this bill may leave open another choice. We are dealing with ambiguities in language. So we have to look at: Are there other interpretations, other choices which may be available in light of these ambiguities?

In particular, there is language which can be construed to give authority to the Secretary which might allow him to run this agency, called the Department of Energy, in a way which will provide accountability in the Secretary because he is the one to whom we must look to be accountable. We want him to be able to run the agency.

That is why it is called a semi-autonomous entity in the Rudman report. They do not recommend an autonomous entity. They recommend a semiautonomous entity. They cite models, the ones I have just indicated, which allow the Secretary of the agency in question to run his agency, including all parts of it, including the semiautonomous parts.

There is language in this conference report which remains which does point towards the ability of the Secretary to run his entire agency, to be accountable and responsible for it.

I want to just read some of that language.

For instance, the new administration—this new entity—is established “within the Department of Energy”, and is therefore subject to the direction and control of the Secretary.

The Secretary of Energy, in this conference report—not the head of the new entity, the under secretary, but the Secretary of Energy—is responsible for “developing the security, counterintelligence, and intelligence policies of the Department” under section 214.

For instance, the Department’s counterintelligence chief, not his subordinate in the new administration, is “responsible for establishing policy for counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities” under section 215.

Another example of language pointing toward accountability in the Secretary—where we want it, ultimately, in this Department or any Department—is that the Secretary of Energy, not the new under secretary but the Secretary of Energy himself, is given continuing responsibility for the security and counterintelligence problems within the Department’s nuclear energy defense programs by sections 3150, 3152, 3154, and 3164 of the bill.

Other language which may give some comfort to those of us who are concerned about the diffusion of accountability in this new language—not adopted by the Senate, not adopted by the House, but put into the conference report—other language which may hopefully give some comfort is that the Secretary of Energy, not the new under secretary, is given the responsibility for appointing the Chief of Defense Nuclear Counterintelligence and the Chief of Defense Nuclear Security within the new administration.

I think one can fairly argue that the authority to establish Department-wide policies carries with it the authority to ensure that such policies are carried out. On that basis and on the basis of these other provisions I have just quoted, this legislation could be interpreted to give the Secretary of Energy continuing authority to manage the Department, including the authority to direct and control the new National Nuclear Security Administration.

So while it is unfortunate that this bill has confused reporting relationships and blurred lines of authority, I believe a strong Secretary of Energy may be able to overcome these difficulties and address the Department’s problems in an effective manner. He should not have to be confronted with these difficulties, but he may be able to overcome them. We will need to continually reexamine these provisions and modify them as appropriate to ensure that the Secretary and the Department have the tools they need to ensure the security of our nuclear deterrent.

The National Association of Attorneys General has raised an important concern about this legislation. In two letters dated September 3, 1999, to the President and the congressional leadership, the National Association of Attorneys General states that the DOE reorganization provisions in this bill “would weaken the existing internal and external oversight structure for DOE’s environment, safety, and health operations.”

Here again, the Secretary of Energy may be able to overcome the ambiguities in the bill and exercise strong independent oversight over the new administration, ensuring that applicable laws, regulations, and agreements protecting health, safety, and the environment continue to be enforced. This legislation then may be ratified by the courts consistent with its intent—which we put in the Senate version of this bill—to make no change to existing substantive and procedural mechanisms for enforcing such laws, regulations, and agreements.

I wish these flawed DOE reorganization provisions had not been added in conference. As a matter of fact, adding extraneous material in this way is a dubious legislative practice that too often results in unsound legislation. The concerns raised by attorneys general should serve as a reminder to all of

us of the hazards of trying to legislate on complex issues in a conference committee convened to deliberate on unrelated matters.

I am going to vote for this bill because I believe it is possible that the DOE reorganization provisions can be interpreted in a manner that will permit the sound management of the Department of Energy and because the provisions are a part of what is otherwise a good bill. If the DOE reorganization mandated by this bill proves to create problems, we will then have to consider solutions to those problems in the future. We are going to need to monitor this bill closely as it is implemented.

We don’t know if the President will or will not veto this bill. Perhaps the President indicated to my good friend from Virginia last night at the meeting. But we do not have any indication as to whether or not the President will veto this bill.

Mr. WARNER. Mr. President, if the Senator will allow me to make clear for the Record, while I addressed the President about the importance of the bill as a courtesy to him, I never tried to elicit that response. But I certainly left that meeting with the impression, No. 1, that the President has given a lot of study to the issues that my distinguished good friend and colleague, Senator LEVIN, has raised tonight. He is carefully briefed on it. His questions were very precise on it.

Senator DOMENICI and I provided responses which I hope were quite informative to the President. But I in no way wish to indicate that he likewise indicated what he would do.

I certainly have the impression from that meeting and from everything else I gained that there is not as much fervor down at the White House for a veto, and I am confident that Secretary Cohen likewise contributed his views to the President on this. I am confident he urged the President to sign. He is the principal Cabinet officer involved.

With regard to Secretary Richardson, he has always been, I think, well received by the Members up here who have listened to his overtures on this question. I spoke with him about 10 days ago in my office. I told him at that time precisely what the Senator from Michigan just said—that I thought, to the extent there are ambiguities, together with valuable legal counsel—and I also mentioned this to the President last night—I am confident he can run this Department. If he has the desire and the commitment to do so, he can operate this Department. The Constitution provides for separate branches of Government. The President has the administration of the executive branch. He delegates certain responsibilities to his Cabinet officers. It was not the intention of the Congress to take away from the President’s authority.

I am very pleased, if I may say to the President and to the Senator from

Michigan, that I learned tonight the Senator from Michigan will vote in favor of this bill. I was terribly concerned that at the time he couldn't sign the conference report. But he, too, has fought the good battle in terms of his views about this reauthorization. I take those to heart.

Let us look at this in a positive light—that this Secretary will take the reins and look at this statute. It challenges him to run a strong Department. It is my expectation that he will do it and that in a period of reasonable time he will have proven not only to his Department but to all of us in the executive branch and the legislative branch that this can be done.

Thank you, Mr. President, and my colleague, because I value our work and relationship. We came to the Senate together 21 years ago. We have been through many struggles. And for the foreseeable future we have certainly another year to work together to devise a bill.

Mr. LEVIN. I thank my good friend from Virginia. We are, indeed, not only old colleagues but dear friends.

Mr. President, as I indicated, I will be voting for this bill tomorrow. I believe it is again possible that the reorganization provisions of the Department of Energy can be interpreted in a manner that will permit the Department to be managed soundly. It is my hope that that will be the case.

If in fact the President decides to veto this matter—we do not know what he will do—then obviously I, for one, will be willing to consider any arguments and reasoning that might be proposed. But I have no reason to know that that is forthcoming. We just have no indication that in fact a veto is or is not forthcoming. We simply have to do what we, in our best judgment, believe is best. Of course, we are always willing to consider any thoughts or reasoning of the President if and when a veto message is received.

Finally, I want to again thank our good chairman. He has put together a bill with provisions in it that are going to make a real difference for the men and women in our military. As the ranking member of this committee, I have worked very closely with him. Republicans and Democrats on this committee don't always agree, but we surely agreed on the end point, which is that the well-being of the men and women in our military and the security of this country has to be first and foremost. It is not a partisan issue. The constructive leadership which our chairman has always provided on so many issues has been part of a great tradition of the Armed Services Committee.

As he rightfully points out, our staffs are essential to that contribution. We all strive to make a bipartisan contribution to the security of this Nation. We succeed at times. I am sure we don't succeed at other times, as hard as we try. But we would not succeed to the extent we do but for the staffs who

also work on a bipartisan basis. Dave Lyles, Les Brownlee, and all of our staff under their leadership are essential to the successes that we have.

I, like the chairman, want to thank our subcommittee chairman and all the members of our committee for their work during the past year, starting with the subcommittee hearings this spring and the good work in this bill that is aimed at improving the quality of life for men and women in the military. Their readiness and their support will indeed have that impact and will have that positive effect we so fervently wish for.

I yield the floor.

Mr. WARNER. Mr. President, I thank my good friend and colleague for these many years. It is a personal privilege and a pleasure to work with him. He represents so many of the values and traditions which make this institution great. I know full well his dedication to the men and women of the Armed Forces. I have never known a Senator who more conscientiously goes into every issue—I don't want to use the word "agonizes," but can he give me a better word?

Mr. LEVIN. I wish I could.

Mr. WARNER. To explain the endless hours in which he and his staff go over the most minute details. Indeed, we owe a great debt of gratitude to our staff.

I would like to make one recommendation to my good friend from Michigan. You need a deputy director. I have Judith Ansley. If the Senator from Michigan had a magnificent deputy director like her to help him curtail the top hands—Les Brownlee and David Lyles—it would be great, and I would see to it that the Senator got a little money from the budget for that.

Mr. LEVIN. I was just going to say that sounds like an invitation to a budget request, and tomorrow morning we will surely try to have one on the chairman's desk.

Mr. WARNER. Mr. President, we have done our job.

I can't tell the Senator from Michigan the great respect that I have for him. I know how difficult this provision on the Energy reorganization has been. It is on our bill for valid reasons. We have somewhere between two-thirds and 70 percent of the funds that go into that Department under our overview. We do careful overview on the weapons program.

But the fact that the Senator from Michigan has announced tonight that he will support that bill is very important. I think it will be important to the President as he carefully deliberates such petitions as may be before him by the Secretary of Energy and others on this issue.

Mr. President, I think we have concluded. I thank the Chair and the staff of the Senate.

Mr. THURMOND. Mr. President, I rise in support of the Conference Report on S. 1059, the National Defense Authorization Bill for Fiscal Year 2000.

As the Chairman Emeritus of the Armed Services Committee, I know the challenges faced by Chairman WARNER in reaching a consensus between the House and the Senate on the National Defense Authorization Bill. Therefore, I congratulate the Chairman on his leadership and his tenacity on behalf of our national security and the men and women who have dedicated themselves to protecting our Nation. This is a superb bill that provides for a strong national defense, and, more importantly, includes significant provisions to provide for the welfare of our soldiers, sailors, airmen and Marines and their families.

Mr. President, first and foremost, the Conference Report increases the President's budget request by more than \$8.0 billion. This increase is based on last September's testimony by our most senior military leaders who identified a need for an additional \$18.5 billion to resolve the most critical readiness issues. Although the increase provided for in the conference report is still short of the Chiefs' identified needs, it, coupled with other improvements in the report, will provide the necessary resources to resolve the most critical readiness issues.

Following closely in importance to the readiness funding are the provisions that improve the quality of life and welfare of our military personnel. They include a 4.8 percent pay raise, reform of the military pay tables, and annual military pay raises one-half percent above the annual increases in the Employment Cost Index. Additionally, the conference report makes major changes to the retirement system and allows both active and reserve component personnel to participate in the same Thrift Savings Plan that is available to other federal employees. These provisions are important steps toward increasing retention and resolving the current recruiting crisis.

Mr. President, the Nation owes its military personnel the best it can provide. In these times between crisis, the Nation tends to forget their sacrifices and contributions to the Nation's security. During the September 1998 hearing, General Shelton eloquently described the quality and service of our military personnel when he stated:

It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and ensured our victory in Operation Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.

The conference report recognizes these contributions.

Mr. President, I am confident that everyone in this Chamber will agree that the security issues in the Department of Energy identified by the various congressional committees, the Cox Committee and the President's Foreign Intelligence Advisory Board, chaired by our former colleague Senator Rudman, mandated measures to improve

the management of the nuclear weapons complex. The Conference Report directs the establishment of the National Nuclear Security Administration, a semi-autonomous agency within the Department of Energy. This agency would be responsible for nuclear weapons programs and the security, counterintelligence, and intelligence as they relate to the weapons programs. Contrary to what some allege, the agency would be under the direct control of the Secretary of Energy and he would retain ultimate responsibility for what the Administration does or fails to do.

Mr. President, this is a prudent step that is long overdue. It will streamline the bureaucracy and the process which ensures the reliability of our nuclear weapons. More importantly, it will provide the security oversight that will preclude any further loss of sensitive nuclear information. This is a sound provision that will assist the Secretary of the Energy in carrying out his critical national security role.

Mr. President, this is a good Conference Report that reflects the dedication and leadership of Chairman WARNER, Senator LEVIN, Chairman SPENCE, Representative SKELTON and all the conferees. It provides for the critical national security needs of our Nation and especially for the needs of the men and women who proudly wear the uniforms of our Army, Navy, Air Force, and Marines. I urge its adoption and strong support.

Thank you, Mr. President.

Mr. KYL. Mr. President, I rise today in support of the Defense authorization conference report. The debate on this bill comes at time when our nation faces a host of new national security challenges, like the growing missile threat, the spread of weapons of mass destruction, terrorism, potential information warfare attacks on our critical infrastructure, and aggressive espionage directed at our nuclear laboratories.

It also comes at a time when our armed forces are facing critical shortfalls in readiness and recruitment and retention. Our men and women in uniform are stretched to the limit, with deployments around the globe to places such as Kosovo, Bosnia, East Timor, the Persian Gulf, the Sinai Peninsula, South Korea, and the list goes on and on.

Senator WARNER and his colleagues on the Armed Services Committee have produced a good bill that begins to address some of these problems.

First, the bill authorizes a total of \$288.8 billion for DoD and the national security programs at the Energy Department—\$8.3 billion more than the President's request. It also increases funding for readiness by \$1.5 billion and procurement by \$3 billion above the President's request.

The bill provides a 4.8% pay raise for our men and women in uniform, reforms the military pay tables, and improves the retirement system, which

should help with recruitment and retention problems.

It authorizes \$403 million over the President's request for missile defense, \$150 million more than requested for the protection of DoD's computer networks, and authorizes and fully funds 17 new National Guard rapid response teams to respond to terrorist attacks in the U.S.—12 more than requested by the Administration.

And finally, this bill contains a series of provisions to reorganize the Department of Energy in order to improve security and counterintelligence. Over the past few months, we have all heard the sobering news about how our nation's security has been damaged by China's theft of America's most sensitive secrets. Earlier this year, the declassified version of the bipartisan Cox Committee report was released, which unanimously concluded that China stole classified information on every nuclear warhead currently in the U.S. arsenal, as well as the neutron bomb—literally, the crown jewels of our nuclear stockpile.

An interagency group established by CIA Director Tenet, with representatives from each of the U.S. intelligence agencies, also prepared a damage assessment, which unanimously concluded that "China obtained through espionage classified U.S. nuclear weapons information," including "design information on several modern U.S. nuclear reentry vehicles," and "information on a variety of U.S. weapon design concepts and weaponization features."

After the effects of China's espionage came to light, the President asked his Foreign Intelligence Advisory Board, led by former Senator Rudman, to look into the matter. The board released its findings in June, calling for sweeping organizational reform of DOE to address what it described as "the worst security record on secrecy" that the panel members "have ever encountered."

The bipartisan panel cited as the root cause of DOE's poor security record "organizational disarray, managerial neglect, and a culture of arrogance. . . [which] conspired to create an espionage scandal waiting to happen." Terrible problems were uncovered during the panel's investigation. For example, employees at nuclear facilities compared their computer systems to automatic teller machines allowing top secret withdrawals at our nation's expense.

The Rudman report pulled no punches, noting that, "The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. . . The long traditional and effective method of entrenched DOE and lab bureaucrats is to defeat security reform initiatives by waiting them out."

Although Energy Secretary Richardson announced several new initiatives to change management and procedures at DOE, the Presidential panel's report states, "we seriously doubt that his

initiatives will achieve lasting success," and notes, "moreover, the Richardson initiatives simply do not go far enough." It is because of these problems that the Presidential panel recommended that Congress act to reorganize the Department by statute, so that the bureaucracy could not simply wait out another Secretary of Energy.

In response to the reports of security problems at our nuclear facilities, Senator DOMENICI, Senator MURKOWSKI, and I drafted legislation to implement the recommendations of the Rudman panel. Our legislation gathered all the parts of our nuclear weapons programs under one semi-autonomous agency within DOE, with clear lines of authority, responsibility, and accountability, with one person in charge, called the Administrator, who will continue to report to the Energy Secretary. Our legislation, which was offered as an amendment to the intelligence authorization bill, was passed by the Senate on July 21st by an overwhelming vote of 96 to 1. I want to thank Senator WARNER for working with us to include this legislation in the Defense Authorization Conference Report.

A semiautonomous agency, created by statute, is the only way we are going to solve the problems with DOE's management of the nuclear weapons complex, that are long-standing, systemic, and go to the very heart of the way the Department is managed, structured, and organized. To begin with, this semi-autonomous agency will establish a clear mission for the organization, by separating the management of the nuclear weapons programs at DOE from the rest of the Department that is responsible for a broad range of unrelated tasks like setting energy efficiency standards for refrigerators. The provisions of the Conference Report also establish a clear chain of command for our nuclear weapons programs and facilities to establish accountability—something that the Rudman report said was "spread so thinly and erratically [at DOE] that it is now almost impossible to find."

Since the conference report was filed in August, some opponents of DOE reorganization have charged that this legislation would exempt the new semi-autonomous agency from environmental and safety laws and regulations—a charge which is simply false. Section 3261 of the bill, which I would note is identical to the language in the amendment passed by the Senate 96 to 1, states, "The Administrator shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements." Furthermore, section 3261 states, "Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs."

I would also note, that section 3211, which establishes the mission of the new agency clearly states, "In carrying out the mission of the Administration,

the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce of the Administration."

Some critics have also falsely charged that this legislation would narrow or supercede existing waiver of sovereign immunity agreements with the states and undercut the Federal Facility and Compliance Act, which clarified that states have regulatory authority over hazardous waste management and clean-up. Mr. President, I would point out that Federal Facility Compliance Agreements are based on waivers of sovereign immunity established under applicable federal environmental statutes, which are *not* affected by this bill. As section 3296 makes clear, "unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the effective date of this title. . . shall continue to apply to the corresponding functions of the Administration."

It is well past time to correct the chronic security problems at our nuclear facilities. Earlier this year, four committee's in the Senate held six hearings specifically on the legislation Senator DOMENICI, Senator MURKOWSKI, and I proposed. The time has come to act. Great harm to our nation's security has already been done, and if we want to prevent further damage, we must act to reform the way we manage our nuclear weapons programs and facilities to create accountability and responsibility. Our most fundamental duty as Senators is to protect the safety and security of the American people. They deserve no less than our best in this regard. I urge my colleagues to support the passage of this important bill.

Mr. MURKOWSKI. Mr. President, I rise in support of the conference report on the Defense Authorization Act for fiscal year 2000. The conference report includes provisions to address the chronic security problems at the Department of Energy nuclear weapons laboratories.

We need to make major organizational changes to the Department of Energy in order to protect the national security—to keep our nuclear secrets from falling into the wrong hands. There is no question that the U.S. has suffered a major loss of our nuclear secrets. According to the House Select Committee's report, the Chinese have succeeded in stealing critical information on all of our most advanced nuclear weapons. I repeat: The House report shows that we lost critical information on all of our advanced nuclear weapons! That is unacceptable!

The extensive Senate hearing record—in both open and closed meetings held by the Energy and Natural Resources Committee, the Armed Services Committee, the Intelligence Committee and the Governmental Affairs Committee—makes clear that we lost

these secrets due to poor management by the top levels of the Department of Energy—which led to lax security and a lack of accountability and responsibility.

Let me quote from the report of the President's foreign intelligence advisory board—the Rudman report—titled "Science at its best: Security at its worst."

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen.

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself.

Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority.

Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons.

Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security.

I ask unanimous consent that additional excerpts from the Rudman report be printed in the RECORD following my statement.

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

[See Exhibit 1.]

Mr. MURKOWSKI. Despite this damning criticism by the President's own foreign intelligence advisory board to date not a single high level bureaucrat at DOE—or the FBI or the Justice Department, for that matter—has been removed, demoted or disciplined over this massive failure. Only a very few low-level DOE employees have suffered—including the person who first blew the whistle.

The problem is clear. The question is: Do we want this to continue, or are we going to fix the problem?

One thing we can not discuss in open session, is the extent of this problem. We can say that this problem is much more extensive than has been reported. We can also say that it is a continuing problem. And we can say that it is not just espionage by China, it is also espionage by other countries that we must stop.

The Administration is against fixing the problem; DOE Secretary Richardson is opposed to the provisions Conference Report. When this was last debated in the Senate, Secretary Richardson sent two letters threatening veto by the President—and he continues to voice his opposition to this legislation. However, the President's own independent and nonpartisan Foreign Intelligence Advisory Board agrees with our legislative solution—creating a semi-autonomous agency within DOE is the way to fix the problem.

Again, let me quote from the Rudman report:

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture.

To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

Under the current DOE organization structure everyone is in charge, but no one is responsible—no one is accountable. This legislation changes that. This legislation establishes accountability and responsibility at the Department of Energy. It does so by establishing a new semi-autonomous "National Nuclear Security Administration" inside the Department of Energy.

The Nuclear Security Administration will be a self-contained organization that will be fully in charge of all aspects of our nuclear weapons program—and fully accountable.

This new agency will be headed up by a new Under Secretary of Energy. The new Under Secretary will be responsible for all aspects of our nuclear weapons program, including the DOE weapons labs. If there is a problem in the future we will know who to point the finger at—a single agency with a single person heading it in charge of all aspects of the nuclear weapons program.

As further evidence for the need for this legislation, I would like to quote the testimony of Mr. Vic Reis, the former Assistant Secretary of Energy for Defense Programs, just before he was forced out by Secretary Richardson for disagreeing with the Secretary's position on the need to create a semi-autonomous agency. Mr. Reis said:

You may recall at a previous hearing, Mr. Chairman, you noticed me in the audience and you asked for my opinion as to who, or what was to blame for the security issues at the national laboratories. I responded that I didn't think you would find any one individual to blame, but that the organizational structure of the DOE was so flawed that security lapses are almost inevitable.

The root cause of the difficulties at DOE is simply that DOE has too many disparate missions to be managed effectively as a coherent organization. The price of gasoline, refrigerator standards, Quarks, nuclear cleanup and nuclear weapons just don't come together naturally.

Because of all this multilayered cross-cutting, there is no one accountable for the operation of any part of the organization except the Secretary, and no Secretary has the time to lead the whole thing effectively. By setting up a semi-autonomous agency, many of these problems go away.

The way to stop espionage at the DOE laboratories then is to vote for the conference report.

Before I yield the floor I want to mention one element of DOE's defense programs that we do not reorganize, although it is made part of the new National Nuclear Security Administration. That is the Naval Nuclear Propulsion Program.

The Conference report language was very carefully and specifically crafted

to ensure that the organization, responsibilities and authorities of the Naval Nuclear Propulsion Program are not diminished or otherwise compromised. The Naval Nuclear Propulsion Program, referred to as "Naval Reactors" in the Department of Energy, has long been a model of excellence, efficiency and integrity. Naval Reactors has provided safe, reliable, long-lived and militarily-effective nuclear propulsion plants for our Nation since U.S.S. *Nautilus* went to sea in 1955. These nuclear propulsion plants are found in our largest ships, the *Nimitz* class nuclear aircraft carriers with over 5,500 personnel on board. They are also found in one of our smallest ships, the NR-1 deep-submergence research and ocean engineering vehicle with a crew of only five to ten. These nuclear propulsion plants also are crucial to the ability of our Nation's exceptional ballistic missile and attack submarine fleets to perform their national security missions.

Under the conference report, Naval Reactors will continue to maintain clear, total responsibility and accountability for all aspects of Naval nuclear propulsion, including design, construction, operation, operator training, maintenance, refueling, and ultimate disposal, plus associated radiological control, safety, environmental and health matters, and program administration. The Program's structure will continue to include roles within both the Navy and the DOE, with direct access to the Secretaries of Navy and Energy. The success of the Program is due in part to its simple, enduring, and focused structure set forth in Public Law 98-525, which is not changed by the Conference Report.

Also of great importance are the Program's clear and simplified lines of authority, and the culture of excellence in technical work, as well as managerial, fiscal, and security matters. These too are unaffected by the Conference Report.

With fifty-one years of unparalleled success, Naval Reactors has amassed a record that reflects the wisdom of its structure, policies, and practices. Naval nuclear propulsion plants have safely steamed over 117 million miles—over 5,000 reactor-years of safe operations. Moreover, there has never been a naval reactor accident, or any release of radioactivity that has had a significant effect on the public or environment.

For these reasons, the Conference Report makes it clear that this exceptional national asset will in no way be hindered from maintaining its record of excellence. The language creating the new National Nuclear Security Administration in the Department of Energy in no way changes the management or operations of Naval Reactors. I am confident Naval Reactors will remain a technical organization unequalled in accomplishment throughout the world, and a crown jewel in our Nation's security.

## EXHIBIT 1

Selected excerpts from the President's Foreign Intelligence Advisory Board report: *Science at its Best; Security at its Worst: A Report on Security Problems at the U.S. Department of Energy.*

## FINDINGS (PP. 1-6)

As the repository of America's most advanced know-how in nuclear and related armaments and the home of some of America's finest scientific minds, these labs have been and will continue to be a major target of foreign intelligence services, friendly as well as hostile. p.1

More than 25 years worth of reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels, and even DOE itself—have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs. p.2

—Critical security flaws . . . have been cited for immediate attention and resolution . . . over and over and over . . . ad nauseam.

The open-source information alone on the weapons laboratories overwhelmingly supports a troubling conclusion: their security and counterintelligence operations have been seriously hobbled and relegated to low-priority status for decades. p.2

—The DOE and its weapons labs have been Pollyannaish. The predominant attitude toward security and counterintelligence among many DOE and lab managers has ranged from half-hearted, grudging accommodation to smug disregard. Thus the panel is convinced that the potential for major leaks and thefts of sensitive information and material has been substantial.

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen. pp.2-3

Among the defects this panel found: Inefficient personnel clearance programs. Loosely controlled and casually monitored programs for thousands of unauthorized foreign scientists and assignees.

Feckless systems for control of classified documents, which periodically resulted in thousands of documents being declared lost.

Counterintelligence programs with part-time CI officers, who often operated with little experience, minimal budgets, and employed little more than crude "awareness" briefings of foreign threats and perfunctory and sporadic debriefings of scientists. . .

A lab security management reporting system that led everywhere but to responsible authority.

Computer security methods that were naive at best and dangerously irresponsible at worst.

—DOE has had a dysfunctional management structure and culture that only occasionally gave proper credence to the need for rigorous security and counterintelligence programs at the weapons labs. For starters, there has been a persisting lack of real leadership and effective management at DOE.

The nature of the intelligence-gathering methods used by the People's Republic of China poses a special challenge to the U.S. in general and the weapons labs in particular. p.3

Despite widely publicized assertions of wholesale losses of nuclear weapons technology from specific laboratories to particular nations, the factual record in the majority of cases regarding the DOE weapons laboratories supports plausible inferences—but not irrefutable proof—about the source and scope of espionage and the channels through which recipient nations received information. pp.3-4

—The actual damage done to U.S. security interests is, at the least, currently unknown; at worst, it may be unknowable.

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. p.4

—Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Reorganization is clearly warranted to resolve that many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department. p.4

—Convolved, confusing, and often contradictory reporting channels make the relationship between DOE headquarters and the labs, in particular, tense, interecine, and chaotic.

The criteria for the selection of Energy Secretaries have been inconsistent in the past. Regardless of the outcome of ongoing or contemplated reforms, the minimum qualifications for an Energy Secretary should include experience in not only energy and scientific issues, but national security and intelligence issues as well. p.5

DOE cannot be fixed with a single legislative act: management must follow mandate. The research functions of the labs are vital to the nation's long term interest, and instituting effective gates between weapons and nonweapons research functions will require both disinterested scientific expertise, judicious decision making, and considerable political finesse. p.5

—Thus both Congress and the Executive Branch . . . should be prepared to monitor the progress of the Department's reforms for years to come.

The Foreign Visitor's and Assignments Program has been and should continue to be a valuable contribution to the scientific and technological progress of the nation. p.5

—That said, DOE clearly requires measures to ensure that legitimate use of the research laboratories for scientific collaboration is not an open door to foreign espionage agents.

In commenting on security issues at DOE, we believe that both Congressional and Executive branch leaders have resorted to simplification and hyperbole in the past few months. The panel found neither the dramatic damage assessments nor the categorical reassurances of the Department's advocates to be wholly substantiated. pp.5-6

—However, the Board is extremely skeptical that any reform effort, no matter how well-intentioned, well-designed, and effectively applied, will gain more than a toehold at DOE, given its labyrinthine management structure, fractious and arrogant culture, and the fast-approaching reality of another transition in DOE leadership. Thus we believe that he has overstated the case when he asserts, as he did several weeks ago, that "Americans can be reassured: our nation's nuclear secrets are, today, safe and secure."

Fundamental change in DOE's institutional culture—including the ingrained attitudes toward security among personnel of the weapons laboratories—will be just as important as organizational redesign. p.6

—Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority. Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons. Particularly egregious have been the failures to enforce cyber-security measures to protect and control important nuclear weapons design information. Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security, as DOE's bureaucracy tried to do with the Presidential Decision Directive No. 61 in February 1998.

The best nuclear weapons expertise in the U.S. government resides at the national weapons labs, and this asset should be better used by the intelligence community. p. 6

REORGANIZATION—PP. 43-52

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management. We strongly believe that this cleaving can be best achieved by constituting a new government agency that is far more mission-focused and bureaucratically streamlined than its antecedent, and devoted principally to nuclear weapons and national security matters. p. 46

The agency can be constructed in one of two ways. It could remain an element of DOE but become semi-autonomous—by that we mean strictly segregated from the rest of the Department. This would be accomplished by having the agency director report only to the Secretary of Energy. The agency directorship also could be "dual-hatted" as an Under Secretary, thereby investing it with extra bureaucratic clout both inside and outside the Department. p. 46

Regardless of the mold in which this agency is cast, it must have staffing and support functions that are autonomous from the remaining operations at DOE. p. 46

To ensure its long-term success, this new agency must be established by statute. p. 47

Whichever solution Congress enacts, we do feel strongly that the new agency never should be subordinated to the Defense Department. p. 47

Specifically, we recommend that the Congress pass and the President sign legislation that: pp. 47-49

- Creates a new, semi-autonomous Agency for Nuclear Stewardship (ANS), whose Director will report directly to the Secretary of Energy.

- Streamlines the ANS/Weapons Lab management structure by abolishing ties between the weapons labs and all DOE regional, field and site offices, and all contractor intermediaries.

- Mandates that the Director/ANS be appointed by the President with the consent of the Senate and, ideally, have an extensive background in national security, organizational management, and appropriate technical fields.

- Stems the historical "revolving door" and management expertise problems at DOE.

- Ensures effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

- Abolishes the Office of Energy Intelligence.

- Shifts the balance of analytic billets . . . to bolster intelligence community technical expertise on nuclear matters.

Mr. ROBERTS. Mr. President I rise to add my voice to the support of the Defense authorization bill that we soon vote on.

It has been my honor this year to serve as the Chairman of the Armed Services Committee's new subcommittee on Emerging Threats and Capabilities. The chairman wisely established this subcommittee to provide a focus on the Department of Defense's efforts to counter new and emerging

threats to vital national security interests.

This subcommittee has oversight over such threats as the proliferation of weapons of mass destruction, international terrorism directed at U.S. targets both at home and abroad, information warfare, and narco-trafficking. In addition, the subcommittee has budgetary oversight of the defense science and technology program—which will provide for the development of the technology necessary for the U.S. military to meet the challenges of the 21st century.

A key element of the subcommittee's responsibilities is the changing role of the U.S. military in the new threat environment, with an examination of emerging operational concepts and non-traditional military operations. In this connection, the subcommittee has oversight of the procurement and R&D programs of the Special Operations Command.

I would like to briefly highlight the initiatives included in this bill to address emerging threats and the future capabilities of our armed forces:

Protection of our homeland and our critical information infrastructure are two of the most serious challenges facing our Nation today. In the area of Counter-Terrorism, the bill includes full funding for the five Rapid Assessment and Initial Detection (RAID) teams requested by the administration, and an increase of \$107 million to provide a total of 17 additional RAID teams in fiscal year 2000. We required the Department to establish specific budget reporting procedures for its combating terrorism program. This will give the program the focus and visibility it deserves while providing Congress with the information it requires to conduct thorough oversight over the Department's efforts to combat the threat of terrorism attack both inside and outside the U.S.

The bill includes a \$150 million Information Assurance Initiative to strengthen the defense information assurance program, enhance oversight and improve organizational structure. This initiative will also provide a testbed to plan and conduct simulations, exercises and experiments against information warfare threats, and allow the Department to interact with civil and commercial organizations. The provision encourages the Secretary of Defense to strike an appropriate balance in addressing threats to the defense information infrastructure while at the same time recognizing that DOD has a role to play in protecting critical infrastructures outside the DOD.

In the area of nonproliferation, we have authorized full funding for the Cooperative Threat Reduction Program to accelerate the dismantlement of the former Soviet Union strategic offensive arms that threaten the U.S. And for the DoE programs—Initiatives for Proliferation Prevention and the Nuclear Cities Initiative—we have authorized

an increase of \$5.0 million over the FY99 funding levels and have recommended several initiatives to enhance the overall management of these programs.

We have included in the bill a legislative package to strengthen the defense science and technology program. This legislation will ensure that the science and technology program is threat-based and that investments are tied to future warfighting needs. The legislation is also aimed at promoting innovation in laboratories and improving the efficiency of these RDT&E operations.

Other budgetary highlights include: a \$271 million increase to the defense science and technology budget request; an additional \$10.0 million for Joint Experimentation exercises; \$14.0 million in targeted increases in the Chemical and Biological Defense Program to advance research in chemical and biological agent detector technologies and procurement; and an additional \$164.7 million to meet unfunded requirements of the Special Operations Forces.

Although I have highlighted some of the key successes of the Emerging Threats and Capabilities subcommittee, I am very proud of the total package we are voting on today. I think we have done an excellent first step in helping the men and women in the military receive fair compensation for their sacrifice for this nation.

I thank the Chairman for his vital and impressive leadership this year, along with the Senator from New Mexico, Mr. BINGAMAN, and the majority staff. I urge my colleagues to support the Defense authorization bill.

Mr. SMITH of New Hampshire. Mr. President I rise today to signal my strong support for the fiscal year 2000 Defense Authorization Act and conference report. I would also like to publicly thank Chairman WARNER for his leadership, wisdom, and commitment to doing what is right for America as chairman of the Armed Services Committee.

As a member of the Armed Services Committee, and chairman of the Strategic Forces Subcommittee, I have a strong interest in the state of our Armed Forces, and the needs of its people.

Under the present administration, the Defense budget has declined by 40 percent since the end of the cold war, and total personnel strength has been cut by 30 percent. At this same time, this administration has also increased the military's deployment rate by 300 percent.

There are very few businesses in this country who could survive a 40 percent budget cut, and 30 percent personnel cut while still meeting a 300 percent increase in production. But that's what we have asked of our men and women in uniform—and they have delivered every single time. The time is long overdue for us to give something back—to stop the hemorrhaging—to give them the money they need, the equipment they need, the resources

they need, and most importantly the people they need. We still have a long way to go, but this authorization bill is the first step in the right direction—the first of many I will continue to fight for.

I am extremely proud of the pay package contained in this bill. It contains the largest pay raise since 1982 and will stop the erosion of a double-digit pay gap that's been growing for 20 years. Restoring previously reduced retirement benefits to their original levels shows a commitment to our veteran's long-term security and the value of a career of honorable service. These two provisions are critical to solving our recruiting and retention crisis.

As chairman of the Strategic Forces Subcommittee, I am also extremely proud of the strategic provisions in this bill.

In written testimony before the Armed Services Committee in February of this year, the Director of the Defense Intelligence Agency, Lt. Gen. Hughes, testified in his written statement,

Weapons of mass destruction and theater missile delivery means has become the greatest direct threat to US forces deployed and engaged worldwide.

With that critical focus I am proud to announce that this bill includes an increase of \$212 million over the President's budget request for the patriot PAC-3 theater missile defense system, and an increase of \$90 million over the President's budget for the Navy theater wide missile defense program.

Gen. Dick Myers, Commander of U.S. Space Command, testified before my subcommittee in March that the space-based infrared system [SBIRS] was Space Command's No. 1 priority due to its critical role in missile warning and national missile defense. This bill contains an increase of \$92 million to speed the deployment of the SBIRS constellation and directly increase the security of our Nation.

As the next decade unfolds, the United States is becoming increasingly reliant on space to meet our national security needs, as well as our daily economic needs. This bill also provides for an increase of \$25 million to develop the space maneuver vehicle which will significantly reduce the cost and increase the speed at which we can launch payloads into space. And an increase of \$15 million for the Air Force and Army's space control technology programs which will be critical to ensuring our freedom of access to space in the next decade.

This bill also includes a provision establishing a commission to assess U.S. national security space organization and management, to address the critical need to truly focus on spacepower and its role in national security.

In response to a thorough review and examination of security problems at the Department of Energy's nuclear labs, this conference report also includes legislation to consolidate all national security functions under a sin-

gle, semi-autonomous agency known as the National Nuclear Security Administration. As demonstrated by the Cox Commission report, and the President's own Foreign Intelligence Advisory Board, this reorganization is crucial to our national security and safeguarding our nuclear labs, and has my strongest support.

There are many other provisions in this bill that are imperative for our troops, and our nation, but I don't have time to discuss them all. But the bottom line is this: our troops deserve the best, and the American people deserve the best.

This bill represents a huge victory for our troops, but it's only the first step on a tough road to correcting our long-term readiness problems. The Clinton administration has cut military spending every year since he took office—and turned a deaf ear to the critical problems it has caused. Year after year the administration denied there were any problems and refused to increase spending. Only now that we're starting to come apart at the seams have they admitted there's a problem, and the Joint Chiefs told us in testimony that the administration's plan for fixing it was still \$40 billion short. We have added an extra \$8 billion in this budget, the first increase in defense spending in more than a decade, but there's still a long way to go. I am committed to our troops and to halting this erosion, and this bill is the start.

Mr. President, I strongly support this bill, and I encourage my colleagues to do the same.

I would like to thank Chairman WARNER again for his leadership on this critical issue, and I yield the floor.

Ms. SNOWE. Mr. President, I rise in strong support of the fiscal year 2000 Defense authorization conference report.

The bill emerges in the turmoil of a post-cold-war world—one demanding a U.S. military that can face transnational developments such as weapons proliferation, regional tyrants such as Saddam Hussein or Slobodan Milosevic, and emerging powers such as China.

As a result, the authorization cycle of the last few months allowed Congress to bring the Pentagon's budget into alignment with the changing Armed Services on which the nation will rely to deter a broad spectrum of global threats to U.S. national security.

I caution my colleagues not to confuse the unpredictable nature of these threats with the disappearance of serious global challenges to the security of the United States and its key allies.

The former menace of imperial communism has yielded to a less detectable, but still destructive, gallery of aggressors: the cyber-terrorist, the rogue dictator, the narcotics lord, and violent dissidents throughout the world with ideological resentments against the culture and prosperity of the West.

A brief tour of the global horizon furthermore alerts us to the ongoing requirement for a robust and flexible national defense.

The burned and bloodied streets of East Timor warn the United States that the world's fourth most-populous country, guarding the sea lanes between the Pacific and Indian Oceans, faces an anxious period of political and military strife.

Saddam Hussein still hopes to strangle the Arab-Israeli peace process and hold the oil reserves of the Persian Gulf hostage to his lust for warfare.

China wants to build a nuclear and naval force to counter the United States and Japan as a major power among the trading states of Western Asia.

The North Koreans and the Iranians quietly try to siphon weapons of mass destruction out of a chaotic Russia. India and Pakistan have intensified their grim nuclear standoff, and the rumbling Balkans undermine stability and economic development from the Caucasus to the Mediterranean Basin.

The Senate, therefore, should embrace a Defense authorization conference report that increases the President's request by more than six billion dollars to a total of \$288.8 billion. Almost one-half of the eight billion dollar increase goes towards procurement—the keystone of force modernization—and keeps the Pentagon on schedule to level this account at \$60 billion next year, as Secretary Cohen proposed in February 1998.

Beyond the numbers in the budget, however, this bill takes care of the needs of our Service people. The Conference Report, Mr. President, recognizes the human dimension of military readiness by approving an across-the-board 4.8% pay increase for uniformed personnel—the largest since 1982. It also equalizes retirement benefits, extends bonuses for second and third-term enlistments, and gives troops the same chance that civilians have to achieve financial security by making thrift saving plans available, for the first time ever, to the Total Force.

This legislation furthermore takes the bold step of re-organizing the Energy Department of fight the emerging threat of nuclear proliferation through reformed intelligence and security systems. Our statutory effort on this front reflected the chilling fact that the Department, as it exists, cannot adequately safeguard the secrets that give nuclear arsenals their range and mobility.

An alarming flood of evidence produced by two distinguished panels this year, the Cox and Rudman Commissions, uncovered a fractured and apathetic DoE bureaucracy that failed over the course of twenty years to protect the design plans for America's most sophisticated warheads against foreign espionage. As a result, the conference report mandated the creation of a new semi-autonomous organization within the Energy Department,

accountable directly to the Secretary, that will streamline reporting procedures and tighten security at the country's national weapons laboratories.

In addition, as Chairman of the Senate Armed Services Seapower Subcommittee, I was honored to join my colleagues in forging an FY 2000 budget authorization that enhances the nation's naval power projection, force protection, and strategic lift capabilities. I want to thank Senator KENNEDY, the ranking minority member of the Subcommittee, along with the panel's other members, Senators JOHN MCCAIN, BOB SMITH, JEFF SESSIONS, CHUCK ROBB, and JACK REED, for both their hard work on this year's bill and their support of me as the Chairman.

The conference report approves the President's request for authorization of six new construction ships, including \$2.681 billion for three DDG-51 *Arleigh Burke*-class destroyers, \$1.508 billion for two LPD-17 *San Antonio*-class amphibious ships, and \$440 million for one ADC(X), the first of a class of auxiliary refrigeration and ammunition supply ships.

It also authorizes the President's advance procurement request of \$748.5 million for two SSN-774 *Virginia*-Class attack submarines, and \$751.5 million for the CVN-77, the last *Nimitz*-class aircraft carrier.

These budget levels will enable the Navy to set the stage for a planned increase in annual ship construction rate from six per year today to eight per year between FY 2001 and FY 2004 and nine per year beginning by FY 2005. As the Assistant Service Secretary for Research, Development, and Acquisition, Dr. Lee Buchanan, testified to the Subcommittee on March 24, 1999, a yearly production rate of between eight and ten vessels is essential to the maintenance of a Fleet within the range of 300 ships over the next 35 years.

Beyond the procurement priorities of today, the subcommittee supported the Navy's revolutionary research efforts to shape a 21st century fleet of greater speed, precision, and maneuverability for littoral operations near coastal waters. According to the Navy's official definition, littoral engagements requires forces to deploy "close enough to influence events on shore if necessary."

This post-Soviet mission connects our force structure to our security interests since by 2010, 80 percent of the world's population will live within 300 miles of the shorelines known as the littorals. And as our maritime Service, Mr. President, the Navy operates as the first and most significant force of relief and response in the littoral waterways.

In the realm of ship research, development, testing, and evaluation, the conference report approves \$270 million for the DD-21 next-generation land attack destroyer, \$205 million to advance the post-*Nimitz* aircraft carrier program known as CVN(X), and \$116 million for SSN-774 *Virginia*-class attack

submarines. These initiatives will help the fleet in meeting one of its core force structure goals for the years ahead: the deployment of ships with intensified firepower and lower life-cycle costs.

The sailors and marines of tomorrow, Mr. President, will also require worldwide mobility to bring American power to the shores of conflict or instability. Towards this end, our bill extends the Pentagon's core tactical and strategic lift programs, including the C-17 airlifter and the MV-22 Osprey helicopter.

The seapower portion of the conference report includes a number of legislative provisions allowing the Pentagon to take advantage of the most cost-effective acquisition strategies to sustain a fleet of at least 300 ships—the bare minimum, according to the testimony of senior officials before the Seapower Subcommittee this year, that the Navy needs to meet its forward-deployed operational requirements.

These legislative provisions extend the multi-year procurement authority to include fiscal years 2002 and 2003 in the DDG-51 production program, and authorize advance procurement and construction funding for both a new LHD-8 amphibious assault ship and an additional large, medium-speed roll on/roll off ship.

We also authorize the Secretary of the Navy to enter into auxiliary ship leases for 20 or more years. This initiative should give service leaders more flexibility to invest resources into complex war fighting ships by relying more on qualified commercial ship owners to build and maintain the supply fleet.

Finally, Mr. President, long-range fleet planning will prompt the naval leadership to concentrate on developing a broad force structure to execute the National Security Strategy. For this reason, the conference report directs the Department of Defense to submit a report next February detailing the Navy's shipbuilding schedule and needed maritime capabilities through fiscal year 2030.

In summary, the fiscal year 2000 Defense authorization conference report address the key acquisition, research, hardware, and operational challenges that will provide the nation with a flexible and responsive 21st century fleet. I urge my colleagues to uphold a valuable tradition of the United States Senate by voting on a strong bipartisan basis in favor of this landmark legislation.

Mr. ROBERTS. The final version of S. 1059 also contains a provision, sponsored by the distinguished chairman and myself, requiring the President to certify whether the new Strategic Concept of NATO—the latest alliance blueprint for future operations adopted at the recent NATO summit here in Washington—contains new commitments and obligations for the United States. This body's experience with U.S. de-

ployments to the Balkans bears out the fact that you better force the administration to be candid when it comes to the potential and actual use of American troops, particularly in regards to objectives, strategy, and timetable. It follows, therefore, you better formally require this administration to be candid about the defense planning and defense budget implications of the new Strategic Concept of NATO. I think the chairman and I have tried to do that with our provision and I look forward to the President's certification, due thirty days from the date S. 1059 becomes law.

Mr. INHOFE. Mr. President, a number of significant developments have occurred since the passage of last year's authorization conference report—some good, some less so. The best news is that this year's defense budget reverses a precipitous decline in defense spending.

For the first time in 15 years, we have finally passed an increase in defense spending, in real terms.

We have also included a 4.8 percent pay raise for our overburdened troops. These steps are long overdue, and we have been blocked at many turns by the Administration.

As many of our colleagues know, our forces are deployed in farflung places, many with little national interest or military requirement at stake. Yet, unfortunately, we have also had a hemorrhaging in the ranks, due to deep cuts from the Administration.

The numbers are staggering. In just the last six years, the following are among the forces which have been eliminated from the U.S. inventory: 709,000 regular service soldiers, 293,000 reserve troops, 8 standing Army divisions, 20 Air Force wings with 2,000 combat aircraft, 232 strategic bombers, 13 strategic ballistic missile submarines with 3,114 nuclear warheads on 232 missiles, 500 land-based intercontinental ballistic missiles with 1,950 warheads, 4 aircraft carriers, and 121 combat ships and submarines along with their support bases and shipyards.

When Bill Clinton took office in 1993, the United States devoted 4.5 percent of its gross domestic product (GDP) to national defense.

Today, defense outlays account for just 3 percent of GDP—their lowest level since the end of World War II.

By Inauguration Day 2001, defense spending is projected to have plummeted to 2.8 percent of GDP.

Mr. President, this is a good bill. It has a number of important components to it, most of all the overall spending hike and pay raise. As the Chairman of the Readiness and Management Support Subcommittee Infrastructure, we were able to address a number of important issues this year.

Milcon: We authorized \$8.49 billion for milcon, \$3.06 billion above the Administration's request, with a strong emphasis on family housing and decaying infrastructure.

Range Withdrawal: we have allowed critical readiness training to occur for

the next 25 years on some of our critical ranges in the West.

Spectrum: the spectrum was protected from a corporate takeover, allowing crucial bandwidth to be maintained by the military.

At the same time, this bill simply does not go far enough. Under no proposed budget currently on the table is there a substantial increase in defense spending, like we need. In a budget approaching \$2 trillion, we ought to be able to find the less than \$100 billion it would take to truly restore our readiness.

It is time to reverse these trends. It is time to take prudent steps to rebuild our defenses to protect our people, our values and our country. I look forward to working toward that goal as a major priority in the year ahead.

Mr. ALLARD. Mr. President, before I begin my remarks concerning the specifics of the conference report, I want to congratulate Chairman WARNER and Senator LEVIN, for all their hard work on this bill. I believe we have a strong bill which makes dramatic improvements for our military men and women.

Also, I want to say that I feel honored to be a part of the Armed Services Committee. It is not too often that a first year member of the committee becomes a Subcommittee Chair. It has been a learning experience but one that I have enjoyed as much as any time during my years in office.

We rightly began the year with S.4, the Soldiers, Sailors, Airmen, and Marines Bill of Rights and this has been our guide which brought us to this point. And, I am proud of the many achievements in this conference report.

Specifically, the Personnel Subcommittee held four hearings in preparation of this important bill. Through these hearings, we explored recruiting, retention, pay and compensation, military and civilian personnel management and the military health care system.

During these hearings, particular emphasis was put on readiness, the retention of highly trained people and the inability of the military services to achieve their recruiting goals.

General Shelton and the Service Chiefs urged the President and the Congress to support a military pay raise that would begin to address inequities between military pay and civilian wages, and to resolve the inequity of the "Redux" retirement system.

This conference report will provide military personnel a four-point-eight percent pay raise on January 1, 2000, and will require that, for the next six years, military pay raises be based on the annual increase in the Employment Cost Index plus one-half a percent.

The bill restructures the military pay tables to recognize the value of promotions and to weight the pay raise toward mid-career NCOs and officers where retention is most critical.

The Joint Chiefs testified that there is a pay gap between military and pri-

vate sector wages of 14 percent. This bill moves aggressively to close this gap and ensure military personnel are compensated in an equitable manner.

The conference report includes over \$250 million specifically to reduce the out-of-pocket housing expense for military personnel and their families.

The conference report provides military personnel who entered the service after July 31, 1986 the option to revert to the previous military retirement system that provided at 50 percent multiplier to their base pay averaged over their highest three years and includes full cost-of-living adjustments; or, to accept a \$30,000 bonus and remain under the "Redux" retirement system.

The Joint Chiefs testified that the "Redux" retirement system is responsible for an increasing number of mid-career military personnel deciding to leave the service. The conference report will offer these highly trained personnel an attractive incentive to continue to serve a full career.

We have authorized a Thrift Savings Plan that will allow service members to save up to five percent of their base pay, before taxes, and will permit them to directly deposit their enlistment and re-enlistment bonuses, up to the limits established by the IRS, into their Thrift Savings Plan.

The bill authorizes Service Secretaries to offer to match the Thrift Savings Plan contributions of those service members serving in critical specialties for a period of six years in return for a six year service commitment. This is a powerful tool to assist the services in retaining key personnel in the most critical specialties.

In addition to the pay increase, the re-engineering of the military retirement system and the Thrift Savings Plan, we have taken dramatic steps to assist military recruiters and re-enlistment NCOs by authorizing new and increased bonuses and incentives to attract high quality young men and women to join the military services and to stay once they become trained and experienced professionals.

We targeted these incentives and bonuses at those critical specialties which the services are having difficulty filling.

The Committee has found that the single most frequent reason departing service members cite when asked why they decided to leave the military is excessive time on deployment—too much time away from home and family.

We are all well aware that the Clinton administration has deployed military personnel more than at any previous time in our history.

The conference report includes a provision that will require the military services to manage the deployment of military personnel within strict time lines. The provision does provide the Secretary of Defense board waiver authority to ensure that military readiness or national security will not be compromised. However, during normal

operations, the services will be required to minimize the impact of deployments and track the details that separate a service member from his or her family. This provision will be an important step toward retaining the trained and experienced personnel the services are now losing at an alarming rate.

I am sure each Senator has received complaints from constituents regarding the TRICARE health care system. The original Senate bill and the conference report take important steps toward improving the TRICARE health care system of the military services.

The conference report directs a totally revamped pharmacy benefit, improves access to care and claims processing, reduces the administrative burden on beneficiaries, enhances the dental benefits, and requires the establishment of a beneficiary advocate to assist service members, retirees and their families who are experiencing difficulty with the TRICARE system.

While this conference report has taken a number of important steps toward resolving the most frequent complaints against TRICARE, during the next year the Chairman and I intend to continue to pursue ways to further improve and streamline the military health care system.

I have described just a few of the many personnel related provisions in this conference report. As we are all aware, recruiting and retention in the military services is suffering. We simply cannot allow the best military force in the world wither away.

As I and other Members of the Senate have visited military bases here in the United States, in Bosnia and in other deployment areas, we have found that our young service men and women are doing a tremendous job, under adverse conditions in many cases.

We should move quickly to pass this conference report in order to permit military personnel and their families to make the decision to continue to serve and will assist the military services in recruiting the high quality force we have worked so hard to achieve.

There are many other issues outside of the personnel area that I wish I could touch on but there is just not enough time. However, I would like to mention one in particular and that concerns Rocky Flats.

The conference Report has four very important provisions which will help ensure that the Rocky Flats Environmental Technology Site will close safely and efficiently by the year 2006.

First, the bill authorizes \$1.1 billion for all closure projects, with Rocky Flats receiving an extra \$15 million above the President's request to help ensure closure by 2006. Second, there is a three year pilot program (FY 2000-2002) authorizing the Secretary of Energy to allocate up to \$15 million of prior year unobligated balances in the defense environmental management account for accelerated cleanup at Rocky Flats. This provision could provide \$45 million extra for Rocky Flats

through the year 2002. Third, we are requiring the Secretary of Energy to provide a proposed schedule for the shipment of waste from Rocky Flats to the Waste Isolation Pilot Plant in New Mexico, including in the schedule a timetable for obtaining shipping containers. And fourth, the Comptroller General (GAO) must report on the progress of the closure of Rocky Flats by 2006.

Again, I want to state that I am proud of this Conference Report and what it provides for our military.

In conclusion, I want to recognize and thank the Staff Director of the Personnel Subcommittee Charlie Abell. He is a tremendous asset to me and my staff, the Armed Services Committee, and this Senate. Also, I want to let Senator CLELAND know how much I enjoy having him as my partner and ranking member of the Subcommittee. He is an American hero whose commitment in improving the lives of our military personnel is to be commended. And lastly, I want to thank the Chairman for this time to speak and I want to thank him for his commitment to the bill and to our brave and honorable men and women in uniform.

Mr. President, I yield the floor.

Mrs. HUTCHISON. Mr. President, I commend Armed Services Committee Chairman Senator JOHN WARNER and Ranking Member Senator CARL LEVIN for bringing this important bill to the floor. With the passage of this bill, we will begin to seriously address our military readiness problems. It is a good start. This bill includes many of the provisions of S.4, one of the first bills introduced in the Congress back in January and passed February 24, 1999. With the military having its worst recruiting year since 1979, the Congress needs to send a strong message of support to those who serve. The bill does just that by: Increasing pay for our service members by 4.8 percent, increasing and creating special incentive pays, improving retirement benefits, and improving benefits and management of the military health care program.

In am particularly pleased this bill includes two provisions I offered. The first concerns military health care and the second the current high operations tempo of our forces.

In February we emphatically recognized our commitment to these dedicated men and women when we passed 100-0 my Military Health Care Improvement Amendment to S.4, the Soldiers', Sailors', Airmen's, and Marine's Bill of Rights.

The message is loud and clear from my constituents: The military care benefit is no longer much of a benefit. I have no doubt my colleagues in the Senate have also heard equally valid complaints about access to care, unpaid bills, inadequate provider networks, and difficulties with claims. The promise seemed fairly simple—in return for military service and sacrifice, the government would provide

health care to active duty members and their families, even after they retire. But of course it's more complicated than that. In the past 10 years, the military has downsized by over one third and the military health care system has downsized with it. While hospitals and clinics have closed, the number of personnel that rely on the system hasn't really changed. Today, our armed forces have more married service members with families than even before. In addition, those who have served and are now retired were promised quality health care as well. The system these individuals and families have been given to meet their needs is called "TRICARE." TRICARE is not health care coverage, but a health care delivery system that provides varying levels of benefits depending largely on where a member of the military or a retiree lives. Unfortunately, what we find in practice is that the TRICARE program often provides spotty coverage.

The point I want to make clear is that regardless of the complications, the promise remains and we must deliver on the promise. When we passed my amendment 100-0, we sent a signal that we care and that we will be vigilant in pursuing this issue. Our purpose is not to throw out the TRICARE system but to fix the problems and improve the health care benefits under the TRICARE program. I am happy to report that the Authorization bill before us today addresses all the issues that were in my amendment to improve access to health care and management under the TRICARE program. These include: Minimizing the authorization and certification requirements imposed on beneficiaries, reducing claims processing time and providing incentives for electronic processing, improve TRICARE management and eliminate bureaucratic red tape, authorize reimbursement at higher rates where required to attract and retain qualified providers, compare health care coverage available under TRICARE to plans offered under the Federal Employees Health Benefits Program (FEHBP), allow reimbursement from third-party payers to military hospitals based on reasonable charges, and reporting to Congress on each of these initiatives.

One of the promises that we made to our forces is to provide quality medical care to those who serve and their families. General Dennis Reimer, the former Chief of Staff of the Army, spoke at the most recent conference on military health care. General Reimer provided a soldiers' perspective of how important health care is to those who serve. He said, "this is about readiness and this is about quality of life linked together. We must ensure that we provide those young men and women who sacrifice and serve our country so well, and ask for so very little, the quality medical care that is the top priority for them . . . we must help them or else we're not going to be able to recruit this high quality force."

During the past year I visited our troops in the Balkans and toured every single military installation in Texas. The visits provided marvelous snapshots of our armed forces today and the many challenges they face. At each stop I met with our soldiers, sailors, airmen, and their leaders and discussed their concerns. Health care for them and their families was at the top of their list. We have some truly wonderful young people serving in the armed forces who are very patriotic and ask very little of us in return. But frankly, we haven't done enough for them. I am pleased that the Senate Leadership and the Senate Armed Services Committee have made this a top priority this year.

Mr. President, the health care provisions in this bill will go a long way toward breaking down the bureaucracy that exists in the current system. I know that there is no single solution or quick fix to this problem, but we must begin now to ensure we honor our commitments. This is a critical issue to recruiting and retaining qualified people in the military—which is critical to the security of our country.

My second provision addresses another issue, which we passed as part of our Defense Authorization Bill. Pay and benefits increases are an important beginning, but we cannot ignore the high operations tempo and its impact on our readiness. Recently the Center for Strategic and International Studies completed a survey of over 11,000 military personnel from the Army and Coast Guard on the subject of military culture in the 21st Century. I participated as an advisor on this study and was just briefed on some of the key findings.

The really good news is that those surveyed told us: They were proud to serve, they believe the military is important in the world and the jobs they do are important to the mission, they have a deep personal commitment to serve, they believe the military is right to expect high standards of personal conduct off-duty, and they are prepared to lay their lives on the line.

Those responses are indicative of the kind of wonderful young people we have serving today in our armed forces, and we have a duty and an obligation to provide them with the equipment and the training and the quality of life they deserve.

But they also told us they felt strongly that: Their pay is inadequate, their units have morale problems, units are often "surprised" by unexpected missions, they are "stressed out" from the frequent deployments, and they often don't have the resources they need to do their jobs.

These responses from soldiers in the field should not come as a surprise to anyone here. We know our troops are dedicated and committed and we also know they are stretched too thin. Secretary Cohen admitted as much last Spring in testimony before the Defense Appropriations Subcommittee when he said "we have to few people and too

many missions." That fact is beginning to show in wear and tear on our forces and equipment.

There are too many deployments that never seem to end. We have troops coming home from a short tour in Korea and heading straight to Bosnia. At Fort Bliss recently one sergeant told of coming off a one year tour in Korea and then spending three short deployments of 5 months, 3 months and one month in Saudi Arabia . . . all in less than two years and she is now scheduled to return to Korea for another one-year tour. Fortunately this young sergeant was single and was not leaving a spouse and children behind, but for others these frequent deployments mean they must choose between the army and their family. The military has a saying—"you enlist a soldier—you reenlist a family." We are having a retention crisis because the families aren't reenlisting. And no wonder. They are jerked from one place to another because we are trying to do it all.

We will soon begin the fifth year of our supposedly "one-year" mission in Bosnia. U.S. troops have just spent their eighth summer in the deserts of southwest-Asia, we have troops in Kosovo and now East Timor. Thankfully, the mission to Haiti will soon end.

But these frequent deployments are having a devastating impact on our military readiness and jeopardizing our ability to respond where our national security interests may be threatened in Southwest Asia or the Koran peninsula.

We are seeing the effects of this over deployment on our equipment as well as on our forces. We hear of Air Force planes sitting idle for lack of spare parts. Navy ships that deploy without full crews. The Army and Marine Corps are forced to cannibalize equipment to field front-line units. These are not isolated incidents, these problems point to a larger readiness crisis affecting our military forces.

The recent Center for Strategic and International Studies' survey tells us that our military is comprised of dedicated and committed young men and women who tell us they are willing to lay down their lives for their country. We in the Congress must ensure that the missions on which they are asked to serve are important national security interests and represent the best use of our forces.

To begin to help us meet this responsibility, my provision included in this bill says it is a sense of Congress that the readiness of our military forces to execute the national security strategy is being eroded from a combination of declining defense budgets and expanded missions. It says to the President that we must have a report that prioritizes ongoing global missions. It must distinguish low-priority missions from high-priority missions. That is the basis to effectively manage our commitments, shift our resources, consoli-

date missions, and end low-priority missions.

It is time to assess where we are in the world and why, and to ask the President to prioritize all of these missions. Then Congress can work with the President to determine if we need to ramp up our military personnel strength or ramp down the number of deployments that we have around the world. The testimony of Secretary Cohen and the other Chiefs matches what I have seen and heard myself from our dedicated troops. The answer is one or the other, because the current situation is overextending our armed forces.

I am pleased to support this bill and acknowledge the effort and hard work of the members of the Armed Services Committee and their staff in bringing this bill to the floor. It is my hope that this bill will represent a turning point in arresting the decline of our military readiness.

Mr. HUTCHINSON. Mr. President, I rise today to express my support for overwhelming passage of the conference report to accompany S. 1059, the National Defense Authorization Act for Fiscal Year 2000. I would like to express my sincere appreciation and thanks to Chairman WARNER and ranking Member LEVIN for their efforts in crafting this important legislation.

This bill authorizes for the military the funds they need to adequately defend our country and protect our vital interests worldwide, \$288.8 billion, which is \$8.3 billion more than the President's inadequate request. After years of declining budgets and increased deployments, this legislation provides the military with their first funding increase since the end of the Cold War.

This bill carefully addresses a variety of important issues, from pay raises for our soldiers to restructuring the nation's nuclear laboratories in order to prevent any further espionage at our nation's nuclear laboratories.

While the Clinton Administration has over-extended and under-funded our military and has provided inexplicably slow and ineffective responses to Chinese spying, this Committee and the Congress as a whole has stepped up to face these challenges, and protect our national interests.

I would now like to take the opportunity to highlight some of the important provisions championed by the three subcommittees I serve on.

Subcommittee on Readiness and Management Support.—Before I had even joined the Armed Services Committee in January of this year, tangible evidence of a debilitating readiness crisis had emerged, a crisis that threatened the well being of America's armed forces.

On September 28th of last year, General Shelton confessed:

I must admit up front that our forces are showing increasing signs of serious wear. Anecdotal and now measurable evidence indicates that our current readiness is fraying

and that the long term health of the Total Force is in jeopardy.

I would note that General Shelton is not a soldier prone to hyperbole.

For their excellent work to combat the "fraying of readiness" described by General Shelton, Senators INHOFE and ROBB, respectively the Chairman and Ranking member of the Readiness and Management Support Subcommittee, deserve congratulations for the excellent work they have done in this area.

They have added more than \$1.46 billion to the primary readiness accounts including funds for ammunition, training, base operations and essential infrastructure repairs including \$380 million for base operations, \$788 million for real property maintenance, and \$172.9 million for training and war reserve ammunition.

In the area of military construction, the Subcommittee adopted significant changes to the law on economic development conveyances of base closure properties. Rural communities that have suffered through the closure of a military installation will no longer have to pay the government for the privilege of redeveloping their economies.

The Readiness Subcommittee also correctly rejected the President's irresponsible budgetary maneuvering which would have incrementally funded military construction projects.

Subcommittee on Strategic Forces.—The Subcommittee on Strategic Forces, capably led by Chairman SMITH of New Hampshire and Senator LANDRIEU of Louisiana, worked hard to ensure that American soldiers deployed overseas and American citizens asleep in their beds will be a little safer from the threat of ballistic missile attack.

The Subcommittee authorized an increase of \$212 million for the Patriot PAC-3 anti-ballistic missile system to complete research and development and begin production soon.

If I can take a minute, I would like to repeat the last portion of that sentence and proudly brag about a product built by hundreds hardworking employees in my home state of Arkansas. The Patriot PAC-3 was the first dedicated, hit-to-kill, Theater Missile Defense (TMD) system that has successfully destroyed a target in a test.

But I digress. The Subcommittee authorized an additional \$112 million for upgrades to the B-2 bomber system, which I would note for the benefit of the program's detractors, performed brilliantly during Operation Allied Force.

The Subcommittee also included a provision regarding DOD's theater missile defense upper-tier strategy, which would require that the Navy Upper Tier and THAAD systems be managed and funded as separate programs. The Administration must be reminded that it has repeatedly testified before this Committee that these programs are not interchangeable. They are complementary, both urgently needed, and must be treated as such.

But perhaps most importantly, it is within the Strategic Forces Subcommittee that the Armed Services Committee took the several important legislative actions to address the criminally lax security at our nation's nuclear laboratories. Lax security that allowed the People's Republic of China to steal the secrets produced by billions of dollars and four decades worth of taxpayer funded nuclear research.

Among the provisions recommended by the Subcommittee: The establishment of a semi-autonomous National Nuclear Security Administration within DOE under which all national security functions will be consolidated. Create a new Under Secretary of Energy to head the new Administration.

Created a new counterintelligence office reporting directly to the Secretary. Established clear lines of management authority for national security missions of the department. Protected the authority of the Secretary to ensure full compliance with all applicable environmental laws.

As millions of Americans woke up this year to be repeatedly confronted by the shocking truth of the Clinton Administration's casual, almost lackadaisical response to the systematic theft of highly classified nuclear secrets as reported in the Cox Committee's unanimous report, I hope they will find at least a little comfort in the knowledge that this Committee was ready to step forward, accept a challenge and shoulder the responsibility for our nation's nuclear security that this Administration repeatedly forfeited.

Subcommittee on AirLand Forces: Subcommittee Chairman RICK SANTORUM and Ranking Member JOSEPH LIEBERMAN also rolled up their sleeves, tackling the difficult readiness and modernization challenges posed by years of Clinton Administration neglect.

Most significantly, the Subcommittee fully authorized the budget request for the development and procurement of the F-22 Raptor aircraft. This aircraft is absolutely essential if Air Force is to continue its proud record of air-dominance over far away battlefields. America's military should never be forced by its Congress to fight a fair fight. When this nation must bear arms to protect its interests, it should always be aiming for a lopsided victory.

Also focusing on unfunded requirements identified by each of the services, the AirLand Forces Subcommittee made a number of changes to the President's request, addressing, among others, Army aviation shortfalls and night vision equipment shortfalls.

To conclude, I would like to again thank Chairman WARNER, and his dedicated, tireless staff, for their leadership and dedicated service.

Mr. President, I urge each of my colleagues to support this important legislation which contains many provi-

sions which are vital to our nation's military. And I urge the President to sign this legislation into law as soon as he receives it. This bill will make needed improvements in the areas of military readiness, quality of life and modernization, and I hope the U.S. Senate will send a strong, bipartisan message in support of our men and women in uniform.

Mr. SESSIONS. Mr. President, I rise this evening in support of Chairman WARNER and the Senate Armed Services Committee Department of Defense Authorization bill S. 1059, which will be voted on tomorrow morning. This is a bill I strongly encourage my colleagues to support. It sends a powerful message to military men and women worldwide, that this body respects what they do for America each and every day, as they carry out a hundred different operations, in as many nations. We heard their voices and have done something positive in improving their quality of life and that of their families. We believe they deserve the best equipment American technology can produce.

The statements made by our Service Chiefs on our state of military readiness provided an azimuth for the committee back in January, and some 70+ hearings later we have a product which provides a funding level for new budget authority of \$288.8 Billion, which is \$8.3 Billion above the President's budget request.

The crisis in the Balkans followed this plea for more funding and Chairman WARNER responded with over 15 hearings on Kosovo and related activities. We learned of the shortfalls in our planning, and were proud to learn of the exploits of our men and women in uniform who have never let us down. We are, however, left to ponder the problems inherent in coalition warfare, and the direction of the new strategic concept in NATO.

Chinese Espionage too took us in yet another direction and the committee has responded with a real change in organization of the Department of Energy so that we do not fall once again into sloppy security awareness. This was truly a vexing problem that no doubt will haunt this nation for years to come. I hope the President will not hesitate in accepting these considered changes. This is a tough issue that warrants a firm solution.

Mr. President, this bill is just part of the work that lies ahead as we restore America's Defense to the status it deserves. I feel we are committed, on the Senate Armed Services Committee, to investigating the problems associated with: Cyber/Information warfare; WMD Proliferation; Chemical and Biological weapons; Organized Crime and Narcoterrorism.

Our troops are doing a great job the world over! They are truly the best led and trained in the world, and they deserve the best equipment, the best support and the most funding we can provide them.

To this end, I am please that Chairman WARNER accepted my amendment

to this bill which calls for the Secretary of Defense to make the positions of the Chiefs of the Reserves and the two National Guard Directors hold three star rank. This bill mandates, it seems to me, that these key leaders, who do so much every day to help us keep the peace world-wide, must hold three star rank. I hope they soon will.

I again congratulate Chairman WARNER on bringing us so far in what certainly seems a short period of time. S. 1059 is a great bill. It needs all our support. I thank the Chair.

#### BAND 9/10 TRANSMITTERS

Mr. SANTORUM. Mr. President, I rise today to engage in a brief colloquy with our distinguished Chairman concerning the conference report that accompanies the fiscal year 2000 National Defense Authorization Act. It has come to my attention that page 526 of House Report 106-301 notes that the conferees to the bill agreed to authorize an increase of \$25.0 million for the procurement of additional band 9/10 transmitters for the EA-6B tactical jamming aircraft. In reality, during conference negotiations, conferees agreed to authorize an additional \$25.0 million for the procurement of modified band 9/10 transmitters.

Mr. WARNER. My distinguished colleague from Pennsylvania, the chairman of our air/land subcommittee, is absolutely correct. Committee records were reviewed, and the conferees to the fiscal year 2000 National Defense Authorization Act did, in fact, agree to increase the EA-6B authorization by \$25.0 million for the procurement of modified band 9/10 transmitters. An error in the printing process was made, and the Government Printing Office will be preparing an errata sheet to correct this error.

Mr. SANTORUM. I thank the chairman for his assistance in clarifying this matter.

Mr. WARNER. Mr. President, I know of no further business on this bill. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. By previous order, the distinguished majority leader has indicated that at the hour of 9:45 tomorrow morning, this will be the pending business for the purpose of the recorded rollcall vote.

Am I correct?

The PRESIDING OFFICER. The Senator is correct.

#### MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### ELK HILLS RESERVE

Mrs. FEINSTEIN. Mr. President, I was dismayed to learn that the Senate

Interior Appropriations budget has zeroed out funding to the State of California for its share of the Elk Hills Naval Petroleum Reserve Settlement. By right, the State should receive \$36 million this year. This is the money that California gives to retired teachers whose pensions have been most seriously eroded by inflation.

Here is the brief history of the issue: In 1996, Congress authorized the sale of Elk Hills Naval Reserve. However, a portion of the property consisted of more than 1300 acres of school lands owned by the state of California. Until the California's land claims were resolved, the sale could not go forward. Ultimately the Federal Government reached an agreement with California in which the state released its claim in exchange for installment payments over a seven-year period.

The settlement allowed the federal government to sell the reserve for \$3.65 billion. California kept its part of the bargain. Now the Federal government must meet its obligations. Last year the first installment of the \$36 million was paid. But six years of installments remain.

Actually, the money needed to compensate the state had been waiting in escrow.

The House has properly allocated \$36 million in the House Interior Appropriations Bill.

I am hopeful that the Senate will also recognize the importance of keeping the Federal government's end of the bargain. I look forward to working with my colleagues to ensure that the House appropriation of \$36 million be upheld in Conference.

#### THE WILDERNESS ACT

Mr. BINGAMAN. Mr. President, I rise today to commemorate the 35th anniversary of the Wilderness Act. Specifically, I would like to speak about the invaluable contribution of New Mexico Senator Clinton P. Anderson in steering the wilderness legislation through Congress and securing final passage. I also will describe how the Gila Wilderness in New Mexico came to be created, the first such designation in the world, forty years prior to enactment of the Wilderness Act. Finally, in my remarks today, I will mention a related bill that I recently introduced, S. 864, the "Earth Day" Act.

On September 3, 1964, President Johnson signed the Wilderness Act into law creating the national wilderness preservation system. In order to assure that some lands will be protected in their natural condition, Congress declared a policy of securing for present and future generations of Americans "the benefits of an enduring resource of wilderness." Certain provisions of the Wilderness Act are unique among the U.S. Code because they read more like poetry than the fodder of legislators and lawyers. For example, the Act defines wilderness as "an area where the earth and its community of life are

untrammelled by man, where man himself is a visitor who does not remain."

Why celebrate the anniversary of the Wilderness Act? Since its enactment, the national wilderness preservation system has grown from 9 million acres to 104 million acres—I believe these figures reflect the popularity of and support for wilderness. There are many compelling reasons for preserving wilderness. Wilderness areas protect watersheds and soils, serve as wildlife and plant habitat, and give humans the opportunity to experience solitude in nature. I think Clinton Anderson best described the meaning of wilderness in this eloquent statement:

Conservation is to a democratic government by free men as the roots of a tree are to its leaves. We must be willing wisely to nurture and use our resources if we are going to keep visible the inner strengths of democracy.

For as we have and hold dear our practices of conservation, we say to the other peoples of the world that ours is not an exploitative society—solely materialistic in outlook. We take a positive position—conservation means that we have faith that our way of life will go on and we are surely building for those who we know will follow . . .

There is a spiritual value to conservation and wilderness typifies this. Wilderness is a demonstration by our people that we can put aside a portion of this which we have as a tribute to the Maker and say—this we will leave as we found it.

Wilderness is an anchor to windward. Knowing it is there, we can also know that we are still a rich nation, tending to our resources as we should—not a people in despair scratching every last nook and cranny of our land for a board of lumber, a barrel of oil, or a tank of water.

Senator Anderson's words are particularly meaningful because of his role as the tenacious and determined leader in Congress who secured passage of the Wilderness Act as many years ago. In fact, former Forest Service Chief Richard McArdle stated that, "Without Clinton Anderson there would have been no Wilderness Law."

In his first substantive act as the new Chairman of the Committee on Interior and Insular Affairs, on January 5, 1961, Clinton Anderson introduced a bill to establish and maintain a national wilderness system. Although similar wilderness bills had been introduced in previous Congresses, it was Senator Anderson's bill that was first reported by the Committee and, later that year, the first to pass the Senate. The vote on his bill was decisive, 78 to 8. Senator Frank Church wrote to Senator Anderson that:

The fact that you were chief sponsor of the bill was in large measure responsible for the big endorsement it received on final passage.

Unfortunately, the House was not yet ready to seriously consider a wilderness bill and the 87th Congress adjourned without enactment of the Wilderness Act.

In 1963, Senator Anderson introduced the Wilderness bill once again. Successfully steering the bill through Committee consideration, the full Senate overwhelmingly passed the bill

three months into the term of the 88th Congress. He then crafted the legislative trade that ultimately resulted in House passage of the wilderness bill—key House members wanted legislation creating the Public Land Law Review Commission. Both pieces of legislation were signed in 1964.

Upon signing the Wilderness Act into law, President Johnson gave Senator Anderson special commendation by stating that he had been "in the forefront of conservation legislation since he first came to the House in 1941."

In recalling the 35th anniversary of the passage of the Wilderness Act, it is fitting to observe that this year is also the 75th anniversary of Federal wilderness protection.

On June 3, 1924, the Forest Service designated 755,000 acres of national forest land in New Mexico as the Gila Wilderness. This unprecedented act took place forty years prior to passage of the Wilderness Act and was the first such designation in the world. It all began through the foresight and leadership of a young Forest Service manager in New Mexico named Aldo Leopold. He had worked for the Forest Service in the Southwest in a variety of different positions, including as a Ranger on the Gila National Forest.

Leopold felt that preservation had been neglected on the national forests. He foresaw the importance of preserving the biological diversity and natural systems giving way to development.

Leopold once wrote that "a thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community."

He argued against the proposed expansion of a road system into the back country of the Gila National Forest and proposed instead that a large area be left roadless and preserved for wilderness recreation.

Today the Gila Wilderness is inhabited by bear, deer, elk, beaver, bobcat, mountain lion, antelope, and wild turkey. It is a favorite destination for hikers, backpackers, and anglers who enjoy its 19 miles of fishing streams.

The Gila Wilderness contains the cliff dwellings of the ancient Mogollon civilization as well as the campsites and battlegrounds of the Apache and the U.S. Cavalry. In fact, John Murray wrote in his book, "The Gila Wilderness: A Hiking Guide," that "no other wilderness area in the Southwest so much embodies and reflects this national history and natural philosophy as does the Gila." He went on to note that "many of the important events in the development of the region, from the first expedition of Coronado in 1541 to the more recent raids of Geronimo, occurred either directly in the Gila Wilderness Area or in the immediate vicinity."

Leopold would go on to become one of America's greatest naturalists. His accomplishments include publication of "A Sand County Almanac," one of the most influential books ever written

about the relationship of people to their lands and waters.

Our nation continues to need opportunities to reflect on the importance of preserving our national world. The celebration of Earth Day each year on April 22nd is an effective way to remind us of the significance of the environment and of accomplishments such as the Wilderness Act. S. 864, the "Earth Day Act", is a bill that I introduced last April along with Senator CHAFEE. It has since gained nine additional bipartisan cosponsors. The purpose of S. 864 is to officially and permanently designate April 22nd as Earth Day.

The first Earth Day was 29 years ago, in 1970, and was first conceived of by our former colleague, Senator Gaylord Nelson. That first Earth Day involved some 20 million Americans. Since then, Earth Day has focused the attention of the country and the world on the importance of preserving and maintaining our environment. I believe the nation owes a great debt of gratitude to Senator Nelson for his leadership in creating Earth Day, and that we should recognize the importance it has assumed in our nation's life.

It is my sincere hope the Senate Judiciary Committee will hold hearings on S. 864, and that the Senate will pass the bill by the end of this year. It is my goal to have the President sign S. 864 into law by the time Earth Day 2000 arrives. I invite all of my colleagues to cosponsor this bill.

#### GOVERNMENT LAND PURCHASES

Mrs. FEINSTEIN. Mr. President, I wish to thank Senator GORTON and Senator BYRD for all their hard work on the Appropriations Interior Subcommittee for bringing this bill to the floor.

In 1994, I authored the Desert Protection Act, which created two new national parks, Joshua Tree and Death Valley along with the Mojave National Preserve and 100 wilderness areas; thereby promising to protect more than 6 million acres of desert property. However, these parks and wilderness areas still contain hundreds of thousands of acres of private inholdings.

Earlier this year, the Wildlands Conservancy, a California non-profit, negotiated a one-time deal whereby nearly 500,000 acres of these inholdings, many of which are owned by the Catellus Corporation would be purchased by matching \$36 million in funds from the Federal Land and Water Conservation Fund with \$26 million in private donations.

Catellus, the Wildlands Conservancy, and the U.S. Bureau of Land Management subsequently signed a letter of intent to sell to the Federal Government up to 437,000 acres of California desert owned by Catellus. An additional 20,000 acres of property owned by others within Joshua Tree National Park would be bought and preserved.

All told, up to 483,000 acres of private inholdings in the California Desert will

be acquired, ensuring public access to over 4 million acres of Federal national parks and wilderness areas in the California Desert.

The location of these particular inholdings are significant because this area serves as the gateway for both private landowners and for people who wish to use the public portions of the preserve. Acquiring this checkerboard of inholdings is the only to assure public access for the lands provided for in the California Desert Protection Act.

If the government does not purchase these lands the Historic Mojave Road and the East Mojave Heritage Trail are likely to be closed and it is also possible that there will be no more public access to large portions of the Mojave!

Government acquisition of these lands will protect endangered species habitat, keep the fragile Desert ecosystem intact, and improve recreation opportunities and access for millions of Americans.

This proposal enjoys overwhelming support from community activists, conservationists, private industry, elected officials, Democrats, Republicans, and everyone who recognizes what a great deal this is for the U.S. Government. In fact, even most opponents of the California Desert Protection Act support this appropriation because of the issue of public access. If these lands are not purchased by the government, 1,500 miles of roads will be closed off to hunters, recreationists and the general public.

This Interior Appropriations bill contains a line item of \$15.1 million for the phase 1 purchase of these lands. Presently, there is no allocation in the House Interior Appropriations bill to fulfill the Federal Government's end of the bargain. These purchases have been held hostage in the House as a result of an unrelated U.S. Army expansion. Although this military issue does not directly affect any of the Catellus land holdings, it is preventing the appropriation of the necessary funding to execute these land purchases.

I look forward to working with my colleagues in the Conference committee to ensure that the government follow through on its commitment to purchase these lands.

#### 1999 NATIONAL MINORITY MANUFACTURER FIRM OF THE YEAR

Mr. NICKLES. Mr. President, I rise today to recognize an outstanding Oklahoman, John Lopez, whose achievements have just earned him a major award—his firm, Lopez Foods, has been selected by the U.S. Department of Commerce as the 1999 National Minority Manufacturer Firm of the Year.

John spent several years honing his business skills as an independent owner-operator of four thriving McDonald's restaurants. Seven years ago, he sold his restaurants and purchased controlling interest in the company that now bears his name. John is

Chairman and CEO of Lopez Foods, an Oklahoma City meat producer that is among the select few beef and pork suppliers for McDonald's 25,000 restaurants.

John took a struggling company and turned it into a vital force in Oklahoma's economy. He has had tempting offers to relocate to other states but has remained steadfastly loyal to Oklahoma and his workers. Leveraging his understanding of McDonald's standards and management philosophy, he has continually expanded and modernized his operation, bringing it to the forefront in food safety, worker conditions, and diversity. Today, a \$160 million business with over 300 employees, Lopez Foods is ranked third among all U.S. Hispanic-owned manufacturing companies.

A long time champion of minority employment opportunities, he has strengthened his diversity program, such that minorities now make up nearly 55 percent of his workforce. John was selected by the National Hispanic Employees' Association as its 1997 Entrepreneur of the Year.

John also actively supports charitable endeavors that give back to the community, notably the Ronald McDonald House Charities. The United Way and the Jim Thorpe Rehabilitation Foundation benefit from his support as well.

Mr. President, the Commerce Department's award is a fitting tribute to a dynamic Oklahoman who continues to make a difference for our state and our nation. Congratulations to John Lopez, community leader, compassionate citizen, and founder and head of the National Minority Manufacturer Firm of the Year.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry treaties which were referred to the appropriate committees.

#### REPORT ON THE CONTINUATION OF THE EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT—PM 58

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

#### *To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the

anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 1999, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), 1173 (1998), and 1176 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospect for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military campaigns.

WILLIAM J. CLINTON,

THE WHITE HOUSE, *September 21, 1999.*

NOTICE—CONTINUATION OF EMERGENCY WITH RESPECT TO UNITA

On September 26, 1993, by Executive Order 12865, I declared a national emergency to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of the National Union of the Total Independence of Angola (UNITA), prohibiting the sale or supply by United States persons or from the United States, or using U.S. registered vessels or aircraft, or arms, related materiel of all types, petroleum, and petroleum products to the territory of Angola, other than through designated points of entry. The order also prohibits the sale or supply of such commodities to UNITA. On December 12, 1997, in order to take additional steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13069, closing all UNITA offices in the United States and imposing additional sanctions with regard to the sale or supply of aircraft or aircraft parts, the granting of take-off, landing and overflight permission, and the provision of certain aircraft-related services. On August 18, 1998, in order to take further steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13098, blocking all property and interests in property of UNITA and designated UNITA officials and adult members of their immediate families, prohibiting the importation of certain diamonds exported from Angola, and imposing additional sanctions with regard to the sale or supply of equipment used in mining, motorized vehicles, watercraft,

spare parts for motorized vehicles or watercraft, mining services, and ground or waterborne transportation services.

Because of our continuing international obligations and because of the prejudicial effect that discontinuation of the sanctions would have on prospects for peace in Angola, the national emergency declared on September 26, 1993, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond September 26, 1999. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to UNITA.

This notice shall be published in the Federal Register and transmitted to the Congress.

WILLIAM J. CLINTON,

THE WHITE HOUSE, *September 21, 1999.*

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 2:30 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:

H.R. 2490. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2587. An act 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, 2000, and for other purposes.

S. 380. An act to reauthorize the Congressional Award Act.

## MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and place on the calendar:

H.R. 17. An act to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contrast sanctity, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5211. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received September 13, 1999; to the Committee on Governmental Affairs.

EC-5212. A communication from the Deputy Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of

a rule entitled "Revisions to the Public Financial Disclosure Gifts Waiver Provision" (RIN3209-AA00), received September 9, 1999; to the Committee on Governmental Affairs.

EC-5213. A communication from the Acting Chief, Network Services Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Telecom Act of 1996: Telecom Carriers' Use of Customer Proprietary Network Info and Other Customer Info; Implementation of the Local Competition Provisions of the Telecom Act of 1996; Provision of Directory Listing Info Under the Telecom Act of 1934, As Amended" (FCC No. 99-227) (CC Docs. 96-115, 96-98, 99-273), received September 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5214. A communication from the Deputy Assistant Administrator, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Grant Administration Terms and Conditions of the Coastal Ocean Program; Notice for Financial Assistance for Project Research Grants and Cooperative Agreements" (RIN0648-ZA67), received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5215. A communication from the Senior Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases (Notice of Effective and Compliance Dates)" (RIN2105-AC10) (1999-0003), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5216. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Information Security Oversight Office; Classified National Security Information" (RIN3095-AA92), received September 14, 1999; to the Committee on Governmental Affairs.

EC-5217. A communication from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Electronic Benefit Transfer Benefits Adjustments" (RIN0584-AC61), received September 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5218. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Review of Exchange Disciplinary, Access Denial or Other Adverse Actions; Review of NFA Decisions; Corrections", received September 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5219. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports and Reexports for Syrian Civilian Passenger Aircraft Safety of Flight" (RIN0694-AB92), received September 14, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-5220. A communication from the Deputy Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reexports to Libya of Foreign Registered Aircraft Subject to EAR" (RIN0694-AB94), received September 14, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-5221. A communication from the Director, Corporate Policy and Research Department, Pension Guaranty Corporation, transmitting, pursuant to law, the report of a rule

entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received September 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5222. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Eagle Transportation Permits for American Indians and Public Institutions" (RIN1018-AB81), received September 14, 1999; to the Committee on Environment and Public Works.

EC-5223. A communication from the Attorney Advisor, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Truck Size and Weight; Definitions; Non-divisible" (RIN2125-AE43), received September 9, 1999; to the Committee on Environment and Public Works.

EC-5224. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Manufacturing Technology Program" (DFARS Case 98-D306), received September 13, 1999; to the Committee on Armed Services.

EC-5225. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Quality Assurance Management System Guide" (DOE G 414.1-2), received September 13, 1999; to the Committee on Energy and Natural Resources.

EC-5226. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Sealed Radioactive Source Accountability and Control Guide" (DOE G 441.1-13), received September 13, 1999; to the Committee on Energy and Natural Resources.

EC-5227. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Portable Monitoring Instrument Calibration Guide" (DOE G 441.1-7), received September 13, 1999; to the Committee on Energy and Natural Resources.

EC-5228. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Integrated Safety Management System Guide (Vols. 1 and 2)" (DOE G 450.4-1A), received September 1, 1999; to the Committee on Energy and Natural Resources.

EC-5229. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna: Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days" (I.D. 0729992), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5230. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna: Harpoon Category Closure" (I.D. 071399A), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5231. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel to Vessels Using "Other Gear" in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands", received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5232. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska for Pelagic Shelf Rockfish", received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5233. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska for Pacific Ocean Perch", received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5234. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Central Regulatory Area of the Gulf of Alaska for Northern Rockfish", received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5235. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska", received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5236. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Western Regulatory Area of the Gulf of Alaska", received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5237. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance Program for the Northeast Multispecies Fishery Failure" (RIN0648-AM68), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5238. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Quota for 1999-2000 Fishing Year" (RIN0648-AM20), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5239. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Approved Provisions of a Regulatory Amend-

ment Prepared by the Gulf of Mexico Fishery Management Council in Accordance with the Framework Procedures for Adjusting Management Measures of the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico" (RIN9548-AM66), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5240. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Advance Notice of Proposed Rulemaking; Notice of a Control Date for the Purposes of Controlling Capacity or Latent Effort in the Northeast Multispecies and Atlantic Sea Scallop Fisheries" (RIN9548-AM99), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5241. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: deHaviland Models DHC-6-1, DHC-6-100, DHC-6-200, and DHC-6-300 Airplanes; Docket No. 97 CE-10 (8-31/9-2)" (RIN2120-AA64) (1999-0324), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5242. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Models SD3-SHERPA, SD3-SHERPA, SD3-30, and SD3-60 Series Airplanes; Docket No. 99 NM-12 (9-1/9-2)" (RIN2120-AA64) (1999-0330), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5243. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Models SD3-30 Series Airplanes; Docket No. 99 NM-349 (8-31/9-2)" (RIN2120-AA64) (1999-03230), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5244. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Models SD3-SHERPA, SD3-60 SHERPA, SD3-30, and SD3-60 Series Airplanes; Docket No. 98-NM-369 (8-31/9-2)" (RIN2120-AA64) (1999-0319), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5245. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas MD-30 Series Airplanes; Docket No. 98-NM-69 (9-3/9-9)" (RIN2120-AA64) (1999-0337), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5246. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas DC-9-10, -20, -30, -40, and -50 Series Airplanes, and C-9 (Military) Airplanes; Correction; Docket No. 97-NM-49 (9-10/9-13)" (RIN2120-AA64) (1999-0341), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5247. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Model 172R Airplanes; Request for Comments; Docket No. 99-CE-55 (9-1/9-2)" (RIN2120-AA64) (1999-0333), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5248. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328-100 Series Airplanes; Docket No. 98-NM-112 (9-3/9-9)" (RIN2120-AA64) (1999-0338), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5249. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328-100 Series Airplanes; Docket No. 96-NM-113" (RIN2120-AA64) (1999-0332), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5250. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Mark 050 Series Airplanes; Request for Comments; Docket No. 99-NM-224 (8-31/9-2)" (RIN2120-AA64) (1999-0323), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5251. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Series Airplanes Equipped with Rolls Royce 532-7 'Dart 7' (Rda-7) Series Engines; Docket No. 98-NM-364 (9-3/9-9)" (RIN2120-AA64) (1999-0339), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5252. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6-50, -80A1/A3, and 80C2A Series Turbofan Engines; Docket No. 98-ANE-54 (9-3/9-9)" (RIN2120-AA64) (1999-0336), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5253. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6-80A1/A3 and CF6-80C2A Series Turbofan Engines, Installed on Airbus Industrie A300-0 and A310 Series Airplanes; Request for Comments; Docket No. 99-NE-41 (9-3/9-9)" (RIN2120-AA64) (1999-0340), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5254. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dowdy Aerospace Propellers Model R381-123-F/5 Propellers; Request for Comments; Docket No. 99-NE-43 (9-1/9-2)" (RIN2120-AA64) (1999-0331), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5255. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, Inc. Model 205-A-1 and 205B Helicopters; Docket No. 98-SW-2 (8-31/9-2)" (RIN2120-AA64) (1999-0329), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5256. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospacial Model ATR42-300 and ATR2-320 Series; Docket No. 98-NM-201(8-31/9-2)" (RIN2120-AA64) (1999-0329), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5257. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models C90A, B200, B300, and 1900A Airplanes; Request for Comments; Docket No. 99-CE-56 (8-31/9-2)" (RIN2120-AA64) (1999-0321), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5258. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, Ltd. Model 1124 and 1124A Series Airplanes; Docket No. 99-NM-332" (RIN2120-AA64) (1999-0322), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5259. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to the Legal Description of the Riverside, March Air Force Base (AFB), Class C Airspace Area: CA; Docket No. 99-AWA-1" (RIN2120-AA66) (1999-0285), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5260. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Protests and Contract Disputes; Amendment of Equal Access to Justice Act Regulations; Correction" (RIN2120-AG19) (1999-0002), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5261. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change Using Agency for Restricted Areas R-2510A and R-2510B; El Centro, CA; Docket No. 99-AWP-18 (9-2/9-8)" (RIN2120-AA66) (1999-0300), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5262. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amend Title of the Vancouver, BC Class C 7 D Airspace, Point Roberts, WA; Docket No. 99-AWA-11 (9-1/9-9)" (RIN2120-AA66) (1999-0294), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5263. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Name Change of Guam Island, Agana NAS, GU Class D Airspace Area: Final Rule, Correction and Delay of Effective Date; Docket No. 99-AWP-9 (9-2/9-9)" (RIN2120-AA66) (1999-0297), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5264. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amend Controlling Agency Title for Restricted Area R-7104, Vieques Island, PR; Docket No. 99-ASO-11 (9-1/9-9)" (RIN2120-AA66) (1999-0293), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5265. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Time of Designation and Using Agency for Restricted Area R-2211 (R-2211), Blair Lakes, AK; Docket No. 99-AAL-13 (9-2/9-9)" (RIN2120-AA66) (1999-0296), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5266. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airway; Rochester, MN; Docket No. 99-AGL-37 (9-7/9-9)" (RIN2120-AA66) (1999-0289), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5267. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airway; Columbus, NE; Docket No. 98-AGL-49 (9-7/9-9)" (RIN2120-AA66) (1999-0290), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 1602. A bill to require the closure of Naval Station Roosevelt Roads, Puerto Rico upon termination of Armed Forces use of training ranges on the island of Vieques, Puerto Rico, involving live munitions impact; to the Committee on Armed Services.

By Mr. BINGAMAN:

S. 1603. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mrs. MURRAY, and Mr. COCHRAN):

S. 1604. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements with respect to certain teacher technology provisions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:

S. 1605. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to

abortion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1606. A bill to reenact chapter 12 of title 11, United States Code, and for other purposes; read the first time.

By Mr. ASHCROFT:

S. 1607. A bill to ensure that the United States Armed Forces are not endangered by placement under foreign command for military operations of the United Nations, and for other purposes; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself, Mr. CRAIG, and Mr. SMITH of Oregon):

S. 1608. A bill 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 predominantly 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 mechanism 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; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. BENNETT, Mr. ROBERTS, Mr. BURNS, and Mr. HAGEL):

S. 1609. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. ROBB):

S. 1610. A bill to authorize additional emergency disaster relief for victims of Hurricane Dennis and Hurricane Floyd; to the Committee on Agriculture, Nutrition, and Forestry.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM:

S. 1605. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to abortion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

### THE WOMEN AND CHILDREN'S RESOURCES ACT

Mr. SANTORUM. Mr. President, I rise today to introduce legislation that offers compassionate choices for women facing unplanned pregnancies. This bill, the Women and Children's Resources Act, establishes an \$85 million formula grant program to provide pregnant women with alternatives to abortion.

The Women and Children's Resources Act (WCRA) is modeled after a successful program in Pennsylvania, Project Women In Need (WIN). This program was created under the Administration of former Governor Robert Casey and implemented during the current Administration of Governor Tom Ridge. Project WIN has filled a critical void for women seeking support during this confusing and uncertain time. The centers often receive 500 calls per week.

This legislation is designed to meet the needs of women facing one of the most important decisions of their lives. WCRA is intended to link women to a network of supportive organizations who are ready and willing to offer assistance in the form of pregnancy testing, adoption information, prenatal and postpartum health care, maternity and baby clothing, food, diapers and information on childbirth and parenting. Women can also receive referrals for housing, education, and vocational training. This bill seeks to provide compassionate choices to women; it is an effort to reach out to women and let them know they do not have to face this decision alone.

The bill directs federal funding to states through a formula based on the number of out-of-wedlock births and abortions in a state as compared to this sum for the nation. Upon receipt of this grant, states will select their prime contractors from the private sector to administer the program. The prime contractor will distribute Women and Children's Resources Grants to crisis pregnancy centers, maternity homes, and adoption services on a fee-for-service basis. Faith-based providers may also participate in the program, but they may not proselytize. Further, state-wide toll-free referral systems and other methods of advertisement will be established to make these services readily available to pregnant women and their children. Low-income women will be given priority for these services.

Because WCRA seeks to offer alternatives to abortion, contractors and subcontractors which receive funding under this bill cannot promote, refer, or counsel for abortion. Further, these entities must be physically and financially separate from any entity which promotes, refers, or counsels for abortion.

Mr. President, not every woman facing an unplanned pregnancy knows that supportive services exist. Many believe that the future they had planned is no longer achievable. They feel alone and abandoned. Often, they mistakenly believe that abortion is their only real choice. For this reason, WCRA offers compassionate, life-affirming choices and support. I urge my colleagues to join me in supporting this legislation.

Finally, I ask unanimous consent that the text of this legislation appear in the RECORD.

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

S. 1605

*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 "Women and Children's Resources Act".

### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) Women confronted with unplanned or crisis pregnancy often are left with the im-

pression that abortion is the only choice that they have in dealing with their difficult circumstances.

(2) Women often lack accurate information, supportive counseling and other assistance regarding adoption and parenting alternatives to abortion.

(3) Organizations that provide accurate information, supportive counseling and other assistance regarding adoption and parenting alternatives to abortion often lack sufficient resources to reach women in need of their services and to provide for their needs.

(b) PURPOSE.—The purpose of this Act is—

(1) to promote childbirth as a viable and positive alternative to abortion and to empower those facing unplanned or crisis pregnancies to choose childbirth rather than abortion;

(2) to carry out paragraph (1) by supporting entities and projects that provide information, counseling, and support services that assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children; and

(3) to maximize the effectiveness of this Act by providing funds only to those entities and projects that have a stated policy of actively promoting childbirth instead of abortion and that have experience in providing alternative-to-abortion services.

### SEC. 3. FORMULA GRANTS TO STATES FOR ALTERNATIVE-TO-ABORTION SERVICES PROGRAMS.

In the case of each State that in accordance with section 6 submits to the Secretary of Health and Human Services an application for a fiscal year, the Secretary shall make a grant to the State for the year for carrying out the purposes authorized in section 4(a) (subject to amounts being appropriated under section 11 for the year). The grant shall consist of the allotment determined for the State under section 7.

### SEC. 4. ESTABLISHMENT AND OPERATION OF STATE PROGRAMS TO PROVIDE ALTERNATIVE-TO-ABORTION SERVICES; ADMINISTRATION OF PROGRAMS THROUGH CONTRACTS WITH ENTITIES.

(a) IN GENERAL.—Grant funds provided under this Act may be expended only for purposes of the establishment and operation of a State program (carried out pursuant to contracts under subsection (c)) designed to provide alternative-to-abortion services (as defined in section 9) to eligible individuals as described in subsection (b).

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Subject to paragraph (2), an individual is an eligible individual for purposes of subsection (a) if—

(A) the individual is pregnant (or has reasonable grounds to believe she may be pregnant);

(B) the individual (male or female) is the parent or legal guardian of an infant under 12 months of age; or

(C) the individual is the spouse or other partner of an individual described in subparagraph (A) or (B).

(2) PRIORITY FOR LOW-INCOME INDIVIDUALS.—Grant funds provided under this Act shall be awarded only to States that submit a grant application that assures that the State program—

(A) will give priority to serving eligible individuals who are from low-income families; and

(B) will not impose a charge on any eligible individual from a low-income family except to the extent that payment will be made by a third party (including a government agency) that is authorized or is under legal obligation to pay such charge.

(c) ADMINISTRATION OF PROGRAMS THROUGH CONTRACTS WITH EXPERIENCED ENTITIES AND

SERVICE PROVIDERS.—Grant funds provided under this Act shall be awarded only to States that submit a grant application that assures that the State program will be established and operated in accordance with the following:

(1) ESTABLISHMENT AND OPERATION OF PROGRAM.—

(A) PRIME CONTRACTOR.—The State shall enter into a contract with a nonprofit private entity that, under the contract, shall be designated as the "prime contractor" and shall have the principal responsibility for administering the State program, including subcontracting with service providers.

(B) SUBCONTRACTS WITH SERVICE PROVIDERS.—The prime contractor shall enter into subcontracts with service providers for reimbursement of alternative-to-abortion services provided to eligible individuals on a fee-for-service basis, as provided in paragraph (2)(C)(ii).

(C) EXPENDITURES OF GRANT.—The prime contractor shall be authorized to expend funds to administer the State program, reimburse service providers, and to provide additional supportive services to assist such providers in providing alternative-to-abortion services to eligible individuals consistent with the purposes of this Act, including providing for a toll-free referral system, advertising of alternative-to-abortion services, purchase of educational materials, and grants for new sites and new project development.

(D) REQUIREMENT FOR PRIME CONTRACTORS.—An entity may not become a prime contractor unless, consistent with the overall purpose of this Act, it has a stated policy of actively promoting childbirth instead of abortion.

(E) ADDITIONAL REQUIREMENTS FOR PRIME CONTRACTORS.—An entity may not become a prime contractor unless—

(i) for the 5-year period preceding the date on which the entity applies to receive the contract, it has been engaged primarily in the provision of core services or it has operated a project that provides such services;

(ii) it already serves as a prime contractor pursuant to a State appropriation designed to fund alternative-to-abortion services; or

(iii) it is a subsidiary of an entity that meets the criteria under clause (i) or (ii).

(F) REQUIREMENTS FOR SUBCONTRACTORS.—An entity may not become a service provider unless—

(i) it operates a service provider project that has a stated policy of actively promoting childbirth instead of abortion;

(ii) its project has been providing alternative-to-abortion services to clients for at least 1 year; and

(iii) its project is physically and financially separate from any entity that advocates, performs, counsels for or refers for abortion.

(G) RESTRICTION.—No prime contractor or service provider project may perform abortion, counsel for or refer for abortion, or advocate abortion.

(2) EXPENDITURES UNDER THE PROGRAM.—

(A) EXPENDITURES FOR START-UP COSTS.—For the first full fiscal year in which a State program has received grant funds pursuant to this Act, the State shall disburse grant funds to the prime contractor for start-up costs, in an amount not to exceed 10 percent of the total amount of the grant made to the State for that fiscal year.

(B) EXPENDITURES FOR ADMINISTRATIVE COSTS.—For the first full fiscal year in which a State program has received grant funds pursuant to this Act and for the 2 subsequent fiscal years, the State shall disburse grant funds to the prime contractor for administrative costs, in an amount not to exceed 20 percent of the total amount of the grant

made to the State for those fiscal years. For all other fiscal years, the State shall disburse grant funds for administrative costs, in an amount not to exceed 15 percent of the total amount of the grant made to the State for the fiscal year.

(C) EXPENDITURES FOR SERVICE COSTS.—

(i) DISBURSEMENT TO PRIME CONTRACTOR FOR SERVICE COSTS.—For each fiscal year, the State shall disburse to the prime contractor for service costs all remaining grant funds not expended on permissible administrative or start-up costs.

(ii) SERVICE PROVIDER REIMBURSEMENT RATES.—The prime contractor shall reimburse service providers for alternative-to-abortion services provided to eligible individuals at the following fee-for-service rates:

(I) \$10 for every 10 minutes of counseling for eligible individuals.

(II) \$10 for every 10 minutes of referral time spent.

(III) \$20 per individual per hour of class instruction provided.

(IV) \$10 for each self-administered pregnancy test kit provided.

(V) \$10 for every pantry visit. For fiscal year 2001 and subsequent fiscal years, each of the dollar amounts specified in this clause shall be adjusted to offset the effects of inflation occurring after the beginning of fiscal year 2000.

(d) ADDITIONAL RESTRICTIONS REGARDING EXPENDITURE OF GRANT FUNDS.—A State applying for a grant under this Act shall provide assurances, in its grant application, as follows:

(1) No grant funds will be expended for any of the following:

(A) Performing abortion, counseling for or referring for abortion, or advocating abortion.

(B) Providing, referring for, or advocating the use of contraceptive services, drugs, or devices.

(2) No grant funds will be expended to make payment for a service that is provided to an eligible individual if payment for such service has already been made, or can reasonably be expected to be made—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(3) No grant funds will be expended—

(A) to provide inpatient hospital services;

(B) to make cash payments to intended recipients of services;

(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility; or

(D) to satisfy any requirement that non-Federal funds be expended as a precondition of the receipt of Federal funds.

#### SEC. 5. SERVICES PROVIDED BY RELIGIOUS ORGANIZATIONS.

(a) PURPOSE.—The purpose of this section is to allow States to contract with religious organizations pursuant to section 4(c) on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of eligible individuals served under the State program.

(b) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—Religious organizations are eligible, on the same basis as any other nongovernmental organization, as contractors to provide services under a State program described in section 4(c) so long as the program is implemented consistent with the Establishment Clause of the United States Constitution. Neither the Federal Government nor a State receiving a grant under this Act shall discriminate against an organization

which is or applies to be a contractor under section 4(c) on the basis that the organization has a religious character.

(c) RELIGIOUS CHARACTER AND FREEDOM.—

(1) RELIGIOUS ORGANIZATIONS.—A religious organization receiving a contract under section 4(c) shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State receiving a grant under section 2 shall require a religious organization to—

(A) alter its form of internal governance; or

(B) remove religious art, icons, scripture, or other symbols;

in order to be eligible for a contract under section 4(c).

(d) EMPLOYMENT PRACTICES.—

(1) TENETS AND TEACHINGS.—A religious organization that provides services under a program described in section 4(c) may require that its employees providing assistance under such program adhere to the religious tenets and teachings of such organization, and such organization may require that those employees adhere to rules forbidding the use of drugs or alcohol.

(2) TITLE VII EXEMPTION.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1, 2000e-2(e)(2)) regarding employment practices shall not be affected by the receipt of a contract under section 4(c).

(e) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

(1) IN GENERAL.—If an eligible individual has an objection to the religious character of the organization from which the individual receives, or would receive, alternative-to-abortion services, the State shall provide such individual within a reasonable period of time after the date of such objection with the names and addresses of alternative service providers that offer a range of services similar to those offered by the original service provider.

(2) NOTICE.—A State receiving a grant under this Act shall ensure that notice is provided to individuals described in paragraph (1) of the rights of such individuals under this section.

(f) NONDISCRIMINATION AGAINST BENEFICIARIES.—A religious organization shall not discriminate against an eligible individual in regard to providing alternative-to-abortion services on the basis of religion, a religious belief, or refusal to actively participate in a religious practice.

(g) FISCAL ACCOUNTABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization receiving a contract under section 4(c) shall be subject to the same regulations as other contractors to account in accordance with generally accepted accounting principles for the use of such funds under this Act.

(2) LIMITED AUDIT.—If such organization segregates funds received under this Act into separate accounts, then only such funds shall be subject to audit by the government.

(h) COMPLIANCE.—Any party which seeks to enforce its rights under this section may assert a civil action for injunctive relief exclusively in an appropriate State court against the entity or agency that allegedly commits such violation.

(i) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No grant funds obtained pursuant to this Act shall be expended for sectarian worship, instruction, or proselytization.

(j) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of a State constitution or State statute that

prohibits or restricts the expenditure of State funds in or by religious organizations.

(k) TREATMENT OF SERVICE PROVIDERS.—This section applies to awards under section 4(c) made by prime contractors to service providers to the same extent and in the same manner as this section applies to awards under such section by States to prime contractors.

#### SEC. 6. STATE APPLICATION FOR GRANT.

An application for a grant under this Act is in accordance with this section if—

(1) the State submits the application not later than the date specified by the Secretary;

(2) the application demonstrates that the State program for which grant funds are sought will be established and operated in compliance with all of the requirements of this Act; and

(3) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines are necessary to carry out this Act.

#### SEC. 7. DETERMINATION OF AMOUNT OF STATE ALLOTMENT.

(a) IN GENERAL.—The allotment of funds to be granted to each State for a fiscal year is to be the State-calculated percentage of the total amount available under section 11 for the fiscal year.

(b) STATE-CALCULATED PERCENTAGE.—The State-calculated percentage shall be determined by dividing—

(1) the number of children born in the State to women who were not married at the time of the birth plus the number of abortions performed in the State; by

(2) the number of children born in all States to women who were not married at the time of the birth plus the number of abortions performed in all States as last reported by the Centers for Disease Control and Prevention.

(c) UNALLOTTED FUNDS FOR FIRST THREE FISCAL YEARS.—For the first 3 fiscal years for which funds are appropriated under section 11, if excess funds are available due to the failure of any State to apply for grant funds under this Act, such excess funds shall be allotted to participating States in an amount equal to a percentage of the excess funds determined by dividing—

(1) the number of children born in the participating State to women who were not married at the time of the birth plus the number of abortions performed in the participating State; by

(2) the number of children born in all participating States to women who were not married at the time of the birth plus the number of abortions performed in all participating States as last reported by the Centers for Disease Control and Prevention.

(d) UNALLOTTED FUNDS FOR SUBSEQUENT FISCAL YEARS.—For years subsequent to the first 3 fiscal years for which funds are appropriated under section 11, if excess funds are available due to the failure of any State to apply for grant funds under this Act, such excess funds shall be allotted to participating States in an amount equal to a percentage of the total excess funds determined by dividing—

(1) the amount of service costs expended by an individual participating State under this Act during the previous calendar year; by

(2) the total amount of service costs expended by all participating States under this Act during the previous calendar year.

#### SEC. 8. BIENNIAL REPORTS TO CONGRESS.

The Secretary shall submit to the Congress periodic reports on the State programs carried out pursuant to this Act. The first report shall be submitted not later than February 1, 2001, and subsequent reports shall be submitted biennially thereafter.

#### SEC. 9. DEFINITIONS.

In this Act:

(1) ADMINISTRATIVE COSTS.—The term “administrative costs” means expenditures for costs associated with the administration of the State program by the prime contractor, including salaries of administrative office staff, taxes, employee benefits, job placement costs, postage and shipping costs, travel and lodging for administrative staff, office rent, telephone and fax costs, insurance and office supplies, professional development for administrative staff and ongoing legal, accounting, and computer consulting for the program. Such term does not include expenditures for start-up costs or service costs.

(2) ALTERNATIVE-TO-ABORTION SERVICES.—The term “alternative-to-abortion services” means core services and support services as defined in this section.

(3) CORE SERVICES.—The term “core services” means the provision of information and counseling that promotes childbirth instead of abortion and assists pregnant women in making an informed decision regarding the alternatives of adoption or parenting with respect to their child.

(4) LOW-INCOME FAMILY.—The term “low-income family” has the meaning given such term under section 1006(c) of the Public Health Service Act (42 U.S.C. 300a-4(c)).

(5) SUPPORT SERVICES.—The term “support services” means additional services and assistance designed to assist eligible individuals to carry their child to term and to support eligible individuals in their parenting or adoption decision. These support services include the provision of—

(A) self-administered pregnancy testing;

(B) baby food, maternity and baby clothing, and baby furniture;

(C) information and education, including classes, regarding prenatal care, childbirth, adoption, parenting, chastity (or abstinence); and

(D) referrals for services consistent with the purposes of this Act.

(6) PANTRY VISIT.—The term “pantry visit” means a visit by an eligible individual to a service provider during which baby food, maternity or baby clothing, or baby furniture are made available to the individual free of charge.

(7) REFERRAL TIME.—The term “referral time” means the time taken to research and set up an appointment on behalf of an eligible individual to secure support through a referral.

(8) REFERRALS.—The term “referrals” means action taken on behalf of an eligible individual to secure additional support from a social service agency or other entity. Referral may be for services, items and assistance regarding physical and mental health (prenatal, postnatal, and postpartum), food, clothing, housing, education, vocational training, and for other services designed to assist pregnant women and infants in need.

(9) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(10) SERVICE COSTS.—The term “service costs” means expenditures for costs incurred by the prime contractor to provide support for service provider projects, including salaries for technical support staff, taxes, employee benefits, job placement costs, professional development and ongoing training, educational and informational material for eligible individuals and counselors, advertising costs, operation of a toll-free referral system, travel for technical support staff, billing and database computer consulting, seminars for counseling training, meetings regarding program compliance requirements, minor equipment purchases for service provider projects, new project development, and

service provider reimbursements for alternative-to-abortion services.

(11) SERVICE PROVIDER.—The term “service provider” means a nongovernmental entity that operates a service provider project and which enters into a subcontract with the prime contractor that provides for the reimbursement for alternative-to-abortion services provided to eligible individuals.

(12) SERVICE PROVIDER PROJECT.—The term “service provider project” means a project or program operated by a service provider that provides alternative-to-abortion services. All service provider projects must provide core services and may also provide support services.

(13) START-UP COSTS.—The term “start-up costs” means expenditures associated with the initial establishment of the State program, including the cost of obtaining furniture, computers and accessories, copy machines, consulting services, telephones, and other office equipment and supplies.

(14) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

#### SEC. 10. DATE CERTAIN FOR INITIAL GRANTS.

The Secretary shall begin making grants under this Act not later than 180 days after the date on which amounts are first appropriated under section 11, subject to the receipt of State applications in accordance with section 6.

#### SEC. 11. FUNDING.

For the purpose of carrying out this Act, there is authorized to be appropriated \$85,000,000 for each of the fiscal years 2000 through 2004.

#### SEC. 12. OFFSET.

It is the sense of the Senate that overall funding for the Department of Health and Human Services should not be increased under this Act.

By Mr. WYDEN (for himself, Mr. CRAIG, and Mr. SMITH of Oregon):

S. 1608. A bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the reconstituted 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 mechanism 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; to the Committee on Energy and Natural Resources.

#### SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

● Mr. WYDEN. Mr. President, it is time for Congress to enact a new program that combines secure funding for county services with a fresh approach to the management of federal lands in rural communities. Under our legislation counties will be connected to federal lands not just through the cutting of timber but also through important

road maintenance projects, watershed improvements and programs that promote tourism and recreation.

Since 1908, natural resource dependent communities have received federal funds for schools, roads and basic services based on the level of federal timber programs. The Forest Service cuts timber and the counties receive revenue. This has long constituted the traditional relationship between the counties and federal land management.

Now, as a result of changes in natural resource policies causing declines in timber production, many of our rural communities are finding it almost impossible to fund essential programs for school children, infrastructure and other needs.

There is a crisis in rural, timber-dependent America that must be addressed now. This crisis can be addressed now and in the future by providing secure, consistent funding to counties, and by encouraging a new cooperative relationship between these communities and federal land managers.

Congress must promptly enact a new program that combines traditional funding for county services with creative new policies that provide real connections between rural communities and the federal lands they cherish.

Senator CRAIG and I have been discussing how this might be accomplished because we realize that no pending proposal addressing the county payment issue has won the support of both the Congress and the Clinton administration.

In an effort to break this gridlock, we have developed the Secure Rural Schools and Community Self-Determination Act bill.

Our proposal would work as follows:

Counties will receive a consistent payment amount each year totaling 75% of the average of the top three federal land revenue years for their area between 1985 and the present, tied to the Consumer Price Index for rural areas. That consistent payment amount will be a combination of traditional 25% payments from the Forest Service and 50% payments from the Bureau of Land Management plus money from the general treasury where the traditional revenue stream does not rise to the level of the necessary consistent payment amount.

Counties would receive an additional 25% of the average amount described above from the general treasury to use for projects recommended by local community advisory committees and approved by the Forest Service or the Bureau of Land Management. These projects could include watershed restoration, road maintenance, or timber harvest, among other opportunities, as long as the project is in compliance with all applicable forest plans and environmental laws.

The Forest Service and Bureau of Land Management would be required to certify that a local consensus of envi-

ronmental, industry, and other stakeholders exists, as well as approve the proposed project as environmentally sound. If consensus proposals cannot be developed in a particular county, then the money would be made available to counties that have developed such proposals. It bears repeating that all projects would have to comply with all environmental laws and regulations, as well as all applicable forest plans.

We believe that this bill has the potential to break the impasse on the county payment issue on Capitol Hill. But even more important, it represents an opportunity to forge a new charter for federal/county government cooperation, to encourage local citizens to seek consensus-based solution for resource conflicts, and to make critical investments in the stewardship of our federal lands.

This proposal will not please the proponents favoring pure decoupling of payments from timber harvest. It will also be opposed by those who are prepared to hobble the Forest Service or the Bureau of Land Management if they feel the timber harvest levels are not high enough. Our objective is to break the gridlock on federal support of counties, while bringing the nature of the relationship between the federal land managers and public land dependent communities into the twenty-first century. This bill provides a foundation to help rural counties through their immediate crisis, and down a path that will make sense in the next century.●

● Mr. CRAIG. Mr. President, I rise today with my colleagues from Oregon, Senator WYDEN and Senator SMITH of Oregon to introduce the Secure Rural Schools and Community Self-Determination Act of 1999.

Perhaps as much as any other state, our counties have suffered as federal forest lands have been beset with conflict, and as the receipts promised to counties for educational purposes have decreased dramatically. Senator Wyden's counties are also suffering, as are other counties throughout the West and the country as a whole. Today, we wish to propose a solution to this problem.

When the National Forests were withdrawn from the Public Domain at the turn of the century, they were established with a basic commitment to local governments. Gifford Pinchot and other visionary conservationists of that day persuaded often-skeptical Federal and local government officials that retention of lands by the Federal Government, the creation of forest reserves, and the sustainable management of these forests would be good for local people, good for local governments, good for the country, and good for the environment.

Pinchot and his peers based these assurances on the proposition that the proceeds from the sustainable management and sale of the fiber, forage, and other resources from these reserved Federal lands would be shared between

the local and Federal Governments. Consequently, cooperative management between local governments and Federal land managers—both the Forest Service and the Bureau of Land Management—has been a hallmark of good intergovernmental cooperation in many of our states, including Oregon and Idaho. In many cases, local governments have incurred costs from increased police, search and rescue, and fire protection associated with federally owned lands.

Our Federal forests have been crucial to the education of our children. Receipts from the sale of Federal timber and other commodities have been a vital component of county school and road budgets. In many cases, these funds have supported school lunches, special education, and a variety of assistance measures for disadvantaged children. In a very real sense, the bounty of our forests has allowed us to give a hand to our most needy rural children, including Native Americans and Hispanics. So this should be the one federal program through which concerns for the "environment and education" can be fulfilled by the same thoughtful actions.

However, we live in a different time, and federal forest management policies have become a source of considerable controversy. Timber sales have been reduced. Revenues both to the Federal treasury and the counties have decreased precipitously. Consequently, our rural school systems are in crisis.

Unfortunately, rather than coming together to forge a solution to these problems, the extremes on both sides of the equation are moving further apart. And they are placing our school children in the center of the controversy. One group seems to want to hold our school children hostage—to use the diminishing receipts and the deteriorating school systems as leverage to advantage their side of the forest management debate, favoring increased timber harvests. The other extreme would make our rural school children orphans—sending them out into the wilderness with no secure financial support in order to expedite the achievement of their goal of eliminating federal timber sales.

Senator WYDEN and I reject both of these extremes. We reject the notion that we cannot provide the school systems with additional support, without increasing timber harvesting. At the same time, we reject the proposition that we should completely "decouple" the support for rural schools from any responsibility on the part of the federal land management agencies, thereby totally separating local concerns from federal land management.

Gifford Pinchot articulately outlined the responsibility that the Federal Government generally, and the Forest Service and BLM specifically, assumed when the Federal forests were withdrawn from disposal or later retained in Federal ownership. In its simplest terms, this is a responsibility to provide local governments with a source of

revenue that they are otherwise denied as a consequence of their inability to tax federal lands. That responsibility is still as relevant today as it was at the turn of the century or during the Depression. It is still relevant today, irrespective of what options we choose for how to manage our Federal forests.

Indeed, the most telling flaw in the proposal to decouple county payments from timber receipts is the notion that this responsibility—willing assumed by the Forest Service at the turn of the century and BLM during the Depression—should be transformed into either the sole responsibility of the federal taxpayer, or no one's responsibility as it becomes another entitlement program which the Federal Government and taxpayers feel free to eliminate or reduce as their needs dictate.

Our proposal starts by establishing a set payment amount with which the counties can provide support for rural school systems. This set payment is based upon an average of representative years of timber receipts. In this respect, this proposal is similar to that offered by the Clinton Administration, and to H.R. 2389 being considered in the House.

But here is where the similarity stops. We would not establish a separate appropriations line—which in all likelihood would be underfunded like the existing Payment in Lieu of Taxes System. Nor would we impose the responsibility to meet this payment on the Forest Service's or the BLM's annual budget.

Instead, we provide the Forest Service and the BLM with the authority to use any available receipts to meet these payments, and—only if these receipts fall short—to make up the difference from unobligated funds in the General Treasury. The intent here is to retain an obligation on the part of the Forest Service and the BLM, but to provide some flexibility in meeting this obligation.

Based upon our experience with the Quincy Library Group, the Applegate Partnership, and elsewhere, we have come to conclude that the best, recent decisions concerning federal resource management have enjoyed significant, local input. That is why our proposal contains a unique element—Senator WYDEN's idea, actually—to foster both local consensus and federal accountability around the management of federal lands.

Only 75 percent of the money to be given to the counties is provided for the traditional school and road programs. The remaining 25 percent would be provided to the counties for federal land management investments. The counties may fund either commercial or noncommercial projects on the federal lands at the recommendation of local advisory groups, and with the agreement of federal land managers. Projects must comply with all environmental laws and regulations, and must be consistent with the applicable land management plan. Any proceeds from

revenue generating projects will be split equally between the affected county and the federal land management agency. The county share will go to supporting schools and roads, while the federal share will go to infrastructure maintenance or ecosystem restoration. Any funds left-over because of a lack of local agreement will be re-allocated to counties where agreement on resource stewardship priorities has been reached.

This proposal is as value-neutral concerning the resource debate as we could make it. It neither encourages nor discourages a particular resource management outcome. But it does have a very heavy prejudice that Senator WYDEN and I have become very passionate about. We are in favor of people of goodwill reasoning together to improve the quality of their lives and the quality of our environment. We cannot legislate an end to conflict. But we can use the legislative process to create an environment in which people are motivated to resolve their differences. That is what we think this bill does.●

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. BENNETT, Mr. ROBERTS, Mr. BURNS, and Mr. HAGEL);

S. 1609. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program; to the Committee on Finance.

THE AMERICAN HOSPITAL PRESERVATION ACT OF 1999

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my colleagues Senators ABRAHAM, BENNETT, ROBERTS, BURNS, and HAGEL, the American Hospital Preservation Act of 1999.

Mr. President, the single biggest Medicare dollar issue facing hospitals today is a recently enacted reduction in the annual inflation adjustment for inpatient hospital payments. Prior to 1997, Medicare provided an annual inflation adjustment for the PPS (prospective payment system) payments it makes to hospitals, according to the patient's diagnosis. The inflation update is calculated using the projected increase in the hospital market basket indicator (MBI), which is just a way to calculate the overall inflation rate for hospital costs.

To achieve savings in the Medicare program, the 1997 balanced budget agreement between Congress and the President included a tightening of the MBI to ensure after-inflation savings in Medicare.

The bill I am introducing today will ease that tightening somewhat to reflect the savings we've made beyond our original estimate. Specifically, the bill will restore .5 percent of those scheduled reductions in the MBI for FY '00 through '02.

This restoration will bring inpatient reimbursement rates closer in line to actual health care inflation, which is

necessary given the significant reductions in government and private health insurance plans that providers are increasingly experiencing. The bill will also serve to help hospitals and other institutional providers to adjust to new outpatient payment systems as well as greater than anticipated costs stemming from Y2K compliance, prescription drugs, and blood supplies. Y2K compliance alone is estimated to cost hospitals between \$7 billion and \$8 billion. To make matters worse, the Health Care Finance Administration (HCFA) has been making cuts in its payments to hospitals and other Medicare providers that are even beyond the savings Congress originally called for.

My bill will provide a temporary shot in the arm to hospitals already hard hit by overall Medicare provider reimbursement cuts, and particularly cuts in outpatient services. As hospitals learn to adjust to the new reimbursement system for outpatient services, continuing to receive inflation adjustments might just mean the difference between disaster and survival.

This bill also reflects the recommendation made by the Medicare Payment Advisory Commission (MedPAC) to provide the ½ percent restoration to the inpatient MBI.

This legislation is particularly justified considering that, far from the \$115 billion originally envisioned to be saved through FY '02, the Medicare system is now projected to be in about \$200 billion better shape than anticipated. Savings in Medicare from hospitals alone are estimated to be \$20 billion more than first estimated.

Mr. President, rural hospitals, and all hospitals for that matter, operate on very slim margins yet manage to bring cutting-edge medical care to the communities they serve. But changes in Medicare payments to hospitals have put many institutions in a bind. Others are fighting for their lives.

Rural communities across Texas have felt the impact of hospital closures for more than a decade now. When a rural hospital closes, local residents lose access to routine, preventative care, not to mention emergency services that can save life and limb. Doctors and other highly trained professionals move away. Then people must drive a hundred miles or more in some cases to get the care city dwellers take for granted. Local economies suffer when jobs are lost. Existing businesses may have to move, and new businesses won't locate in places where health care is unavailable. Hospital closure can be a death-knell for struggling towns.

Other rescue efforts are moving forward to preserve the ability of our nation's hospitals and other Medicare providers to provide adequate health care to their patients. I am cosponsoring a number of bills that have been introduced to strengthen hospitals' financial position. One would limit hospitals' losses under the new outpatient reimbursement system; another would

increase the reimbursements made to rural hospitals for seniors in Medicare Choice-Plus (managed care) plans.

Finally, my successful effort to ensure that states' tobacco settlement funds stay in our state and out of the clutches of the federal government has meant that many hospitals across the country are receiving a financial boost. As a result, hospitals across Texas and health care systems across the country are in line to receive the lion's share of \$246 billion in state tobacco settlement payments over the next 25 years and beyond.

America's hospitals aren't out of the woods yet, but first aid is on the way.

Thank you, Mr. President, and I urge my colleagues to support and pass the American Hospital Preservation Act of 1999.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1609

*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 "American Hospital Preservation Act of 1999".

**SEC. 2. REVISION OF PPS HOSPITAL PAYMENT UPDATE.**

(a) IN GENERAL.—Section 1886(b)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in subclause (XV), by striking "1.8 percentage points" and inserting "1.3 percentage points"; and

(2) in subclause (XVI), by striking "1.1 percentage points" and inserting "0.6 percentage point".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

**ADDITIONAL COSPONSORS**

S. 51

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 469

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr.

BRYAN) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 655

At the request of Mr. LOTT, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 665

At the request of Mr. COVERDELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 665, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 666

At the request of Mr. LUGAR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 914

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 935

At the request of Mr. LUGAR, the name of the Senator from Massachu-

setts (Mr. KERRY) was added as a cosponsor of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1070

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1086

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1140, a bill to require the

Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1211

At the request of Mr. BENNETT, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1225

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1225, a bill to provide for a rural education initiative, and for other purposes.

S. 1232

At the request of Mr. COCHRAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1232, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1300

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1300, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined plan by the adoption of a plan amendment reducing future accruals under the plan.

S. 1308

At the request of Mr. MURKOWSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1308, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear power plants.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manu-

factured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1473

At the request of Mr. ROBB, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. DODD), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1483

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1483, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1548

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1548, a bill to establish a program to help States expand the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr.

CLELAND) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1600

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1600, a bill to amend the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined benefit plan by the adoption of a plan amendment reducing future accruals under the plan.

SENATE JOINT RESOLUTION 30

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of "In Memory" Day.

SENATE RESOLUTION 69

At the request of Mr. COVERDELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Resolution 69, a resolution to prohibit the consideration of retroactive tax increases in the Senate.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ROBB), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Florida (Mr. MACK) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as "Arts Education Month."

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. ROBB), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Michigan (Mr. LEVIN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of Senate Resolution 179, a

resolution designating October 15, 1999, as "National Mammography Day."

AMENDMENT NO. 1658

At the request of Mr. HELMS the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 1658 proposed to H.R. 2084, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

#### AMENDMENTS SUBMITTED

#### BANKRUPTCY REFORM ACT OF 1999

##### BAUCUS AMENDMENT NO. 1681

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (S. 625) to amend title 11, United States Code, and for other purposes; as follows:

Section 353(e)(2) of the Consolidated and Rural Development Act (7 U.S.C. 2001(e)(2)) is amended—

(1) by striking "Shared" and inserting the following:

"(A) IN GENERAL.—Shared"; and

(2) by adding at the end the following:

"(B) REPAYMENT OF RECAPTURE AMOUNT.—The borrower may repay the recapture amount to the Secretary over a period not to exceed 25 years at an interest rate equal to the applicable rate of interest of Federal borrowing, as determined by the Secretary."

##### KOHL AMENDMENTS NOS. 1682-1684

(Ordered to lie on the table.)

Mr. KOHL submitted three amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1682

At the appropriate place in title III, insert the following:

##### SEC. 3. LIMITATION.

Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer."

AMENDMENT NO. 1683

On page 96, strike all through page 97, line 11.

AMENDMENT NO. 1684

On page 97, strike all language from line 4, beginning with "if the debt," through line 9,

ending with "use of the debtor, or". Additionally, on page 97, line 10, strike the word "other".

##### LIEBERMAN (AND DODD)

AMENDMENT NO. 1685

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

##### SEC. —. INDIVIDUALS' RIGHT TO FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS UNDER MEDICAL CARE.

(a) AMENDMENT TO SOCIAL SECURITY ACT.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

"INDIVIDUALS' FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS

"SEC. 1897. (a) DEFINITIONS.—In this section:

"(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means the non-therapeutic use of a medication that—

"(A) is unrelated to the patient's medical condition; and

"(B) is imposed for disciplinary purposes or the convenience of staff.

"(2) PHYSICAL RESTRAINT.—The term 'physical restraint' means any mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, and other methods involving the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the patient from falling out of bed or to permit a patient to participate in activities without the risk of physical harm to the patient.

"(3) PROVIDER OF SERVICES.—The term 'provider of services' has the meaning given that term in section 1861(u), except that for purposes of this section the term includes a psychiatric hospital but does not include a home health agency or skilled nursing facility.

"(4) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population when he or she desires.

"(5) SENTINEL EVENT.—The term 'sentinel event' means an unexpected occurrence involving an individual in the care of a provider of services for treatment for a psychiatric or psychological illness that results in death or serious physical or psychological injury that is unrelated to the natural course of the individual's illness or underlying condition.

"(b) PROTECTION OF RIGHT TO BE FREE FROM RESTRAINTS.—A provider of services eligible to be paid under this title for providing services to an individual entitled to benefits under part A or enrolled under part B (including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C) shall—

"(1) protect and promote the right of each such individual to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints or involuntary seclusion imposed for purposes of discipline or convenience;

"(2) impose restraints—

"(A) only to ensure the physical safety of the individual or other individuals in the

care or custody of the provider, a staff member, or others; and

"(B) only upon the written order of a physician or other licensed independent practitioner permitted by the State and the facility to order such restraint or seclusion that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained); and

"(2) submit the reports required under subsection (d).

"(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the use of restraints for medical immobilization, adaptive support, or medical protection.

"(d) REPORTS.—

"(1) REPORTS TO AGENCIES OR ENTITIES WITH OVERSIGHT AUTHORITY.—

"(A) IN GENERAL.—A provider of services shall report each sentinel event that occurs to an individual while the individual is in the care or custody of the provider to—

"(i) in the case of a provider of services participating in the program established under this title or the medicaid program under title XIX as a result of accreditation by a national accrediting body, the national accrediting body for that provider; and

"(ii) in the case of all other providers of services, the Secretary or, upon agreement between the Secretary and the relevant State, the State agency designated by the Secretary.

"(B) INVESTIGATION AND FURTHER REPORTING OF SENTINEL EVENTS.—Upon receipt of a report made pursuant to subparagraph (A), the agency or entity with oversight authority shall—

"(i) ensure that the provider—

"(I) conducts an investigation of the sentinel event reported;

"(II) determines the root cause or causes of the sentinel event; and

"(III) establishes a time-limited plan or strategy, that allows the agency or entity with oversight authority to review and approve the analyses and any corrective actions proposed or made by the provider of services, to correct the problem or problems that resulted in the sentinel event, and to lead to risk reduction; and

"(ii) prepare and submit the reports required under paragraph (2).

"(2) REPORTS TO THE SECRETARY.—

"(A) IN GENERAL.—Subject to subparagraph (D), the agency or entity with oversight authority shall submit a report containing the information described in subparagraph (B) to the Secretary in such form and manner, and by such date, as the Secretary prescribes.

"(B) INFORMATION TO BE REPORTED.—

"(i) IN GENERAL.—The report submitted under subparagraph (A) shall be submitted to the Secretary at regular intervals, but not less frequently than annually, and shall include—

"(I) a description of the sentinel events occurring during the period covered by the report;

"(II) a description of any corrective action taken by the providers of services with respect to the sentinel events or any other measures necessary to prevent similar sentinel events from occurring in the future;

"(III) proposed systems changes identified as a result of analysis of events from multiple providers; and

"(IV) such additional information as the Secretary determines to be essential to ensure compliance with the requirements of this section.

"(ii) INFORMATION EXCLUDED.—The report submitted under subparagraph (A) shall not identify any individual provider of services, practitioner, or individual.

“(C) ADDITIONAL REPORTING REQUIREMENTS WHEN A PROVIDER HAS BEEN IDENTIFIED AS HAVING A PATTERN OF POOR PERFORMANCE.—

“(i) IN GENERAL.—In addition to the report required under subparagraph (A), the agency or entity with oversight authority shall report to the Secretary the name and address of any provider of services with a pattern of poor performance.

“(ii) DETERMINATION OF PATTERN.—The agency or entity with oversight authority shall determine if a pattern of poor performance exists with respect to a provider of services in accordance with the definition of pattern of poor performance developed by the Secretary under clause (iii).

“(iii) DEVELOPMENT OF DEFINITION.—The Secretary, in consultation with national accrediting organizations and others, shall develop a definition to identify a provider of services with a pattern of poor performance.

“(D) AUTHORITY TO WAIVE REPORTING REQUIREMENT.—The Secretary may waive the requirement to submit a report required under this paragraph (but not a report regarding a sentinel event that resulted in death required under paragraph (3)) upon consideration of the severity of the sentinel event.

“(3) ADDITIONAL REPORTING REQUIREMENTS FOR SENTINEL EVENTS RESULTING IN DEATH.—In addition to the report required under paragraph (1), a provider of services shall report any sentinel event resulting in death to—

“(A) the Secretary or the Secretary’s designee;

“(B) the State Attorney General or, upon agreement with the State Attorney General, to the appropriate law enforcement agency;

“(C) the State agency responsible for licensing the provider of services; and

“(D) the State protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the State in which the event occurred.

“(4) RESPONSIBILITIES OF THE AGENCY OR ENTITY WITH OVERSIGHT AUTHORITY.—Upon receipt of a report of a sentinel event that resulted in death, the agency or entity with oversight authority shall, in addition to the requirements of paragraph (2)—

“(A) determine whether the death was related to the use of restraints or seclusion; and

“(B) notify the Secretary of the determination.

“(5) SANCTIONS FOR FAILURE TO REPORT.—

“(A) IN GENERAL.—The Secretary shall establish sanctions, including intermediate sanctions, as appropriate, for failure of a provider of services or an agency or entity with oversight authority to submit the reports and information required under this subsection.

“(B) REMOVAL OF AGENCY OR ENTITY WITH OVERSIGHT AUTHORITY.—The Secretary, after notice to an agency or entity with oversight authority of a provider of services, as determined in paragraph (1), and opportunity to comply, may remove the agency or entity of such authority if the agency or entity refuses to submit the reports and information required under this subsection.

“(6) LIABILITY FOR REPORTING.—An individual, provider of services, agency, or entity shall be liable with respect to any information contained in a report required under this subsection if the individual, provider of services, agency, or entity had knowledge of the falsity of the information contained in the report at the time the report was submitted under this subsection. Nothing in the preceding sentence shall be construed as limiting the liability of an individual, provider of services, agency, or entity for damages re-

lating to the occurrence of a sentinel event, including a sentinel event that results in death.

“(7) NONDISCLOSURE OF ANALYSIS.—Notwithstanding any other provision of law or regulation, the root cause analysis developed under this subsection shall be kept confidential and shall not be subject to disclosure or discovery in a civil action.

“(d) ESTABLISHMENT OR DESIGNATION OF SENTINEL EVENTS DATABASE.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish or designate a database of information using the reports submitted under paragraphs (2) and (3) of subsection (d) (in this subsection referred to as the ‘Sentinel Events Database’).

“(2) CONTENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Sentinel Events Database shall include the following:

“(i) The name and address of any provider of services that is the subject of a report submitted under subsection (d)(3), if the agency or entity with oversight authority has determined that the death was related to the use of restraints or seclusion.

“(ii) The information reported by the agency or entity under subparagraphs (B) and (C) of subsection (d)(2).

“(B) CONFIDENTIALITY.—The Secretary shall establish procedures to ensure that the privacy of individuals whose treatment is the subject of a report submitted under paragraph (2) or (3) of subsection (d) is protected.

“(3) PROCEDURES FOR ENTRY OF INFORMATION.—

“(A) IN GENERAL.—The Secretary shall—

“(i) prior to entry of information in the Sentinel Events Database, disclose the information to the provider of services that is the subject of the information; and

“(ii) establish procedures to—

“(I) resolve disputes regarding the accuracy of the information; and

“(II) ensure the accuracy of the information.

“(B) NO DELAY OF SANCTIONS.—Any sanction to be imposed by the Secretary against a provider of services or an agency or entity with oversight authority in relation to a sentinel event shall not be delayed as a result of a dispute regarding the accuracy of information to be entered into the database.

“(4) ACCESS TO THE DATABASE.—

“(A) AVAILABILITY.—The Secretary shall establish procedures for making the information maintained in the Sentinel Events Database related to a sentinel event resulting in death, and any reports of sentinel injuries arising from those providers of services with a pattern of poor performance identified in accordance with subsection (d)(2)(C), available to Federal and State agencies, national accrediting bodies, health care researchers, and the public.

“(B) INTERNET ACCESS.—In addition to any other procedures that the Secretary develops under subparagraph (A), the information in the Sentinel Events Database shall be accessible through the Internet.

“(C) FEES FOR DISCLOSURE.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish or approve reasonable fees for disclosing information maintained in the Sentinel Events Database.

“(ii) NO FEE FOR FEDERAL AGENCIES.—No fee shall be charged to a Federal agency for access to the Sentinel Events Database.

“(iii) APPLICATION OF FEES.—Fees collected under this clause shall be applied by the Secretary toward the cost of maintaining the Sentinel Events Database.”

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this sub-

section take effect on the date of enactment of this Act.

(B) REPORTING REQUIREMENTS.—The reporting requirements under section 1897(d) of the Social Security Act, as added by paragraph (1), shall apply to sentinel events occurring on and after the date of enactment of this Act.

(b) INDIVIDUALS’ RIGHT TO FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS UNDER MEDICAID.—

(1) STATE PLANS FOR MEDICAL ASSISTANCE.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (65), by striking the period and inserting “; and”; and

(B) by adding at the end the following:

“(66) provide that the State will ensure that any congregate care provider (as defined in section 1905(v)) that provides services to an individual for which medical assistance is available shall—

“(A) protect and promote the right of each individual to be free from physical or mental abuse, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for purposes of discipline or convenience;

“(B) impose restraints only—

“(i) to ensure the physical safety of the individual or other individuals; and

“(ii) upon the written order of a physician that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained); and

“(C) submit the reports required under subsection (d) of section 1897 (relating to sentinel events) in the same manner as a provider of services under that section is required to submit such reports.”

(2) DEFINITION OF CONGREGATE CARE PROVIDER.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

“(v) The term ‘congregate care provider’ means an entity that provides hospital services, hospice care, residential treatment centers for children, services in an institution for mental diseases, inpatient psychiatric hospital services for individuals under age 21, or congregate care services under a waiver authorized under section 1915(c).”

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection take effect on the date of enactment of this Act.

(B) REPORTING REQUIREMENTS.—The reporting requirements under section 1902(a)(66)(C) of the Social Security Act (42 U.S.C. 1396a(a)(66)(C)), as added by paragraph (1), shall apply to sentinel events occurring on and after the date of enactment of this Act.

## FEINGOLD AMENDMENTS NOS.

1686-1688

(Ordered to lie on the table.)

Mr. FEINGOLD submitted three amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT No. 1686

At the end of title X, insert the following:  
**SEC. \_\_\_\_ PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.**

(a) IN GENERAL.—Section 1225(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) If the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(B), those amounts

equal or exceed the debtor's projected disposable income for that period, and the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed."

(b) MODIFICATION.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

"(d)(1) A modification of the plan under this section may not increase the amount of payments that were due prior to the date of the order modifying the plan.

"(2) A modification of the plan under this section to increase payments based on an increase in the debtor's disposable income may not require payments to unsecured creditors in any particular month greater than the debtor's disposable income for that month unless the debtor proposes such a modification.

"(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed unless the debtor proposes such a modification."

AMENDMENT NO. 1687

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

**SEC. \_\_\_\_ DEFINITION OF FAMILY FARMER.**

Section 101(18) of title 11, United States Code, is amended—

- (1) in subparagraph (A) by—
  - (A) striking "\$1,500,000" and inserting "\$3,000,000"; and
  - (B) striking "80" and inserting "50"; and
- (2) in subparagraph (B)(ii) by—
  - (A) striking "\$1,500,000" and inserting "\$3,000,000"; and
  - (B) striking "80" and inserting "50".

AMENDMENT NO. 1688

On page 7, line 15, strike "(ii)" and insert "(ii)(I)".

On page 7, between lines 21 and 22, insert the following:

"(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor for care and support of a household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent.

DODD AMENDMENT NO. 1689

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROTECTION OF TUITION AND EDUCATION SAVINGS IN BANKRUPTCY.**

(a) IN GENERAL.—Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended by adding at the end the following:

"(o)(I) Notwithstanding section 541 of this title or any other provision of this section, an individual debtor may exempt from property of the estate the debtor's aggregate interest in funds (including any amount earned on the funds) to the extent that—

"(A) the funds are in a qualified tuition program described in section 529(b) of the Internal Revenue Code of 1986 or an education individual retirement account as defined in section 530(b)(1) of such Code;

"(B) the amount the debtor contributed to the program or account for each designated beneficiary, as defined in section 529(e)(i) of

such Code, does not exceed the lesser of the maximum total contribution permitted under section 529(b)(7) of such Code by the State specified in subsection (b)(2)(A) of this section; and

"(C) a contribution that the debtor made within 1 year before the date of the filing of the petition did not exceed 15 percent of the debtor's gross annual income for the year in which the contribution was made and was consistent with the practices of the debtor in making such contributions.

"(2) Subsection (1) of this section applies to any exemption claimed under this subsection.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 104(b) of title 11, United States Code, is amended by inserting '522(o),' after '522(d),' each place it appears."

DODD (AND KENNEDY)  
AMENDMENT NO. 1690

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.**

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not attained the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not attained the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent, legal guardian, or spouse of the consumer, or any other individual having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account."

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

DODD AMENDMENT NO. 1691

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ CONSUMER CREDIT.**

(a) ENHANCED DISCLOSURES UNDER AN OPEN END CONSUMER CREDIT PLAN.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance;

"(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

"(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made.

"(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the creditor shall apply the interest rate in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

"(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date."

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: "In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b)."

DODD (AND LANDRIEU)  
AMENDMENT NO. 1692

(Ordered to lie on the table.)

Mr. DODD (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by them to the bill S. 625, supra; as follows:

On page 7, line 15, strike "(ii)" and insert "(ii)(I)".

On page 7, between lines 21 and 22, insert the following:

"(II) The expenses referred to in subclause (I) shall include—

"(aa) taxes and mandatory withholdings from wages;

"(bb) health care;

"(cc) alimony, child, and spousal support payments;

"(dd) expenses associated with the adoption of a child, including travel expenses, relocation expenses, and medical expenses;

"(ee) legal fees necessary for the debtor's case;

“(ff) child care and the care of elderly or disabled family members;

“(gg) reasonable insurance expenses and pension payments;

“(hh) religious and charitable contributions;

“(ii) educational expenses not to exceed \$10,000 per household;

“(jj) union dues;

“(kk) other expenses necessary for the operation of a business of the debtor or for the debtor's employment;

“(ll) utility expenses and home maintenance expenses for a debtor that owns a home;

“(mm) ownership costs for a motor vehicle, determined in accordance with Internal Revenue Service transportation standards, reduced by any payments on debts secured by the motor vehicle or vehicle lease payments made by the debtor;

“(nn) expenses for children's toys and recreation for children of the debtor;

“(oo) tax credits for earned income determined under section 32 of the Internal Revenue Code of 1986; and

“(pp) miscellaneous and emergency expenses.

On page 83, between lines 4 and 5, insert the following:

**SEC. 225. TREATMENT OF TAX REFUNDS AND DOMESTIC SUPPORT OBLIGATIONS.**

(a) PROPERTY OF THE ESTATE.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (a)(5)(B) by inserting “except as provided under subsection (b)(7),” before “as a result”; and

(2) in subsection (b)—

(A) in paragraph (4), by striking “or” at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (5) the following:

“(6) any—

“(A) refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed under section 32 of such Code for such year; and

“(B) advance payment of an earned income tax credit under section 3507 of the Internal Revenue Code of 1986;

“(7) the right of the debtor to receive alimony, support, or separate maintenance for the debtor or dependent of the debtor;

“(8) refund of a tax due to the debtor under a State earned income tax credit; or

“(9) advance payment of a State earned income tax credit.”

(b) PROTECTION OF EARNED INCOME TAX CREDIT AND SUPPORT PAYMENTS UNDER BANKRUPTCY REPAYMENT PLANS IN CHAPTER 12.—Section 1225(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting “(A)” before “For purposes”;

(2) by striking “(A) for the maintenance” and inserting “(i) for the maintenance”;

(3) by striking “(B) if the debtor” and inserting “(ii) if the debtor”; and

(4) by adding at the end the following:

“(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

“(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

“(ii) any advance payment for an earned income tax credit described in clause (i); or

“(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.”

(c) PROTECTION OF EARNED INCOME TAX CREDIT AND SUPPORT PAYMENTS UNDER BANKRUPTCY REPAYMENT PLANS IN CHAPTER 13.—Section 1325(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting “(A)” before “For purposes”;

(2) by striking “(A) for the maintenance” and inserting “(i) for the maintenance”;

(3) by striking “(B) if the debtor” and inserting “(ii) if the debtor”; and

(4) by adding at the end the following:

“(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

“(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

“(ii) any advance payment for an earned income tax credit described in clause (i); or

“(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.”

(d) EXEMPTIONS.—Section 522(d) of title 11, United States Code, as amended by section 224 of this Act, is amended in paragraph (10)—

(1) in subparagraph (C), by adding “or” after the semicolon;

(2) by striking subparagraph (D); and

(3) by striking “(E)” and inserting “(D)”.

On page 92, line 5, strike “personal property” and insert “an item of personal property purchased for more than \$3,000”.

On page 93, line 19, strike “property” and insert “an item of personal property purchased for more than \$3,000”.

On page 97, line 10, strike “if” and insert “to the extent that”.

On page 97, line 10, after “incurred” insert “to purchase that thing of value”.

On page 98, line 1, strike “(27A)” and insert “(27B)”.

On page 107, line 9, strike “and aggregating more than \$250” and insert “for \$400 or more per item or service”.

On page 107, line 11, strike “90” and insert “70”.

On page 107, line 13, after “dischargeable” insert the following: “if the creditor proves by a preponderance of the evidence at a hearing that the goods or services were not reasonably necessary for the maintenance or support of the debtor”.

On page 107, line 15, strike “\$750” and insert “\$1,075”.

On page 107, line 17, strike “70” and insert “60”.

Beginning on page 109, strike line 21 and all that follows through page 111, line 15, and insert the following:

**SEC. 314. HOUSEHOLD GOOD DEFINED.**

Section 101 of title 11, United States Code, as amended by section 106(c) of this Act, is amended by inserting before paragraph (27B) the following:

“(27A) ‘household goods’—

“(A) includes tangible personal property normally found in or around a residence; and

“(B) does not include motor vehicles used for transportation purposes.”

On page 112, line 6, strike “(except that,” and all that follows through “debts)” on line 13.

On page 112, strike lines 19 and 20.

On page 112, line 21, strike “(3)” and insert “(2)”.

On page 112, line 24, strike “(4)” and insert “(3)”.

On page 113, between lines 3 and 4, insert the following:

(c) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, is amended—

(1) in subsection (c), by inserting “(14A),” after “(6),” each place it appears; and

(2) in subsection (d), by striking “(a)(2)” and inserting “(a) (2) or (14A)”.

On page 263, line 8, insert “as amended by section 322 of this Act,” after “United States Code,”.

On page 263, line 11, strike “(4)” and insert “(5)”.

On page 263, line 12, strike “(5)” and insert “(6)”.

On page 263, line 13, strike “(6)” and insert “(7)”.

On page 263, line 14, strike “(4)” and insert “(5)”.

On page 263, line 16, strike “(5)” and insert “(6)”.

**MURRAY AMENDMENT NO. 1693**

(Ordered to lie on the table)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 625, supra; as follows:

At the appropriate place, add the following:

**TITLE —TIME FOR SCHOOLS ACT OF 1999**

**SEC. 1. SHORT TITLE.**

This title may be cited as the “Time for Schools Act of 1999”.

**SEC. 2. GENERAL REQUIREMENTS FOR LEAVE.**

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

“(3) ENTITLEMENT TO SCHOOL INVOLVEMENT LEAVE.—

“(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

“(B) DEFINITIONS.—In this paragraph:

“(i) FAMILY LITERACY PROGRAM.—The term ‘family literacy program’ means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

“(I) Interactive literacy activities between parents and their sons and daughters.

“(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

“(III) Parent literacy training.

“(IV) An age-appropriate education program for sons and daughters.

“(ii) LITERACY.—The term ‘literacy’, used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

“(I) to function on the job, in the family of the individual, and in society;

“(II) to achieve the goals of the individual; and

“(III) to develop the knowledge potential of the individual.

“(iii) SCHOOL.—The term ‘school’ means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program

assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period."

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ", or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR SCHOOL INVOLVEMENT LEAVE.—In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable."

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SCHOOL INVOLVEMENT LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe."

### SEC. 3. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

"(B) In this paragraph:

"(i) The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(I) Interactive literacy activities between parents and their sons and daughters.

"(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

"(III) Parent literacy training.

"(IV) An age-appropriate education program for sons and daughters.

"(ii) The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and

"(III) to develop the knowledge potential of the individual.

"(iii) The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Ele-

mentary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period."

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before ", except" the following: ", or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable."

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe."

### SEC. 4. EFFECTIVE DATE.

This title takes effect 120 days after the date of enactment of this Act.

### SARBANES AMENDMENT NO. 1694

(Ordered to lie on the table)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

### SEC. 3. CONSUMER CREDIT.

(a) ENHANCED DISCLOSURES UNDER AN OPEN END CONSUMER CREDIT PLAN.—

(1) REPAYMENT TERMS.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance;

"(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

"(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made.

"(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the creditor shall apply the interest rate in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

"(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date."

(2) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(b)(11) of the Truth in Lending Act, as added by this subsection.

(b) CREDIT CARD SECURITY INTERESTS UNDER AN OPEN END CONSUMER CREDIT PLAN.—

(1) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) SECURITY INTERESTS CREATED UNDER AN OPEN END CONSUMER CREDIT PLAN.—During the period of an open end consumer credit plan, if the creditor of that plan obtains a security interest in personal property purchased using that credit plan, the creditor shall provide to the consumer, at the time of purchase, a written statement setting forth in a clear, conspicuous, and easy to read format the following information:

"(1) The property in which the creditor will receive a security interest.

"(2) The nature of the security interest taken.

"(3) The method or methods of enforcement of that security interest available to the creditor in the event of nonpayment of the plan balance.

"(4) The method in which payments made on the credit plan balance will be credited against the security interest taken on the property.

"(5) The following statement: 'This property is subject to a security agreement. You must not dispose of the property purchased in any way, including by gift, until the balance on this account is fully paid.'"

(2) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(h) of the Truth in Lending Act, as added by this subsection.

(c) STATISTICS REPORTED TO BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM AND TO CONGRESS.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(i) REPORTS TO THE BOARD AND TO CONGRESS.—

"(1) REPORTS TO THE BOARD.—Any creditor making advances under an open end credit plan shall, using model forms developed and published by the Board, annually submit to the Board a report, which shall include—

"(A) the total number of open end credit plan solicitations made to consumers;

"(B) the total amount of credit (in dollars) offered to consumers;

"(C) a statement of the average interest rates offered to all borrowers in each of the previous 2 years;

“(D) the total amount of credit granted and the average interest rate granted to persons under the age of 25; and

“(E) the total amount of debt written off voluntarily and due to a bankruptcy discharge in each of the 2 years preceding the date on which the report is submitted.

“(2) REPORTS TO CONGRESS.—The Board shall annually compile the information collected under paragraph (1) and submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking and Financial Services of the House of Representatives, a report, which shall include—

“(A) aggregate data described subparagraphs (A) through (E) of paragraph (1) for all creditors; and

“(B) individual data described in paragraph (1)(A) for each of the top 50 creditors.”.

(d) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: “In connection with the disclosures referred to in subsections (a), (b), and (h) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h).”.

(e) TREATMENT UNDER BANKRUPTCY LAW.—

(1) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, is amended by adding at the end the following: “The exception under subparagraphs (A) and (C) of paragraph (2) shall not apply to any claim made by a creditor who has failed to make the disclosures required under section 127(h) of the Truth in Lending Act in connection with such claim, unless a creditor required to make such disclosures files with the court, within 90 days of the date of order for relief, a proof of claim accompanied by a copy of such disclosures that is signed and dated by the debtor.”.

(2) REAFFIRMATION.—Section 524(c) of title 11, United States Code, is amended—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) in a case concerning a creditor obligated to make the disclosures required under section 127(h) of the Truth in Lending Act, the agreement contains a copy of such disclosures that is signed and dated by the debtor.”.

#### FEINSTEIN (AND BIDEN) AMENDMENT NO. 1695

(Ordered to lie on the table)

Mrs. FEINSTEIN (for herself and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill S. 625, supra; as follows:

On page 124, between lines 14 and 15, insert the following:

#### SEC. 322. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) For a case commenced—

“(A) under chapter 7 of title 11, \$160; or

“(B) under chapter 13 of title 11, \$150.”.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

“(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;”;

(2) in paragraph (2) by striking “one-half” and inserting “three-fourths”; and

(3) in paragraph (4) by striking “one-half” and inserting “100 percent”.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking “pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931” and inserting “under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title”.

#### FEINSTEIN AMENDMENT NO. 1696

(Ordered to lie on the table)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_. ISSUANCE OF CREDIT CARDS TO UNDERAGE CONSUMERS.

(a) APPLICATIONS BY UNDERAGE CONSUMERS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following:

“(5) APPLICATIONS FROM UNDERAGE OBLIGORS.—

“(A) PROHIBITION ON ISSUANCE.—Except in response to a written request or application to the card issuer that meets the requirements of subparagraph (B), a card issuer may not—

“(i) issue a credit card account under an open end consumer credit plan to, or establish such an account on behalf of, an obligor who has not attained the age of 21; or

“(ii) increase the amount of credit authorized to be extended under such an account to an obligor described in clause (i).

“(B) APPLICATION REQUIREMENTS.—A written request or application to open a credit card account under an open end consumer credit plan, or to increase the amount of credit authorized to be extended under such an account, submitted by an obligor who has not attained the age of 21 as of the date of such submission, shall require—

“(i) submission by the obligor of information regarding any other credit card account under an open end consumer credit plan issued to, or established on behalf of, the obligor (other than an account established in response to a written request or application that meets the requirements of clause (ii) or

(iii), indicating that the proposed extension of credit under the account for which the written request or application is submitted would not thereby increase the total amount of credit extended to the obligor under any such account to an amount in excess of \$1,500 (which amount shall be adjusted annually by the Board to account for any increase in the Consumer Price Index);

“(ii) the signature of a parent or guardian of that obligor indicating joint liability for debts incurred in connection with the account before the obligor attains the age of 21; or

“(iii) submission by the obligor of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

“(C) NOTIFICATION.—A card issuer of a credit card account under an open end consumer credit plan shall notify any obligor who has not attained the age of 21 that the obligor is not eligible for an extension of credit in connection with the account unless the requirements of this paragraph are met.

“(D) LIMIT ON ENFORCEMENT.—A card issuer may not collect or otherwise enforce a debt arising from a credit card account under an open end consumer credit plan if the obligor had not attained the age of 21 at the time the debt was incurred, unless the requirements of this paragraph have been met with respect to that obligor.

“(6) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—In addition to the requirements of paragraph (5), no increase may be made in the amount of credit authorized to be extended under a credit card account under an open end credit plan for which a parent or guardian of the obligor has joint liability for debts incurred in connection with the account before the obligor attains the age of 21, unless the parent or guardian of the obligor approves, in writing, and assumes joint liability for, such increase.”.

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out paragraphs (5) and (6) of section 127(c) of the Truth in Lending Act, as amended by this section.

(c) EFFECTIVE DATE.—Paragraphs (5) and (6) of section 127(c) of the Truth in Lending Act, as amended by this section, shall apply to the issuance of credit card accounts under open end consumer credit plans, and the increase of the amount of credit authorized to be extended thereunder, as described in those paragraphs, on and after the date of enactment of this Act.

#### REID AMENDMENT NO. 1697

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

#### SECTION 1. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended in the second sentence by striking “180” and inserting “30”.

#### WELLSTONE (AND MURRAY) AMENDMENTS NOS. 1698-1699

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mrs. MURRAY) submitted two amendments intended to be proposed by them to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1698

At the end, add the following:

**TITLE —EMPLOYMENT PROTECTION FOR BATTERED WOMEN**

**SEC. 1. SHORT TITLE AND REFERENCE.**

(a) **SHORT TITLE.**—This title may be cited as the “Battered Women’s Employment Protection Act”.

(b) **REFERENCE.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

**SEC. 2. PURPOSES.**

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under section 5 of the 14th amendment to the Constitution, as well as under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States—

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence to employers and employees, by—

(A) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence; and

(B) entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employers;

(2) to promote the purposes of the 14th amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women for employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs, caused by domestic violence; and

(4) to accomplish the purposes described in paragraphs (1), (2), and (3) in a manner that accommodates the legitimate interests of employers.

**SEC. 3. UNEMPLOYMENT COMPENSATION.**

(a) **UNEMPLOYMENT COMPENSATION.**—Section 3304 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)—

(A) by striking “and” at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting “; and”; and

(C) by inserting after paragraph (19) the following:

“(20) compensation is to be provided where an individual is separated from employment due to circumstances directly resulting from the individual’s experience of domestic violence.”; and

(2) by adding at the end the following:

“(g) **CONSTRUCTION.**—

“(1) **IN GENERAL.**—For purposes of subsection (a)(20), an employee’s separation from employment shall be treated as due to circumstances directly resulting from the in-

dividual’s experience of domestic violence if the separation resulted from—

“(A) the employee’s reasonable fear of future domestic violence at or en route to or from the employee’s place of employment;

“(B) the employee’s wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee’s family;

“(C) the employee’s need to recover from traumatic stress resulting from the employee’s experience of domestic violence;

“(D) the employer’s denial of the employee’s request for the temporary leave from employment authorized by section 102 of the Family and Medical Leave Act of 1993 to address domestic violence and its effects; or

“(E) any other circumstance in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee’s family.

“(2) **REASONABLE EFFORTS TO RETAIN EMPLOYMENT.**—For purposes of subsection (a)(20), if State law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, such requirement shall be met if the employee—

“(A) sought protection from, or assistance in responding to, domestic violence, including calling the police or seeking legal, social work, medical, clerical, or other assistance;

“(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the employee actually obtained such refuge or accomplished such relocation; or

“(C) reasonably believed that options such as taking a leave of absence, transferring jobs, or receiving an alternative work schedule would not be sufficient to guarantee the employee or the employee’s family’s safety.

“(3) **ACTIVE SEARCH FOR EMPLOYMENT.**—For purposes of subsection (a)(20), if State law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be treated as met where the employee is temporarily unable to actively search for employment because the employee is engaged in seeking safety for the employee or the employee’s family, or relief for the employee, from domestic violence, including—

“(A) going into hiding or relocating or attempting to do so, including activities associated with such hiding or relocation, such as seeking to obtain sufficient shelter, food, schooling for children, or other necessities of life for the employee or the employee’s family;

“(B) actively pursuing legal protection or remedies, including meeting with the police, going to court to make inquiries or file papers, meeting with attorneys, or attending court proceedings; or

“(C) participating in psychological, social, or religious counseling or support activities to assist the employee in coping with domestic violence.

“(4) **PROVISION OF INFORMATION TO MEET CERTAIN REQUIREMENTS.**—In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the unemployment agency of the State in which an employee is requesting unemployment compensation by reason of subsection (a)(20) may require the employee to provide—

“(A) a written statement describing the domestic violence and its effects;

“(B) documentation of the domestic violence, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in address-

ing domestic violence and its effects, as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); or

“(C) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

All evidence of domestic violence experienced by an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available by reason of subsection (a)(20) shall be retained in the strictest confidence by such State unemployment agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of protecting the safety of the employee or a family member of the employee or of assisting in documenting domestic violence for a court or agency.”.

(b) **SOCIAL SECURITY PERSONNEL TRAINING.**—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by inserting after paragraph (3) the following:

“(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of domestic violence and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence, so that employee separations stemming from domestic violence are reliably screened, identified, and adjudicated, and full confidentiality is provided for the employee’s claim and submitted evidence; and”.

(c) **DEFINITIONS.**—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

(u) **DOMESTIC VIOLENCE.**—The term ‘domestic violence’ includes acts or threats of violence, or acts of extreme cruelty (as such term is referred to in section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a)), not including acts of self-defense, committed by—

“(1) a current or former spouse of the victim;

“(2) a person with whom the victim shares a child in common;

“(3) a person who is cohabiting with or has cohabited with the victim;

“(4) a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim;

“(5) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or

“(6) any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”.

**SEC. 4. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR NON-FEDERAL EMPLOYEES.**

(a) **DEFINITIONS.**—Section 101 (29 U.S.C. 2611) is amended by adding at the end the following:

“(14) **ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.**—The term ‘addressing domestic violence and its effects’ means—

“(A) being unable to attend or perform work due to an incident of domestic violence;

“(B) seeking medical attention for or recovering from injuries caused by domestic violence;

“(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding, related to domestic violence;

“(D) obtaining services from a domestic violence shelter or program or rape crisis center as a result of domestic violence;

“(E) obtaining psychological counseling related to experiences of domestic violence;

“(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

“(G) participating in any other activity necessitated by domestic violence that must be undertaken during the hours of employment involved.

“(15) DOMESTIC VIOLENCE.—The term ‘domestic violence’ has the meaning given the term in section 3306 of the Internal Revenue Code of 1986.”.

(b) LEAVE REQUIREMENT.—Section 102 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

“(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.”;

(2) in subsection (b), by adding at the end the following:

“(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a) may be taken by an eligible employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.”; and

(3) in subsection (d)(2)(B), by striking “(C) or (D)” and inserting “(C), (D), (E), or (F)”.

(c) CERTIFICATION.—Section 103 (29 U.S.C. 2613) is amended—

(1) in the title of the section, by inserting before the period the following: “; confidentiality”; and

(2) by adding at the end the following:

“(f) DOMESTIC VIOLENCE.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide—

“(1) a written statement describing the domestic violence and its effects;

“(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

“(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

“(g) CONFIDENTIALITY.—All evidence provided to the employer under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

“(1) protecting the safety of the employee or a family member or co-worker of the employee; or

“(2) assisting in documenting domestic violence for a court or agency.”.

SEC. 5. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR FEDERAL EMPLOYEES.

(a) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(1) at the end of paragraph (5), by striking “and”;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(7) the term ‘addressing domestic violence and its effects’ has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); and

“(8) the term ‘domestic violence’ has the meaning given the term in section 3006 of the Internal Revenue Code of 1986.”.

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

“(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.”;

(2) in subsection (b), by adding at the end the following:

“(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.”; and

(3) in subsection (d), by striking “(C), or (D)” and inserting “(C), (D), (E), or (F)”.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in the title of the section, by adding at the end the following: “; confidentiality”; and

(2) by adding at the end the following:

“(f) In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employing agency of an employee may require the employee to provide—

“(1) a written statement describing the domestic violence and its effects;

“(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

“(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or other damaged property.

(g) All evidence provided to the employing agency under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest con-

fidence by the employing agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

“(1) protecting the safety of the employee or a family member or co-worker of the employee; or

“(2) assisting in documenting domestic violence for a court or agency.”.

SEC. 6. EXISTING LEAVE USABLE FOR DOMESTIC VIOLENCE.

(a) DEFINITIONS.—In this section:

(1) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.—The term “addressing domestic violence and its effects” has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611), as amended in section 4(a).

(2) EMPLOYEE.—The term “employee” means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(3) EMPLOYER.—The term “employer”—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs individuals, if such person is also subject to the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) or to any provision of a State or local law, collective bargaining agreement, or employment benefits program or plan, addressing paid or unpaid leave from employment (including family, medical, sick, annual, personal, or similar leave); and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to any employee, and includes a public agency, who is subject to a law, agreement, program, or plan described in subparagraph (A), but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(4) EMPLOYMENT BENEFITS.—The term “employment benefits” has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(5) PARENT; SON OR DAUGHTER.—The terms “parent” and “son or daughter” have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(6) PUBLIC AGENCY.—The term “public agency” has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(b) USE OF EXISTING LEAVE.—An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, shall be permitted to use such leave for the purpose of addressing domestic violence and its effects, or for the purpose of caring for a son or daughter or parent of the employee, if such son or daughter or parent is addressing domestic violence and its effects.

(c) CERTIFICATION.—In determining whether an employee qualifies to use leave as described in subsection (b), an employer may require a written statement, documentation of domestic violence, or corroborating evidence consistent with section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)), as amended by section 4(c).

(d) CONFIDENTIALITY.—All evidence provided to the employer under subsection (c) of domestic violence experienced by an employee or the son or daughter or parent of the employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an

employee has requested leave for the purpose of addressing, or caring for a son or daughter or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

(1) protecting the safety of the employee or a family member or co-worker of the employee; or

(2) assisting in documenting domestic violence for a court or agency.

(e) PROHIBITED ACTS.—

(1) INTERFERENCE WITH RIGHTS.—

(A) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against an individual for opposing any practice made unlawful by this section.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(A) has filed any charge, or had instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(f) ENFORCEMENT.—

(1) PUBLIC ENFORCEMENT.—The Secretary of Labor shall have the powers set forth in subsections (b), (c), (d), and (e) of section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617) for the purpose of public agency enforcement of any alleged violation of subsection (e) against any employer.

(2) PRIVATE ENFORCEMENT.—The remedies and procedures set forth in section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)) shall be the remedies and procedures pursuant to which an employee may initiate a legal action against an employer for alleged violations of subsection (e).

(3) REFERENCES.—For purposes of paragraph (1) and (2), references in section 107 of the Family and Medical Leave Act of 1993 to section 105 of such Act shall be considered to be references to subsection (e).

(4) EMPLOYER LIABILITY UNDER OTHER LAWS.—Nothing in this section shall be construed to limit the liability of an employer to an employee for harm suffered relating to the employee's experience of domestic violence pursuant to any other Federal or State law, including a law providing for a legal remedy.

#### SEC. 7. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Nothing in this title or the amendments made by this title shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or other employment benefits program or plan that provides greater unemployment compensation or leave benefits for employed victims of domestic violence than the rights established under this title or such amendments.

(b) LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—The rights established for employees under this title or the amendments made by this title shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

#### SEC. 8. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this title and the amendments made by this title take effect 180 days after the date of enactment of this Act.

(b) UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of enactment of this Act.

(2) MEETING OF STATE LEGISLATURE.—

(A) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by section 3, the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning after the earlier of—

(i) the date the State changes its statutes or regulations in order to comply with the amendments made by section 3; or

(ii) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall the amendments made by this title apply before the date that is 180 days after the date of enactment of this Act.

(B) SESSION DEFINED.—In this paragraph, the term "session" means a regular, special, budget, or other session of a State legislature.

#### AMENDMENT NO. 1699

At the appropriate place, insert the following:

#### TITLE —VICTIMS OF ABUSE INSURANCE PROTECTION

##### SEC. 01. SHORT TITLE.

This title may be cited as the "Victims of Abuse Insurance Protection Act".

##### SEC. 02. DEFINITIONS.

In this title:

(1) ABUSE.—The term "abuse" means the occurrence of 1 or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) HEALTH CARRIER.—The term "health carrier" means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(3) INSURED.—The term "insured" means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance,

such term includes a person who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(4) INSURER.—The term "insurer" means any person, reciprocal exchange, inter insurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third party administrators. The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(5) POLICY.—The term "policy" means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(6) SUBJECT OF ABUSE.—The term "subject of abuse" means—

(A) a person against whom an act of abuse has been directed;

(B) a person who has prior or current injuries, illnesses, or disorders that resulted from abuse; or

(C) a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.

##### SEC. 03. DISCRIMINATORY ACTS PROHIBITED.

(a) IN GENERAL.—No insurer may, directly or indirectly, engage in any of the following acts or practices on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association, is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims:

(1) Denying, refusing to issue, renew or re-issue, or canceling or otherwise terminating an insurance policy or health benefit plan.

(2) Restricting, excluding, or limiting insurance coverage for losses or denying a claim, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

(b) PROHIBITION ON LIMITATION ON CLAIMS.—No insurer may, directly or indirectly, deny or limit payment of a claim incurred by an innocent insured as a result of abuse.

(c) PROHIBITION ON TERMINATION.—

(1) IN GENERAL.—No insurer or health carrier may terminate health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the abuser's coverage has terminated voluntarily or involuntarily and the subject of abuse does not qualify for an extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986.

(2) PAYMENT OF PREMIUMS.—Nothing in paragraph (1) shall be construed to prohibit the insurer from requiring that the subject of abuse pay the full premium for the subject's coverage under the health plan if the requirements are applied to all insured of the health carrier.

(3) EXCEPTION.—An insurer may terminate group coverage to which this subsection applies after the continuation coverage period required by this subsection has been in force for 18 months if it offers conversion to an equivalent individual plan.

(4) CONTINUATION COVERAGE.—The continuation of health coverage required by this subsection shall be satisfied by any extension of coverage under part 6 of subtitle B of

title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage otherwise provided for under such part 6 or section 4980B.

(d) USE OF INFORMATION.—

(1) LIMITATION.—

(A) IN GENERAL.—In order to protect the safety and privacy of subjects of abuse, no person employed by or contracting with an insurer or health benefit plan may—

(i) use, disclose, or transfer information relating to abuse status, acts of abuse, abuse-related medical conditions or the applicant's or insured's status as a family member, employer, or associate, person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction; or

(ii) disclose or transfer information relating to an applicant's or insured's location or telephone number or the location and telephone number of a shelter for subjects of abuse, unless such disclosure or transfer—

(I) is required in order to provide insurance coverage; and

(II) does not have the potential to endanger the safety of a subject of abuse.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or preclude a subject of abuse from obtaining the subject's own insurance records from an insurer.

(2) AUTHORITY OF SUBJECT OF ABUSE.—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating treatment of an abuse-related condition or demonstrating that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such provided evidence.

**SEC. 04. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.**

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing this title when taking an application, investigating a claim, or taking any other action relating to a policy or claim involving a subject of abuse.

**SEC. 05. REASONS FOR ADVERSE ACTIONS.**

An insurer that takes an action that adversely affects a subject of abuse, shall advise the subject of abuse applicant or insured of the specific reasons for the action in writing. For purposes of this section, reference to general underwriting practices or guidelines shall not constitute a specific reason.

**SEC. 06. LIFE INSURANCE.**

Nothing in this title shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy, and if—

(1) the applicant or prospective owner of the policy lacks an insurable interest in the insured; or

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse against the proposed insured.

**SEC. 07. SUBROGATION WITHOUT CONSENT PROHIBITED.**

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

**SEC. 08. ENFORCEMENT.**

(a) FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this title.

(2) CEASE AND DESIST ORDERS.—If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this title, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(b) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this title may maintain an action against the insurer in a Federal or State court of original jurisdiction.

(2) RELIEF.—Upon proof of such conduct by a preponderance of the evidence in an action described in paragraph (1), the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual's attorneys and expert witnesses.

(3) STATUTORY DAMAGES.—With respect to compensatory damages in an action described in paragraph (1), the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of \$5,000 for each violation.

**SEC. 09. EFFECTIVE DATE.**

This title shall apply with respect to any action taken on or after the date of enactment of this Act, except that section 04 shall only apply to actions taken after the expiration of 60 days after such date of enactment.

**WELLSTONE AMENDMENTS NOS. 1700-1703**

(Ordered to lie on the table.)

Mr. WELLSTONE submitted four amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT No. 1700

At the appropriate place, insert the following:

**SEC. 00. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.**

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking "Not later" and inserting the following:

"(i) IN GENERAL.—Not later";

(2) by inserting "The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv)." after the period; and

(3) by adding at the end the following:

"(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

"(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including

work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

"(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—Measures of changes in income of a longitudinal sample of current recipients of assistance under the State program funded under this title (or of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

"(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

"(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

"(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

"(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

"(VII) DEFINITIONS.—In this clause:

"(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)(C)(iii).

"(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the

State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2)).

“(cc) NONTRADITIONAL EMPLOYMENT.—The term ‘nontraditional employment’ means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

“(dd) WORKING POOR FAMILIES.—The term ‘working poor families’ means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

“(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—\$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

“(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—\$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

“(v) LIMITATION OF APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (II), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

“(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

“(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

“(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

“(i) employment status;

“(ii) job retention;

“(iii) changes in income or resources;

“(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

“(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

“(vi) accessibility of child care and child care cost;

“(vii) the percentage of families in poverty receiving child care subsidies;

“(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

“(ix) the availability of the option under the State plan in section 402(a)(7) (relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

“(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

“(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

“(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

“(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

“(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.”

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria and the child care criteria described in subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)) shall apply to each of fiscal years 2002 and 2003.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

#### AMENDMENT NO. 1701

At appropriate place, insert the following:  
**SEC. \_\_\_\_ DISALLOWANCE OF CERTAIN CLAIMS; PROHIBITION OF COERCIVE DEBT COLLECTION PRACTICES.**

(a) IN GENERAL.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end of the following:

“(10) such claim arises from a transaction—

“(A) that is—

“(i) a consumer credit transaction;

“(ii) a transaction, for a fee—

“(I) in which the deposit of a personal check is deferred; or

“(II) that consists of a credit and a right to a future debit to a personal deposit account; or

“(iii) a transaction secured by a motor vehicle or the title to a motor vehicle; and

“(B) in which the annual percentage rate (as determined in accordance with section 107 of the Truth in Lending Act) exceeds 100 percent.”

(b) UNFAIR DEBT COLLECTION PRACTICES.—  
(1) IN GENERAL.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended—

(A) in the first sentence, by striking “A debt collector” and inserting the following:

“(a) IN GENERAL.—A debt collector”; and

(B) by adding at the end of the following:

“(b) COERCIVE DEBT COLLECTION PRACTICES.—

“(1) IN GENERAL.—It shall be unlawful for any person (including a debt collector or a creditor) who, for a fee, defers deposit of a personal check or who makes a loan in exchange for a personal check or electronic access to a personal deposit account, to—

“(A) threaten to use or use the criminal justice process to collect on the personal check or on the loan;

“(B) threaten to use or use any process to seek a civil penalty if the personal check is returned for insufficient funds; or

“(C) threaten to use or use any civil process to collect on the personal check or the loan that is not generally available to creditors to collect on loans in default.

“(2) CIVIL LIABILITY.—Any person who violates this section shall be liable to the same extent and in the same manner as a debt collector is liable under section 813 for failure to comply with a provision of this title.”

(2) CONFORMING AMENDMENT.—Section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)) is amended by striking “808(6)” and inserting “808(a)(6)”.

#### AMENDMENT NO. 1702

At appropriate place, insert the following:  
**SEC. \_\_\_\_ LOW-COST BASIC BANKING ACCOUNT.**

(a) IN GENERAL.—Each insured depository institution that offers retail depository services to the public and has total aggregate assets of not less than \$200,000,000 shall provide low-cost basic banking accounts (lifeline accounts), as defined by the appropriate Federal banking agency.

(b) DEFINITIONS.—In this section, the terms “appropriate Federal banking agency” and “insured depository institution” have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.

#### AMENDMENT NO. 1703

At appropriate place, insert the following:  
**SEC. \_\_\_\_ LOW-COST BASIC BANKING ACCOUNT.**

(a) IN GENERAL.—Each insured depository institution that offers retail depository services to the public and has total aggregate assets of not less than \$200,000,000 shall provide low-cost basic banking accounts (lifeline accounts), as defined by the appropriate Federal banking agency.

(b) DEFINITIONS.—In this section, the terms “appropriate Federal banking agency” and “insured depository institution” have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.

FEINSTEIN AMENDMENTS NOS.  
1704-1705

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 625, supra, as follows:

## AMENDMENT NO. 1704

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROTECTION OF MIGRANT SEASONAL AGRICULTURAL WORKERS.**

(a) SEATS AND SEAT BELTS.—In promulgating vehicle safety standards under Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle will be provide with a seat, and an operational seat belt, which are securely fastened to the vehicle in accordance with Federal seat belt laws.

## AMENDMENT NO. 1705

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROTECTION OF MIGRANT SEASONAL AGRICULTURAL WORKERS.**

(a) SEATS AND SEAT BELTS.—In promulgating vehicle safety standards under Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle will be provide with a seat, and an operational seat belt, which are securely fastened to the vehicle in accordance with Federal seat belt laws.

LEAHY (AND MURRAY)  
AMENDMENTS NO 1706

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 7, line 21, insert after the period "In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as defined under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court."

LEAHY AMENDMENTS NOS. 1707-  
1709

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

## AMENDMENT NO. 1707

On page 115, line 23, strike all through line 2 on page 116.

On page 116, line 3, strike "(v)" and insert "(iv)".

On page 116, line 8, strike "(vi)" and insert "(v)".

On page 116, line 11, strike "(vii)" and insert "(vi)".

On page 117, strike lines 5 through 20, and insert the following:

"(e) An individual debtor in a case under chapter 7 or 13 of this title shall file with the

court at the request of any party in interest—

"(1) all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and"

## AMENDMENT NO. 1708

On page 294, between lines 11 and 12, insert the following:

**SEC. 11 \_\_\_\_ TOBACCO MULTI-STATE ACCOUNTABILITY.**

(a) PURPOSE.—The purpose of this section is to provide that tobacco companies and their parent corporations may not use Federal bankruptcy law to escape their liability for the debts arising from the settlement of certain litigation by State attorneys general to hold the tobacco industry accountable for its prior actions.

(b) CONFIRMATION OF PLAN DOES NOT PROVIDE FOR DISCHARGE OF CERTAIN DEBTS ARISING FROM TOBACCO-RELATED LITIGATION.—Section 1141(d) of title 11, United States Code, as amended by section 708 of this Act, is amended by adding at the end the following:

"(6)(A) The confirmation of a plan does not discharge a debtor that is a covered corporation from any debt arising under the applicable tobacco settlement.

"(B) In this paragraph:

"(i) The term 'covered corporation' means any manufacturer of a tobacco product (as determined under an applicable tobacco settlement) and its parent corporation, as of the date of the execution of the applicable tobacco settlement.

"(ii) The term 'tobacco settlement' means—

"(I) the Master Settlement Agreement and the Smokeless Tobacco Master Settlement Agreement executed by the applicable State Attorneys General on November 23, 1998, and any subsequent amendments thereto;

"(II) the separate settlement agreements executed by the Attorneys General of the States of Florida, Minnesota, Mississippi, and Texas in 1997 and 1998, concerning their litigation against the tobacco industry; and

"(III) the National Tobacco Growers Settlement Trust executed by the applicable State Attorneys General.

"(iii) The term 'State' means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico."

## AMENDMENT NO. 1709

On page 124, insert between lines 14 and 15 the following:

**SEC. 322. BANKRUPTCY APPEALS.**

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking out "Subject to subsection (b)," and inserting in lieu thereof "Subject to subsections (b) and (d)(2)."; and

(2) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following new paragraph:

"(2) A court of appeals that would have jurisdiction of a subsequent appeal under paragraph (1) or other applicable law may au-

thorize an immediate appeal to that court, in lieu of further proceedings in a district court or before a bankruptcy appellate panel exercising appellate jurisdiction under subsection (a) or (b), if the district court or bankruptcy appellate panel hearing an appeal certifies that—

"(A) a substantial question of law or matter of public importance is presented in the appeal pending in the district court or before the bankruptcy appellate panel; and

"(B) the interests of justice require an immediate appeal to the court of appeals of the judgment, order, or decree that had been appealed to the district court or bankruptcy appellate panel."

(b) PROCEDURAL RULES.—

(1) IN GENERAL.—Until rules of practice and procedure are promulgated or amended under chapter 131 of title 28, United States Code, relating to appeals to a court of appeals exercising jurisdiction under section 158(d)(2) of title 28, United States Code, as added by this Act, the provisions of this subsection shall apply.

(2) CERTIFICATION.—A district court or bankruptcy appellate panel may enter a certification as described under section 158(d)(2) of title 28, United States Code, on its own or a party's motion during an appeal to the district court or bankruptcy appellate panel under section 158 (a) or (b) of such title.

(3) APPEAL.—Subject to paragraphs (1), (2), and (4) through (8) of this subsection, an appeal under section 158(d)(2) of title 28, United States Code, shall be taken in the manner prescribed under rule 5 of the Federal Rules of Appellate Procedure.

(4) FILING BASED ON CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, the petition shall be filed within 10 days after the district court or bankruptcy appellate panel enters the certification.

(5) ATTACHMENT OF CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, a copy of the certification shall be attached to the petition.

(6) APPLICATION TO BANKRUPTCY APPELLATE PANELS.—When an appeal is requested in a case pending before a bankruptcy appellate panel, rule 5 of the Federal Rules of Appellate Procedure shall apply by using the terms "bankruptcy appellate panel" and "clerk of the bankruptcy appellate panel" in lieu of the terms "district court" and "district clerk", respectively.

(7) APPLICATION OF FEDERAL RULES.—When a court of appeals authorizes an appeal, the Federal Rules of Appellate Procedure apply to the proceedings in the court of appeals, to the extent relevant, as if the appeal were taken from a final judgment, order, or decree of a district court or bankruptcy appellate panel exercising appellate jurisdiction under section 158 (a) or (b) of title 28, United States Code.

## GRAMM AMENDMENT NO. 1710

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ MAXIMUM HOMESTEAD EXEMPTION.**

Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended—

(1) in subsection (b)(3)(A), by striking "subsection (n)" and inserting "subsections (n) and (o)"; and

(2) by adding at the end the following:

"(o) Notwithstanding any other provision of law, for purposes of subsection (b)(3)(A),

the maximum exemption under applicable State law from the property of the estate of a debtor of the value of an interest of the debtor in any real or personal property or co-operative described in paragraph (1) or (2) of subsection (n) shall not exceed \$100,000, if the debtor acquired the interest—

“(1) during the 2-year period preceding the date of the filing of the petition; and

“(2) No such exemption shall be available during the 5-year period preceding the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor.”

#### SPECTER AMENDMENTS NOS. 1711-1712

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

##### AMENDMENT NO. 1711

On page 12, strike lines 20 through 22.

On page 12, line 20, insert “finds that the action of the counsel for the debtor in filing under this chapter was frivolous.”

##### AMENDMENT NO. 1712

At the appropriate place in title XI, insert the following:

#### SEC. 11 . BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking “Notwithstanding section 1915 of this title, the parties” and inserting “Subject to subsection (f), the parties”; and

(2) by adding at the end the following:

“(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

“(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay fee in installments.

“(3) A filing fee referred to in paragraph (2) is—

“(A) a filing fee under subsection (a)(1); or

“(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

“(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay the fee in installments.”

#### MCCONNELL AMENDMENT NO. 1713

(Ordered to lie on the table.)

Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place in title III, insert the following:

#### SEC. 3 . COMPENSATION OF TRUSTEES IN CERTAIN CASES UNDER CHAPTER 7 OF TITLE 11, UNITED STATES CODE.

Section 326 of title 11, United States Code, is amended by adding at the end the following:

“(e) In a case that has been converted under section 706, or after a case has been converted or dismissed under section 707 or the debtor has been denied a discharge under section 727—

“(1) the court may allow reasonable compensation under section 330 for the trustee's services rendered, payable after the trustee renders services; and

“(2) any allowance made by a court under paragraph (1) shall not be subject to the limitations under subsection (a).”

#### HATCH AMENDMENTS NOS. 1714-1718

(Ordered to lie on the table.)

Mr. HATCH submitted five amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

##### AMENDMENT NO. 1714

On page 28, line 7, after “debt”, insert “and materially fraudulent statements in bankruptcy schedules”.

On page 28, line 12, after the period, insert “In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.”

On page 28, line 25, strike the quotation marks and the second period.

On page 28, after line 25, insert the following:

“(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.”

On page 29, strike the item between lines 3 and 4 and insert the following:

“158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.”

##### AMENDMENT NO. 1715

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

(c) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, as amended by subsection (a) of this section, is amended by adding at the end the following:

“(c)(1) In this subsection—

“(A) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18; and

“(B) the term ‘drug trafficking crime’ has the meaning given that term in section 924(c)(2) of title 18.

“(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, or at the request of a party in interest, shall dismiss a voluntary case filed by an individual debtor under this chapter if that individual was convicted of that crime.

“(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.”

On page 14, line 15, strike “(c)” and insert “(d)”.

##### AMENDMENT NO. 1716

On page 83, between lines 4 and 5, insert the following:

#### SEC. 2 . PROTECTION OF EDUCATION SAVINGS.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, as amended by section 903, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking “or” at the end;

(B) by redesignating paragraph (6) as paragraph (8); and

(C) by inserting after paragraph (5) the following:

“(6) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

“(B) only to the extent that such funds—

“(i) are not pledged or promised to any entity in connection with any extension of credit; and

“(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

“(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000;

“(7) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

“(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

“(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

“(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$5,000; or”; and

(2) by adding at the end the following:

“(f) In determining whether any of the relationships specified in paragraph (6)(A) or (7)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.”

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 105(d), 304(c)(1), 305(2), 315(b), and 316 of this Act, is amended by adding at the end the following:

“(k) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program

(as defined in section 529(b)(1) of such Code).”.

AMENDMENT NO. 1717

On page 124, between lines 14 and 15, insert the following:

**SEC. 3. DEBTOR'S TRANSACTIONS WITH ATTORNEYS.**

Section 329 of title 11, United States Code, is amended—

(1) in subsection (a), by striking “Any attorney” and inserting “Subject to subsection (c), any attorney”; and

(2) by adding at the end the following:

“(c) Any attorney who represents a debtor in a case under chapter 13 or in connection with such a case, shall be compensated for the services described in subsection (a) on a quarterly basis during such time as a plan under subchapter II of that chapter is in effect.”.

AMENDMENT NO. 1718

On page 20, between lines 2 and 3, insert the following:

(c) FRESH START CREDIT COUNSELING.—Section 727 of title 11, United States Code, as amended by subsection (b) of this section, is amended by adding at the end the following:

“(f)(1) In addition to meeting the requirements under subsection (a), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 13 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”.

On page 20, line 3, strike “(c)” and insert “(d)”.

On page 20, line 22, strike the ending quotation marks and the following period.

On page 20, between lines 22 and 23, insert the following:

“(j)(1) In addition to meeting the requirements under subsection (g), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 7 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”.

On page 20, line 23, strike “(d)” and insert “(e)”.

On page 21, line 12, strike “(e)” and insert “(f)”.

On page 21, line 25, strike the ending quotation marks and the following period.

On page 21, after line 25, add the following: “(b)(1) In this subsection, the term ‘credit counseling service’—

“(A) means—

“(i) a nonprofit credit counseling service approved under subsection (a); and

“(ii) any other consumer education program carried out by—

“(1) a trustee appointed under chapter 13; or

“(II) any other public or private entity or individual; and

“(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

“(2) No attorney or agent that represents a debtor under this title may provide credit counseling services to that debtor.

“(3)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

“(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

“(i) any actual damages sustained by the debtor as a result of the violation; and

“(ii) any court costs or reasonable attorneys’ fees (as determined by the court) incurred in an action to recover those damages.”.

On page 22, line 4, strike “(f)” and insert “(g)”.

On page 22, before line 1, insert the following:

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall conduct a study and submit a report to Congress that—

“(A) evaluates the implementation of section 111(b)(2) of title 11, United States Code, as amended by this subsection; and

“(B) includes any recommendations for Congress.”.

On page 22, line 1, strike “(2)” and insert “(3)”.

SESSIONS AMENDMENT NO. 1719

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

S. 625, the “Bankruptcy Reform Act of 1999” is amended in the following manner.

**SEC. 204. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.**

(1) On page 25, line 1, insert “with a debtor” after “communication”.

(2) On page 25, line 6, strike “of an intention to—” and all that follows through line 13 and insert “to take an action which the creditor could not legally take.”

(3) On page 25, line 20, strike “or does not intend to take.”.

(4) On page 27, line 15, strike “or did not intend to take”.

SMITH AMENDMENTS NOS. 1720–1721

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1720

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

**NON-DISCHARGEABILITY OF DAMAGE AWARDS BASED ON INJURY RESULTING FROM THE PROVISION OF ABORTION SERVICES.**

Section 523(a)(6) of title 11, United States Code, is amended by adding at the end thereof the following: “, or for injury resulting from the provision of abortion services.”

The provisions of this section shall take effect one day following enactment.

AMENDMENT NO. 1721

At the appropriate place, insert the following:

**SEC. . NON-DISCHARGEABILITY OF DAMAGE AWARDS BASED ON INJURY RESULTING FROM THE PROVISION OF ABORTION SERVICES.**

Section 523(a)(6) of title 11, United States Code, is amended by adding at the end thereof the following: “, or for injury resulting from the provision of abortion services.”

ROBB AMENDMENTS NOS. 1722–1723

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1722

On page 51, strike line 24 and insert the following:

section (d); and

“(7) provide information relating to the administration of cases that is practical to any not-for-profit entity which shall provide information to parties in interest in a timely and convenient manner, including telephonic and Internet access, at no cost or a nominal cost.

An entity described in paragraph (7) shall provide parties in interest with reasonable information about each case on behalf of the trustee of that case, including the status of the debtor's payments to the plan, the unpaid balance payable to each creditor treated by the plan, and the amount and date of payments made under the plan. Neither a trustee nor a creditor shall be liable to the debtor or to any other party in interest if the information provided in the manner required by paragraph (7) is not accurate and the party claiming not to be liable acted in good faith in providing or relying upon information the entity made available under paragraph (7) or this paragraph. The trustee shall have no duty to provide information under paragraph (7) if no such entity has been established.”; and”.

AMENDMENT NO. 1723

On page 106, line 16, insert “and not yet due and owing” after “previously paid”.

KERRY AMENDMENTS NOS. 1724–1725

(Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1724

On page 155, line 10, strike all through page 157, line 8.

AMENDMENT NO. 1725

On page 155, line 16, strike “90” and insert “180”.

On page 155, strike through lines 18 and 19.

On page 155, line 20, strike “(B)” and insert “(A)”.

On page 155, line 22, strike “(C)” and insert “(B)”.

On page 155, line 24, strike “90” and insert “300”.

Beginning on page 156, line 22, strike through page 157, line 8.

Redesignate sections 430 through 435 as sections 429 through 434, respectively.

On page 159, lines 13 and 14, strike “, as amended by section 429 of this Act.”.

On page 250, line 17, strike “432(2)” and insert “431(2)”.

COLLINS (AND OTHERS)  
AMENDMENT NO. 1726

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. KERRY, Mrs. MURRAY, Mr. STEVENS,

and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place insert the following:

**SEC. \_\_\_\_ FAMILY FISHERMEN.**

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

“(7A) ‘commercial fishing operation’ includes—

“(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products;

“(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A); and

“(C) the transporting by vessel of a passenger for hire (as defined in section 2101 of title 46) who is engaged in recreational fishing;

“(7B) ‘commercial fishing vessel’ means a vessel used by a fisherman to carry out a commercial fishing operation;”;

(2) by inserting after paragraph (19) the following:

“(19A) ‘family fisherman’ means—

“(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

“(i) whose aggregate debts do not exceed \$1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

“(ii) who receive from such commercial fishing operation more than 50 percent of such individual’s or such individual’s and spouse’s gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

“(B) a corporation or partnership—

“(i) in which more than 50 percent of the outstanding stock or equity is held by—

“(I) 1 family that conducts the commercial fishing operation; or

“(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

“(ii) (I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

“(II) its aggregate debts do not exceed \$1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

“(III) if such corporation issues stock, such stock is not publicly traded;”;

(3) by inserting after paragraph (19A) the following:

“(19B) ‘family fisherman with regular annual income’ means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;”.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting “or family fisherman” after “family farmer”.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting “OR FISHERMAN” after “FAMILY FARMER”;

(2) in section 1201, by adding at the end the following:

“(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

“(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.”;

(3) in section 1203, by inserting “or commercial fishing operation” after “farm”;

(4) in section 1206, by striking “if the property is farmland or farm equipment” and inserting “if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)”;

(5) by adding at the end the following:

**“§ 1232. Additional provisions relating to family fishermen**

“(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

“(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

“(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

“(b) A lien described in this subsection is—

“(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

“(2) a lien under applicable State law (or the law of a political subdivision thereof).

“(c) Subsection (a) shall not apply to—

“(1) a claim made by a member of a crew or a seaman including a claim made for—

“(A) wages, maintenance, or cure; or

“(B) personal injury; or

“(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

“(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.”.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

**“12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201”.**

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

“1232. Additional provisions relating to family fishermen.”.

(e) Nothing in this title is intended to change, affect, or amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, et. seq.).

**DEWINE AMENDMENT NO. 1727**

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 53, insert between lines 18 and 19 the following:

**SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.**

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

“(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor’s dependents, for—

“(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

“(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

“(B) any other educational loan that is a qualified education loan, as that term is defined in section 221(e)(1) of the Internal Revenue Code of 1986, incurred by an individual debtor;”.

**HATCH AMENDMENT NO. 1728**

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 6, line 12, insert “11 or” after “chapter”.

On page 6, line 24, insert “11 or” after “chapter”.

On page 14, strike lines 8 through 14 and insert the following:

“(C)(i) Only the judge, United States trustee, panel trustee, or bankruptcy administrator, shall bring a motion under section 707(b) if the debtor and the debtor’s spouse combined, as of the date of the order for relief, have current monthly income which when multiplied by 12, is equal to or less than the national or applicable State median household monthly income (subject to clause (ii)) of a household of equal size.

“(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus \$583 for each additional member of that household.”.

On page 14, in the matter between lines 18 and 19, insert “11 or” after “chapter”.

On page 14, after the matter between lines 18 and 19, insert the following:

**SEC. 103. FINDINGS AND STUDY.**

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the

Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning—

(A) the utilization of Internal Revenue Service standards for the purpose of section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) **RECOMMENDATION.**—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike “103” and insert “104”.

On page 15, line 12, strike “104” and insert “105”.

On page 17, line 19, strike “105” and insert “106”.

On page 20, between lines 2 and 3, insert the following:

(c) **FRESH START CREDIT COUNSELING.**—Section 727 of title 11, United States Code, as amended by subsection (b) of this section, is amended by adding at the end the following:

“(f)(1) In addition to meeting the requirements under subsection (a), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 13 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”

On page 20, line 3, strike “(c)” and insert “(d)”.

On page 20, line 22, strike the ending quotation marks and the following period.

On page 20, between lines 22 and 23, insert the following:

“(j)(1) In addition to meeting the requirements under subsection (g), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal fi-

ancial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

“(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 7 until after the date that is 10 years after the date of the discharge referred to in that paragraph.”

On page 20, line 23, strike “(d)” and insert “(e)”.

On page 21, line 12, strike “(e)” and insert “(f)”.

On page 21, line 25, strike the ending quotation marks and the following period.

On page 21, after line 25, add the following: “(b)(1) In this subsection, the term ‘credit counseling service’—

“(A) means—

“(i) a nonprofit credit counseling service approved under subsection (a); and

“(ii) any other consumer education program carried out by—

“(I) a trustee appointed under chapter 13; or

“(II) any other public or private entity or individual; and

“(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

“(2) No attorney or agent that represents a debtor under this title may provide credit counseling services to that debtor.

“(3)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

“(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

“(i) any actual damages sustained by the debtor as a result of the violation; and

“(ii) any court costs or reasonable attorneys’ fees (as determined by the court) incurred in an action to recover those damages.”

On page 22, before line 1, insert the following:

(2) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall conduct a study and submit a report to Congress that—

(A) evaluates the implementation of section 111(b)(2) of title 11, United States Code, as amended by this subsection; and

(B) includes any recommendations for Congress.

On page 22, line 1, strike “(2)” and insert “(3)”.

On page 22, line 4, strike “(f)” and insert “(g)”.

On page 30, line 11, insert “, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title,” after “under this title”.

On page 30, lines 14 and 15, strike “or legal guardian; or” and insert “, legal guardian, or responsible relative; or”.

On page 30, line 21, strike “or legal guardian”.

On page 31, line 10, strike “or legal guardian” and insert “, legal guardian, or responsible relative”.

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

“(1) First:

“(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

“(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child’s parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.”

On page 33, line 4, strike all through page 37, line 6 and insert the following:

**SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.**

Title 11, United States Code, is amended—  
(1) in section 1129(a), by adding at the end the following:

“(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.”;

(2) in section 1208(c)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(3) in section 1222(a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(4) only if the plan provides that all of the debtor’s projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.”;

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

“(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims.”;

(5) in section 1225(a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.”;

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting “, and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the

plan) have been paid” after “completion by the debtor of all payments under the plan”; (7) in section 1307(c)—

(A) in paragraph (9), by striking “or” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.”;

(8) in section 1322(a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding in the end the following:

“(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(2) only if the plan provides that all of the debtor’s projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.”;

(9) in section 1322(b)—

(A) in paragraph (9), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

“(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and”;

(10) in section 1325(a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed.”; and

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting “, and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid” after “completion by the debtor of all payments under the plan”.

On page 37, strike lines 10 and 11 and insert “amended by striking paragraph (2) and inserting the”.

On page 37, lines 14 and 15, strike “of an action or proceeding for—” and insert “or continuation of a civil action or proceeding—”.

On page 37, line 16, insert “for” after “(i)”.

On page 37, line 19, insert “for” after “(ii)”.

On page 37, line 21, strike “or”.

On page 37, between lines 21 and 22, insert the following:

“(iii) concerning child custody or visitation;

“(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

“(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following:

“(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order—

“(i) for amounts that first become payable after the date the petition was filed; and

“(ii) for amounts that first became payable before the petition was filed;

“(D) the withholding, suspension, or restriction of drivers’ licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

“(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

“(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

“(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).”;

On page 38, line 12, strike all through page 39, line 25.

On page 40, line 4, insert “as amended by section 1110(1) of this Act,” after “Code.”.

On page 40, between lines 13 and 14, insert the following:

(i) by inserting “to a spouse, former spouse, or child of the debtor and” before “not of the kind”;

On page 40, line 14, strike “(i)” and insert “(ii)”.

On page 40, line 16, strike “(ii)” and insert “(iii)”.

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 40, line 20, strike “(6)” and insert “(5)”.

On page 41, line 4, strike “(5)” and insert “(4)”.

On page 41, line 7, strike "(5)" and insert "(4)".

On page 41, line 12, strike "(5)" and insert "(4)".

On page 43, strike lines 16 through 20 insert the following:

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 43, strike line 22 through page 44, line 2, and insert the following:

Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 44, line 14, strike "for support" through line 16, and insert "for a domestic support obligation,".

On page 45, line 23, strike "and".

On page 45, between lines 23 and 24, insert the following:

"(III) the last recent known name and address of the debtor's employer; and

On page 45, line 24, strike "(III)" and insert "(IV)".

On page 46, line 2, strike "(2), (4), or (14A)" and insert "(2), (3), or (14)".

On page 46, strike lines 6 through 11 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike "(b)" and insert "(a)".

On page 46, line 20, strike "(5)" and insert "(6)".

On page 46, line 22, strike "(6)" and insert "(7)".

On page 47, strike lines 1 through 6 and insert the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 47, line 8, strike "(b)(7)" and insert "(a)(7)".

On page 48, line 7, strike "and".

On page 48, insert between lines 7 and 8 the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 48, line 8, strike "(III)" and insert "(IV)".

On page 48, line 11, strike "(4), or (14A)" and insert "(3), or (14)".

On page 48, strike lines 15 through 20 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 50, line 16, strike "and".

On page 50, insert between lines 16 and 17 the following:

"(III) the last recent known name and address of the debtor's employer; and".

On page 50, line 17, strike "(III)" and insert "(IV)".

On page 50, line 20, strike "(4), or (14A)" and insert "(3), or (14)".

On page 50, line 24, strike all through line 4 on page 51 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d)."; and

On page 52, line 24, strike "and".

On page 52, after line 24, add the following: "(III) the last recent known name and address of the debtor's employer; and".

On page 53, line 1, strike "(III)" and insert "(IV)".

On page 53, line 4, strike "(4), or (14A)" and insert "(3), or (14)".

On page 53, strike lines 8 through 13 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 76, line 15, strike "523(a)(9)" and insert "523(a)(8)".

On page 82, strike lines 4 through 9 and insert "title 11, United States Code, is amended by adding at the end the following:".

On page 82, line 10, strike "(19)" and insert "(18)".

On page 91, line 23, strike "105(d)" and insert "106(d)".

On page 92, strike line 17 and insert the following:

(2) in section 521, as amended by section 106 of this Act, by adding at the end the following:

On page 92, line 18, strike "(b)" and insert "(c)".

On page 93, line 3, strike "(2)" and insert "(3)".

On page 94, line 25, strike "105(d)" and insert "106(d)".

On page 95, line 16, strike "(c)" and insert "(d)".

On page 109, line 13, strike "by adding at the end" and insert "by inserting after subsection (e)".

On page 111, strike lines 16 and 17 and insert the following:

**SEC. 314. DISCHARGE PETITIONS.**

On page 111, line 18, insert "(a) DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.—" before "Section".

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike "(4)" and insert "(3)".

On page 112, line 20, strike "(3)(B), (5), (8), or (9) of section 523(a)" and insert "(4), (7), or (8) of section 523(a)".

On page 113, strike line 6 and all that follows through page 114, line 19 and insert the following:

(a) NOTICE.—

(1) IN GENERAL.—Section 342 of title 11, United States Code, as amended by section 103 of this Act, is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated, the following:

"(1) In this section:

"(i)(A) The term 'debtor identifying information' means—

"(i) the debtor's name, address, and Federal taxpayer identification number; and

"(ii) if the information is being provided to a governmental entity, the identity of the specific department, agency, or instrumentality of the governmental unit on account of which the entity is being given notice.

"(B) In any notice a debtor provides under this title or the Federal Rules of Bankruptcy Procedure, the debtor's current account number, or other identifying number, that has been provided to the debtor or used in prior communications between the debtor and an entity shall be used when notice is given to such an entity.

"(2) The term 'notice' includes any correspondence to the entity after the commencement of the case and any notice required to be given the entity under this title or the Federal Rules of Bankruptcy Procedure.

"(3) The term 'effective notice' with respect to an entity means that notice has been served on the entity—

"(A) at the address specified under subsection (e); or

"(B) if no address is specified under subsection (e), at an address otherwise designated by this title, the Federal Rules of Bankruptcy Procedure, or applicable non-bankruptcy law for service of process to initiate a civil proceeding against the party to be notified or by court order for service on such entity in the case"; and

(D) by adding after subsection (c), as redesignated, the following:

"(d)(1) If notice is required to be given by the debtor or by the court or on the debtor's behalf to an entity under this title, any rule promulgated under this title, any applicable law, or any order of the court, such notice shall contain debtor identifying information in addition to any other required information. Such identifying information may be provided in the notice or in a separate document provided with or attached to the notice.

"(2) A petition under this title shall contain the debtor's name, address and Federal taxpayer identification number.

"(e)(1) At any time, an entity may file with the court a designation of the address or addresses at which the entity is to receive notice in cases under this title. The clerk shall maintain and make available to any entity making a request, a register in which shall be listed, alphabetically by name, the name and address or addresses for those entities which have provided the designation described in this paragraph. The register shall be maintained and made available in the form and manner as the Director of the Administrative Office for the United States Courts prescribes. The clerk shall update such register no less frequently than once each calendar month with the information contained in any designation so filed.

"(2) Subject to paragraph (3), the addresses specified in the register shall be the address to which all notices to the entity shall be sent, effective 5 business days after the date on which the information is first listed in the register.

"(3) In a particular case, an entity may file with the court and serve on the debtor and on other parties in the case notice of a different address to be used for service in that particular case. Effective 5 business days after service of such notice, any further notices that are required to be given to that entity in that case shall be given at that address.

"(f)(1)(A) Subject to the other paragraphs of this subsection and subparagraph (B), if effective notice of an action, proceeding or time within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedures to act or to refrain from taking action is not given to an entity—

"(i) any action, proceeding or time of which the entity was not given effective notice shall not be effective with respect to that entity; and

"(ii) any creditor which has not received effective notice shall receive the equivalent of the treatment which similar entities similarly situated received in the proceeding.

"(B) Nothing in this section shall affect the immediate applicability of the automatic stay under section 362(a).

"(2) Subject to paragraph (4), if effective notice of the commencement of the case was not given to a creditor at the times required by this title and the Federal Rules of Bankruptcy Procedures (determined without regard to paragraph (3)) the creditor's debt shall be subject to discharge only if—

"(A) the court, after notice and a hearing, finds that effective notice of the commencement of the case was given the creditor in time to permit the creditor's effective participation in the case, except that the court may not so find if effective notice is given after—

"(i) if the debt is of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date to file a proceeding to determine the dischargeability of a debt; or

"(ii) if the debt is not of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date for the creditor to file a proof of claim in the case; or

"(B) the creditor elects to file, within the time provided in paragraph (3), a proof of claim, or a proceeding to determine the

dischargeability of the debt, and such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

"(3)(A) If a time is specified by or within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedure to act or to refrain from taking action, such time shall begin to run against that entity only—

"(i) except as provided in paragraph (ii), when effective notice is given the entity; or

"(ii) if notice is effective only because the party claiming that effective notice was given establishes that there was actual knowledge upon the later of—

"(I) the date of actual knowledge; or

"(II) the date on which such notice should otherwise have been provided.

"(B) If no time is specified by or within which an entity is required or permitted to act under this title or the Federal Rules of Bankruptcy Procedure—

"(i) the entity shall have a minimum of 30 days, or such longer time as the court allowed to other entities, to take such required or permitted action after effective notice is given; and

"(ii) in a particular case, a court may, for good cause shown and after notice and a hearing, adjust any requirements of clause (i) which are not practicable in the circumstances, except that an entity may not be required to act before a reasonable time after effective notice is given the entity so as to allow the entity to take the required or permitted action.

"(4)(A) In a case filed under chapter 7 by an individual, a creditor's debt that is not subject to discharge under paragraphs (1) through (3), shall be subject to discharge, if—

"(i) the trustee has determined that no assets are or will be available to pay a dividend to creditors in the case with the same priority as the creditor; and

"(ii) the court has granted a debtor's request to permit amending the schedules to list the creditor or otherwise to subject the creditor's debt to discharge (including by reopening the debtor's case if necessary).

"(B)(i) Before granting a request under subparagraph (A) by the debtor, the court shall require the debtor to give the creditor effective notice of the case and provide the creditor with a minimum of 30 days to object to such request. The court shall grant such request unless the creditor files a timely objection.

"(ii) If the creditor files a timely objection the court shall not grant the request unless the court finds, after notice and a hearing, that—

"(I) the debtor has established that the failure to list the creditor was based upon excusable neglect, and

"(II) the creditor will not be prejudiced by being included in the case at the present time.

"(C) Any creditor listed by the debtor under this paragraph may file a proof of claim, a proceeding to determine the dischargeability of the debt, and any other action allowed or permitted by this title and the Federal Rules of Bankruptcy Procedure within the time limits provided in paragraph (3). Such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

"(5) If there is an omission by the debtor of information required by this title or the Federal Rules of Bankruptcy Procedure to be included on the debtor's schedules, the omission shall be treated as a failure to provide effective notice under this subsection of the commencement of the case if the omitted information is material to the matter with respect to which notice is required.

"(g)(1) No sanction, including an award of attorneys fees or costs, under section 362(h) of this title or any other sanction which a court may impose on account of violations of the stay under section 362(a) of this title or failure to comply with sections 524(a), 542, or 543 of this title may be imposed on account of any action of an entity unless the action takes place after the entity has received effective notice of the commencement of the case, or with respect to section 524(a), the discharge of a debt owed the entity.

"(2) Nothing in this subsection shall be deemed to require a court to impose sanctions on an entity in circumstances other than those described in this paragraph."

(2) ADOPTION OF RULES PROVIDING NOTICE.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Judicial Conference of the United States shall promptly consult with appropriate parties, including representatives of Federal, State, and local government, with respect to the need for additional rules for providing adequate notice to State, Federal, and local government units that have regulatory authority over the debtor, and propose such rules within a reasonable period of time. Such rules shall be consistent with section 342 of title 11, United States Code, as amended by this section, and shall be designed to ensure that notice will reach the representatives of the governmental unit, or subdivision thereof, who will be the proper persons authorized to act upon the notice.

(B) RULES.—At a minimum, to the extent that it is determined that notice should be given to a particular regulatory entity, the rules shall require that the debtor, in addition to any other information required by section 342 of title 11, United States Code, shall—

(i) identify in the schedules and the notice, the department, agency, subdivision, instrumentality or entity in respect of which such notice should be received;

(ii) provide sufficient information in the list or schedule (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit or subdivision thereof, entitled to receive such notice, to identify the debtor or the person or entity on behalf of which the debtor is providing notice where the debtor may be a successor in interest or may not be the same as the person or entity which incurred the debt or obligation; and

(iii) identify, in appropriate schedules, which shall be required to be served on the governmental unit together with the notice, the property, if any, in respect of which any claim or regulatory obligation may have arisen, and the nature of the claim or regulatory obligation for which notice is being given.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, as amended by sections 215, 223(b), 224(c), 301, 310, 314, 414, and 1110 of this Act, is further amended—

(i) in subsection (a)—

(I) by striking paragraph (3); and

(II) redesignating paragraphs (4) through (14A) as paragraphs (3) through (14), respectively;

(ii) in subsection (b), by striking "(a)(3), or (a)(8) of this section," and inserting "or (a)(7) of this section, section 342 of this title";

(iii) in subsection (c)(1), by striking "Except as provided in subsection (a)(3)(B) of this section," and inserting "Except as provided in section 342(f)."; and

(iv) in subsection (c)(2)—

(I) by striking "(a)(4), (a)(6), or (a)(11)" and inserting "(a)(3), (a)(5), or (a)(10)"; and

(II) by striking "subsection (a)(3)(B) of this section" and inserting "section 342(f)".

(B) CONFORMING AMENDMENTS.—

(i) ALLOWANCE OF CLAIMS OR INTERESTS.—Section 502(b)(5) of title 11, United States Code, is amended by striking "section 523(a)(5)" and inserting "section 523(a)(4)".

(ii) EXEMPTIONS.—Section 522(c)(3) of title 11, United States Code, is amended by striking "section 523(a)(4) or 523(a)(6)" and inserting "section 523(a)(3) or (5)".

(C) DISTRIBUTION OF PROPERTY OF THE ESTATE.—Section 726 of title 11, United States Code, is amended—

(i) in subsection (a)(2)(A), by adding "or" after the semicolon;

(ii) in subsection (a)(2)(B), by striking "or" after the semicolon;

(iii) by striking subsection (a)(2)(C); and

(iv) in subsection (a)(3), by striking all beginning with ", other" through "subsection".

On page 116, line 16, strike "(d)(1)" and insert "(e)(1)".

On page 117, line 5, strike "(e)" and insert "(f)".

On page 118, line 1, strike "(A) beginning" and insert the following:

"(A) beginning".

On page 118, line 5, strike "(B) thereafter," and insert the following:

"(B) thereafter".

On page 118, line 8, strike "(f)(1)" and insert "(g)(1)".

On page 118, strike line 23 and insert the following: "subsection (h)".

On page 118, line 24, strike "(g)(1)" and insert "(h)(1)".

On page 119, line 21, strike "(h)" and insert "(i)".

On page 120, line 11, strike "(i)" and insert "(j)".

On page 124, strike lines 7 through 14 and insert the following:

**SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.**

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

**"§ 1115. Property of the estate**

"In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

"(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

"(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate."

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan, except that the provision of such payment under this paragraph shall not be a required part of the plan."

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer."

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) EFFECT OF CONFIRMATION.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until

completion of all payments under the plan; and

“(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

“(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

“(ii) modification of the plan under 1127 of this title is not practicable.”.

(e) **MODIFICATION OF PLAN.**—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

“(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

“(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

“(2) extend or reduce the time period for such payments; or

“(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.”.

On page 124, between lines 14 and 15, insert the following:

**SEC. 322. DEBTOR'S TRANSACTIONS WITH ATTORNEYS.**

Section 329 of title 11, United States Code, is amended—

(1) in subsection (a), by striking “Any attorney” and inserting “Subject to subsection (c), any attorney”; and

(2) by adding at the end the following:

“(c) Any attorney who represents a debtor in a case under chapter 13 or in connection with such a case, shall be compensated for the services described in subsection (a) on a quarterly basis during such time as a plan under subchapter II of that chapter is in effect.”.

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

**SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.**

(a) **APPOINTMENT.**—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the fol-

lowing: “On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))). The court shall increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))) upon the request of the small business concern, if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.”.

(b) **INFORMATION.**—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) A committee appointed under subsection (a) shall—

“(A) provide access to information for creditors who—

“(i) hold claims of the kind represented by that committee; and

“(ii) are not appointed to the committee;

“(B) solicit and receive comments from the creditors described in subparagraph (A); and

“(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).”.

On page 145, between lines 15 and 16, insert the following:

**SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.**

(a) **IN GENERAL.**—

(1) **DISCLOSURE.**—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) **INFORMATION.**—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) **PURPOSE.**—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 150, line 14, insert “and other required government filings” after “returns”.

On page 150, line 19, insert “and other required government filings” after “returns”.

On page 152, strike lines 19 through 21 and insert the following:

(a) **DUTIES IN CHAPTER 11 CASES.**—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike “1115” and insert “1116”.

On page 153, line 7, strike “3” and insert “7”.

On page 154, line 9, strike the semicolon and insert “and other required government filings; and”.

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

“1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike “150” and insert “175”.

On page 156, line 20, strike “150-day” and insert “175-day”.

On page 158, strike line 2 and insert “the end and inserting a semicolon; and”.

On page 162, strike lines 14 through 20 and insert the following:

“(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike “reason is” and insert “grounds include”.

On page 162, line 22, strike “that”.

On page 162, line 23, insert “for which” before “there exists”.

On page 163, line 1, strike “(ii)(I)” and insert “(ii)”.

On page 163, line 1, strike “that act or omission” and insert “which”.

On page 163, line 3, strike “, but not” and all that follows through line 8 and insert a period.

On page 163, line 22, insert after "failure to maintain appropriate insurance" the following: "that poses a risk to the estate or to the public".

On page 164, line 3, insert "repeated" before "failure".

On page 165, line 2, strike "and".

On page 165, line 3, insert "confirmed" before "plan".

On page 165, line 4, strike the period and insert "; and".

On page 165, between lines 4 and 5, insert the following:

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

On page 165, line 23, insert "or an examiner" after "trustee".

On page 167, after line 21, insert the following:

**SEC. 435. TECHNICAL CORRECTION.**

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking "penalty rate or provision" and inserting "penalty rate or penalty provision".

On page 169, line 6, insert "as amended by section 430 of this Act," after "Code,".

On page 183, line 20, strike all through line 13 on page 187.

On page 232, line 7, strike all after "by" through line 8 and insert "striking '7, 11, 12, or 13' and inserting '7, 11, 12, 13, or 15'".

On page 266, line 13, insert "**and family fishermen**" after "**farmers**".

On page 268, insert between lines 16 and 17 the following:

**SEC. 1005. FAMILY FISHERMEN.**

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);";

"(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;";

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

"(i) whose aggregate debts do not exceed \$1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual

and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii) (I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed \$1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;"; and

(3) by inserting after paragraph (19A) the following:

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";

(2) in section 1201, by adding at the end the following:

"(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

"(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.";

(3) in section 1203, by inserting "or commercial fishing operation" after "farm";

(4) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)"; and

(5) by adding at the end the following:

**"§ 1232. Additional provisions relating to family fishermen**

"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

"(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

"(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

"(b) A lien described in this subsection is—

"(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

"(2) a lien under applicable State law (or the law of a political subdivision thereof).

"(c) Subsection (a) shall not apply to—

"(1) a claim made by a member of a crew or a seaman including a claim made for—

"(A) wages, maintenance, or cure; or

"(B) personal injury; or

"(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

"(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim."

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

**"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201".**

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

"1232. Additional provisions relating to family fishermen."

On page 281, line 21, strike "714" and insert "315".

On page 282, line 11, strike "(a)(9)" and insert "(a)(8)".

On page 282, line 13, strike "and".

On page 282, between lines 13 and 14, insert the following:

(3) in subsection (a)(15), as so transferred, by striking "paragraph (5)" and inserting "paragraph (4)"; and

On page 282, line 14, strike "(3)" and insert "(4)".

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

**SEC. 1127. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.**

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, \$160; or

"(B) under chapter 13 of title 11, \$150."

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2) by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4) by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

**HATCH (AND TORRICELLI)  
AMENDMENT NO. 1729**

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 30, line 11, insert ", including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title," after "under this title".

On page 30, lines 14 and 15, strike "or legal guardian; or" and insert ", legal guardian, or responsible relative; or".

On page 30, line 21, strike "or legal guardian".

On page 31, line 10, strike "or legal guardian" and insert ", legal guardian, or responsible relative".

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

"(1) First:

"(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

"(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law."

On page 33, line 4, strike all through page 37, line 6 and insert the following:

**SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.**

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.";

(2) in section 1208(c)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(3) in section 1222(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(4) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.";

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making

provision for full payment of all allowed claims;";

(5) in section 1225(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.";

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan";

(7) in section 1307(c)—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(1) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(8) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding in the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(2) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(9) in section 1322(b)—

(A) in paragraph (9), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are non-dischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(10) in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed.";

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under

such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan".

On page 37, strike lines 10 and 11 and insert "amended by striking paragraph (2) and inserting the".

On page 37, lines 14 and 15, strike "of an action or proceeding for—" and insert "or continuation of a civil action or proceeding—".

On page 37, line 16, insert "for" after "(i)".

On page 37, line 19, insert "for" after "(ii)".

On page 37, line 21, strike "or".

On page 37, between lines 21 and 22, insert the following:

"(iii) concerning child custody or visitation;

"(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

"(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following: "(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order—

"(i) for amounts that first become payable after the date the petition was filed; and

"(ii) for amounts that first became payable before the petition was filed;

"(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

"(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

"(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).";

On page 38, line 12, strike all through page 39, line 25.

On page 40, between lines 13 and 14, insert the following:

(i) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

On page 40, line 14, strike "(i)" and insert "(ii)".

On page 40, line 16, strike "(ii)" and insert "(iii)".

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 43, strike lines 16 through 20 insert the following:

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 43, strike line 22 through page 44, line 2, and insert the following:

Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

On page 44, line 14, strike "for support" through line 16, and insert "for a domestic support obligation."

On page 45, line 23, strike "and".

On page 45, between lines 23 and 24, insert the following:

"(III) the last recent known name and address of the debtor's employer; and

On page 45, line 24, strike "(III)" and insert "(IV)".

On page 46, strike lines 6 through 11 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike "(b)" and insert "(a)".

On page 46, line 20, strike "(5)" and insert "(6)".

On page 46, line 22, strike "(6)" and insert "(7)".

On page 47, strike lines 1 through 6 and insert the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 48, line 7, strike "and".

On page 48, insert between lines 7 and 8 the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 48, line 8, strike "(III)" and insert "(IV)".

On page 48, strike lines 15 through 20 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

On page 50, line 16, strike "and".

On page 50, insert between lines 16 and 17 the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 50, line 17, strike "(III)" and insert "(IV)".

On page 50, line 24, strike all through line 4 on page 51 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d)."; and

On page 52, line 24, strike "and".

On page 52, after line 24, add the following:

"(III) the last recent known name and address of the debtor's employer; and"

On page 53, line 1, strike "(III)" and insert "(IV)".

On page 53, strike lines 8 through 12 and insert the following:

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 82, strike lines 4 through 9 and insert "title 11, United States Code, is amended by adding at the end the following:".

On page 82, line 10, strike "(19)" and insert "(18)".

On page 165, line 2, strike "and".

On page 165, line 4, strike the period and insert "; and".

On page 165, between lines 4 and 5, insert the following:

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

GRASSLEY (AND OTHERS)

AMENDMENT NO. 1730

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. LEAHY) submitted an amendment intended to be proposed to the bill, S. 625, supra; as follows:

Redesignate titles XI and XII as titles XII and XIII, respectively.

After title X, insert the following:

**TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS**

**SEC. 1101. DEFINITIONS.**

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 1003(a) of this Act, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) inserting after paragraph (27) the following:

"(27A) 'health care business'—

"(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

"(i) the diagnosis or treatment of injury, deformity, or disease; and

"(ii) surgical, drug treatment, psychiatric or obstetric care; and

"(B) includes—

"(i) any—

"(I) general or specialized hospital;

"(II) ancillary ambulatory, emergency, or surgical treatment facility;

"(III) hospice;

"(IV) home health agency; and

"(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

"(ii) any long-term care facility, including any—

"(I) skilled nursing facility;

"(II) intermediate care facility;

"(III) assisted living facility;

"(IV) home for the aged;

"(V) domiciliary care facility; and

"(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

(b) PATIENT DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (a) of this section, is amended by inserting after paragraph (40) the following:

"(40A) 'patient' means any person who obtains or receives services from a health care business;".

(c) PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (b) of this section, is amended by inserting after paragraph (40A) the following:

"(40B) 'patient records' means any written document relating to a patient or record recorded in a magnetic, optical, or other form of electronic medium;".

(d) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

**SEC. 1102. DISPOSAL OF PATIENT RECORDS.**

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

**"§ 351. Disposal of patient records**

"If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

"(1) The trustee shall—

"(A) publish notice, in 1 or more appropriate newspapers, that if patient records are

not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 90 days after the date of that notification, the trustee will destroy the patient records; and

"(B) during the 90-day period described in subparagraph (A), attempt to notify directly each patient that is the subject of the patient records concerning the patient records by mailing to the last known address of that patient an appropriate notice regarding the claiming or disposing of patient records.

"(2) If after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 90-day period a written request to each appropriate Federal or State agency to request permission from that agency to deposit the patient records with that agency.

"(3) If, after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described in paragraph (1)(A) or in any case in which a notice is mailed under paragraph (1)(B), during the 90-day period beginning on the date on which the notice is mailed, by a patient or insurance provider in accordance with that paragraph, the trustee shall destroy those records by—

"(A) if the records are written, shredding or burning the records; or

"(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

"351. Disposal of patient records."

**SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS.**

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as that term is defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

"(A) in disposing of patient records in accordance with section 351; or

"(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business."

**SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.**

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

**"§332. Appointment of ombudsman**

"(a) Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall appoint an ombudsman with appropriate expertise in monitoring the quality of patient care to represent the interests of the patients of the health care business. The court may appoint as an ombudsman a person who is serving as a State Long-Term Care Ombudsman appointed under title III or VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq. and 3058 et seq.).

"(b) An ombudsman appointed under subsection (a) shall—

"(1) monitor the quality of patient care, to the extent necessary under the circumstances, including reviewing records and interviewing patients and physicians;

"(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

"(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

"(c) An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information."

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

"332. Appointment of ombudsman."

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting "an ombudsman appointed under section 331, or" before "a professional person"; and

(2) in subparagraph (A), by inserting "ombudsman," before "professional person".

**SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.**

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by section 219 of this Act, is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

"(A) is in the vicinity of the health care business that is closing;

"(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

"(C) maintains a reasonable quality of care."

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking "704(2), 704(5), 704(7), 704(8), and 704(9)" and inserting "704(a) (2), (5), (7), (8), (9), and (11)".

**SEC. 1106. ESTABLISHMENT OF POLICY AND PROTOCOLS RELATING TO BANKRUPTCIES OF HEALTH CARE BUSINESSES.**

Not later than 30 days after the date of enactment of this Act, the Attorney General of the United States, in consultation with the Secretary of Health and Human Services, shall establish a policy and protocols for coordinating a response to bankruptcies of health care businesses (as that term is defined in section 101 of title 11, United States Code).

**SEC. 1107. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.**

Section 362(b) of title 11, United States Code, as amended by section 901(d) of this Act, is amended—

(1) in paragraph (27), by striking "or" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (28) the following:

"(29) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the Medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.)."

**GRASSLEY (AND OTHERS)  
AMENDMENT NO. 1731**

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. TORRICELLI, Mr. SPECTER, Mr. FEINGOLD, and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 145, between lines 15 and 16, insert the following:

**SEC. 420. BANKRUPTCY FEES.**

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

"(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

"(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor whose income is less than 125 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved is unable to pay that fee in installments.

"(3) A filing fee referred to in paragraph (2) is—

"(A) a filing fee under subsection (a)(1); or

"(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

"(4) In addition to waiving a fee under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual with an income at a level described in paragraph (2) is unable to pay that fee in installments."

● Mr. GRASSLEY. Mr. President, I'm submitting several amendments at this time in order to comply with the unanimous-consent agreement requiring the filing of amendments. The amendments I'm filing now are indications of what I intend to offer when the Senate is cleared to consider the bankruptcy bill later this year. As such, each amendment is a work in progress. I would therefore caution my colleagues not to view these amendments as cast in stone. In particular, Senator TORRICELLI and I are negotiating with the chairman of the Banking Committee on the details of the credit card disclosure amendment. ●

GRASSLEY (AND TORRICELLI)  
AMENDMENT NO. 1732

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 6, line 12, insert "11 or" after "chapter".

On page 6, line 24, insert "11 or" after "chapter".

On page 12, lines 21 and 22, strike "was not substantially justified" and insert "was frivolous".

On page 14, strike lines 8 through 14 and insert the following:

"(C)(i) No judge, United States trustee, panel trustee, bankruptcy administrator, or other party in interest shall bring a motion under section 707(b)(2) if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national or applicable State median household monthly income calculated (subject to clause (ii)) on a semiannual basis of a household of equal size.

"(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus \$583 for each additional member of that household."

On page 14, in the matter between lines 18 and 19, insert "11 or" after "chapter".

On page 14, after the matter between lines 18 and 19, insert the following:

**SEC. 103. FINDINGS AND STUDY.**

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike "103" and insert "104".

On page 15, line 12, strike "104" and insert "105".

On page 17, line 19, strike "105" and insert "106".

On page 40, line 4, insert "as amended by section 1110(1) of this Act," after "Code,".

On page 40, line 20, strike "(6)" and insert "(5)".

On page 41, line 4, strike "(5)" and insert "(4)".

On page 41, line 7, strike "(5)" and insert "(4)".

On page 41, line 12, strike "(5)" and insert "(4)".

On page 46, line 2, strike "(2), (4), or (14A)" and insert "(2), (3), or (14)".

On page 46, line 19, strike "(b)" and insert "(a)".

On page 47, line 8, strike "(b)(7)" and insert "(a)(7)".

On page 48, line 11, strike "(4), or (14A)" and insert "(3), or (14)".

On page 50, line 20, strike "(4), or (14A)" and insert "(3), or (14)".

On page 53, line 4, strike "(4), or (14A)" and insert "(3), or (14)".

On page 76, line 15, strike "523(a)(9)" and insert "523(a)(8)".

On page 91, between lines 18 and 19, insert the following:

(c) MODIFICATION OF A RESTRICTION RELATING TO WAIVERS.—Section 522(e) of title 11, United States Code, is amended—

(1) in the first sentence, by striking "subsection (b) of this section" and inserting "subsection (b), other than under paragraph (3)(C) of that subsection"; and

(2) in the second sentence—

(A) by inserting "(other than property described in subsection (b)(3)(C))" after "property" each place it appears; and

(B) by inserting "(other than a transfer of property described in subsection (b)(3)(C))" after "transfer" each place it appears.

On page 91, line 23, strike "105(d)" and insert "106(d)".

On page 92, strike line 17 and insert the following:

(2) in section 521, as amended by section 106 of this Act, by adding at the end the following:

On page 92, line 18, strike "(b)" and insert "(c)".

On page 93, line 3, strike "(2)" and insert "(3)".

On page 94, line 25, strike "105(d)" and insert "106(d)".

On page 95, line 16, strike "(c)" and insert "(d)".

On page 109, line 13, strike "by adding at the end" and insert "by inserting after subsection (e)".

On page 111, strike lines 16 and 17 and insert the following:

**SEC. 314. DISCHARGE PETITIONS.**

On page 111, line 18, insert "(a) DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.—" before "Section".

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike "(4)" and insert "(3)".

On page 112, line 20, strike "(3)(B), (5), (8), or (9) of section 523(a)" and insert "(4), (7), or (8) of section 523(a)".

On page 113, strike line 6 and all that follows through page 114, line 19 and insert the following:

(a) NOTICE.—

(1) IN GENERAL.—Section 342 of title 11, United States Code, as amended by section 103 of this Act, is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated, the following:

"(a) In this section:

"(1)(A) The term 'debtor identifying information' means—

"(i) the debtor's name, address, and Federal taxpayer identification number; and

"(ii) if the information is being provided to a governmental entity, the identity of the specific department, agency, or instrumentality of the governmental unit on account of which the entity is being given notice.

"(B) In any notice a debtor provides under this title or the Federal Rules of Bankruptcy Procedure, the debtor's current account number, or other identifying number, that has been provided to the debtor or used in prior communications between the debtor and an entity shall be used when notice is given to such an entity.

"(2) The term 'notice' includes any correspondence to the entity after the commencement of the case and any notice required to be given the entity under this title or the Federal Rules of Bankruptcy Procedure.

"(3) The term 'effective notice' with respect to an entity means that notice has been served on the entity—

"(A) at the address specified under subsection (e); or

"(B) if no address is specified under subsection (e), at an address otherwise designated by this title, the Federal Rules of Bankruptcy Procedure, or applicable non-bankruptcy law for service of process to initiate a civil proceeding against the party to be notified or by court order for service on such entity in the case"; and

(D) by adding after subsection (c), as redesignated, the following:

"(d)(1) If notice is required to be given by the debtor or by the court or on the debtor's behalf to an entity under this title, any applicable law, or any order of the court, such notice shall contain debtor identifying information in addition to any other required information. Such identifying information may be provided in the notice or in a separate document provided with or attached to the notice.

"(2) A petition under this title shall contain the debtor's name, address and Federal taxpayer identification number.

"(e)(1) At any time, an entity may file with the court a designation of the address or addresses at which the entity is to receive notice in cases under this title. The clerk shall maintain and make available to any entity making a request, a register in which shall be listed, alphabetically by name, the name and address or addresses for those entities which have provided the designation described in this paragraph. The register shall be maintained and made available in the form and manner as the Director of the Administrative Office for the United States Courts prescribes. The clerk shall update such register no less frequently than once each calendar month with the information contained in any designation so filed.

"(2) Subject to paragraph (3), the addresses specified in the register shall be the address to which all notices to the entity shall be sent, effective 5 business days after the date on which the information is first listed in the register.

"(3) In a particular case, an entity may file with the court and serve on the debtor and on other parties in the case notice of a different address to be used for service in that particular case. Effective 5 business days after service of such notice, any further notices that are required to be given to that entity in that case shall be given at that address.

"(f)(1)(A) Subject to the other paragraphs of this subsection and subparagraph (B), if effective notice of an action, proceeding or time within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedures to act or to refrain from taking action is not given to an entity—

"(i) any action, proceeding or time of which the entity was not given effective notice shall not be effective with respect to that entity; and

"(ii) any creditor which has not received effective notice shall receive the equivalent of the treatment which similar entities similarly situated received in the proceeding.

"(B) Nothing in this section shall affect the immediate applicability of the automatic stay under section 362(a).

"(2) Subject to paragraph (4), if effective notice of the commencement of the case was

not given to a creditor at the times required by this title and the Federal Rules of Bankruptcy Procedures (determined without regard to paragraph (3)) the creditor's debt shall be subject to discharge only if—

“(A) the court, after notice and a hearing, finds that effective notice of the commencement of the case was given the creditor in time to permit the creditor's effective participation in the case, except that the court may not so find if effective notice is given after—

“(i) if the debt is of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date to file a proceeding to determine the dischargeability of a debt; or

“(ii) if the debt is not of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date for the creditor to file a proof of claim in the case; or

“(B) the creditor elects to file, within the time provided in paragraph (3), a proof of claim, or a proceeding to determine the dischargeability of the debt, and such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

“(3)(A) If a time is specified by or within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedure to act or to refrain from taking action, such time shall begin to run against that entity only—

“(i) except as provided in paragraph (ii), when effective notice is given the entity; or

“(ii) if notice is effective only because the party claiming that effective notice was given establishes that there was actual knowledge upon the later of—

“(I) the date of actual knowledge; or

“(II) the date on which such notice should otherwise have been provided.

“(B) If no time is specified by or within which an entity is required or permitted to act under this title or the Federal Rules of Bankruptcy Procedure—

“(i) the entity shall have a minimum of 30 days, or such longer time as the court allowed to other entities, to take such required or permitted action after effective notice is given; and

“(ii) in a particular case, a court may, for good cause shown and after notice and a hearing, adjust any requirements of clause (i) which are not practicable in the circumstances, except that an entity may not be required to act before a reasonable time after effective notice is given the entity so as to allow the entity to take the required or permitted action.

“(4)(A) In a case filed under chapter 7 by an individual, a creditor's debt that is not subject to discharge under paragraphs (1) through (3), shall be subject to discharge, if—

“(i) the trustee has determined that no assets are or will be available to pay a dividend to creditors in the case with the same priority as the creditor; and

“(ii) the court has granted a debtor's request to permit amending the schedules to list the creditor or otherwise to subject the creditor's debt to discharge (including by reopening the debtor's case if necessary).

“(B)(i) Before granting a request under subparagraph (A) by the debtor, the court shall require the debtor to give the creditor effective notice of the case and provide the creditor with a minimum of 30 days to object to such request. The court shall grant such request unless the creditor files a timely objection.

“(ii) If the creditor files a timely objection the court shall not grant the request unless the court finds, after notice and a hearing, that—

“(I) the debtor has established that the failure to list the creditor was based upon excusable neglect, and

“(II) the creditor will not be prejudiced by being included in the case at the present time.

“(C) Any creditor listed by the debtor under this paragraph may file a proof of claim, a proceeding to determine the dischargeability of the debt, and any other action allowed or permitted by this title and the Federal Rules of Bankruptcy Procedure within the time limits provided in paragraph (3). Such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

“(5) If there is an omission by the debtor of information required by this title or the Federal Rules of Bankruptcy Procedure to be included on the debtor's schedules, the omission shall be treated as a failure to provide effective notice under this subsection of the commencement of the case if the omitted information is material to the matter with respect to which notice is required.

“(g)(1) No sanction, including an award of attorneys fees or costs, under section 362(h) of this title or any other sanction which a court may impose on account of violations of the stay under section 362(a) of this title or failure to comply with sections 524(a), 542, or 543 of this title may be imposed on account of any action of an entity unless the action takes place after the entity has received effective notice of the commencement of the case, or with respect to section 524(a), the discharge of a debt owed the entity.

“(2) Nothing in this subsection shall be deemed to require a court to impose sanctions on an entity in circumstances other than those described in this paragraph.”

(2) ADOPTION OF RULES PROVIDING NOTICE.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Judicial Conference of the United States shall promptly consult with appropriate parties, including representatives of Federal, State, and local government, with respect to the need for additional rules for providing adequate notice to State, Federal, and local government units that have regulatory authority over the debtor, and propose such rules within a reasonable period of time. Such rules shall be consistent with section 342 of title 11, United States Code, as amended by this section, and shall be designed to ensure that notice will reach the representatives of the governmental unit, or subdivision thereof, who will be the proper persons authorized to act upon the notice.

(B) RULES.—At a minimum, to the extent that it is determined that notice should be given to a particular regulatory entity, the rules shall require that the debtor, in addition to any other information required by section 342 of title 11, United States Code, shall—

(i) identify in the schedules and the notice, the department, agency, subdivision, instrumentality or entity in respect of which such notice should be received;

(ii) provide sufficient information in the list or schedule (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit or subdivision thereof, entitled to receive such notice, to identify the debtor or the person or entity on behalf of which the debtor is providing notice where the debtor may be a successor in interest or may not be the same as the person or entity which incurred the debt or obligation; and

(iii) identify, in appropriate schedules, which shall be required to be served on the governmental unit together with the notice, the property, if any, in respect of which any claim or regulatory obligation may have

arisen, and the nature of the claim or regulatory obligation for which notice is being given.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, as amended by sections 215, 223(b), 224(c), 301, 310, 314, 414, and 1110 of this Act, is further amended—

(i) in subsection (a)—

(I) by striking paragraph (3); and

(II) redesignating paragraphs (4) through (14A) as paragraphs (3) through (14), respectively;

(ii) in subsection (b), by striking “(a)(3), or (a)(8) of this section,” and inserting “or (a)(7) of this section, section 342 of this title”;;

(iii) in subsection (c)(1), by striking “Except as provided in subsection (a)(3)(B) of this section,” and inserting “Except as provided in section 342(f),”; and

(iv) in subsection (c)(2)—

(I) by striking “(a)(4), (a)(6), or (a)(11)” and inserting “(a)(3), (a)(5), or (a)(10)”; and

(II) by striking “subsection (a)(3)(B) of this section” and inserting “section 342(f)”.

(B) CONFORMING AMENDMENTS.—

(i) ALLOWANCE OF CLAIMS OR INTERESTS.—Section 502(b)(5) of title 11, United States Code, is amended by striking “section 523(a)(5)” and inserting “section 523(a)(4)”.

(ii) EXEMPTIONS.—Section 522(c)(3) of title 11, United States Code, is amended by striking “section 523(a)(4) or 523(a)(6)” and inserting “section 523(a)(3) or (5)”.

(C) DISTRIBUTION OF PROPERTY OF THE ESTATE.—Section 726 of title 11, United States Code, is amended—

(i) in subsection (a)(2)(A), by adding “or” after the semicolon;

(ii) in subsection (a)(2)(B), by striking “or” after the semicolon;

(iii) by striking subsection (a)(2)(C); and

(iv) in subsection (a)(3), by striking all beginning with “, other” through “subsection”.

On page 116, line 16, strike “(d)(1)” and insert “(e)(1)”.

On page 117, line 5, strike “(e)” and insert “(f)”.

On page 118, line 1, strike “(A) beginning” and insert the following:

“(A) beginning”.

On page 118, line 5, strike “(B) thereafter,” and insert the following:

“(B) thereafter.”.

On page 118, line 8, strike “(f)(1)” and insert “(g)(1)”.

On page 118, strike line 23 and insert the following: “subsection (h)”.

On page 118, line 24, strike “(g)(1)” and insert “(h)(1)”.

On page 119, line 21, strike “(h)” and insert “(j)”.

On page 120, line 11, strike “(j)” and insert “(i)”.

On page 124, strike lines 7 through 14 and insert the following:

**SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.**

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

“§ 1115. Property of the estate

“In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

“(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

“(2) earnings from services performed by the debtor after the commencement of the

case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate."

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan."

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer."

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) EFFECT OF CONFIRMATION.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payment under the plan; and

"(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

"(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

"(ii) modification of the plan under 1127 of this title is not practicable."

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case concerning an individual, the plan may be modified at any time after con-

firmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time period for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan."

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

**SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.**

(a) APPOINTMENT.—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: "On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))) if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large."

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) A committee appointed under subsection (a) shall—

"(A) provide access to information for creditors who—

"(i) hold claims of the kind represented by that committee; and

"(ii) are not appointed to the committee;

"(B) solicit and receive comments from the creditors described in subparagraph (A); and

"(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A)."

On page 145, between lines 15 and 16, insert the following:

**SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.**

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 150, line 14, insert "and other required government filings" after "returns".

On page 150, line 19, insert "and other required government filings" after "returns".

On page 152, strike lines 19 through 21 and insert the following:

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike "1115" and insert "1116".

On page 153, line 7, strike "3" and insert "7".

On page 154, line 9, strike the semicolon and insert "and other required government filings; and".

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike "150" and insert "175".

On page 156, line 20, strike "150-day" and insert "175-day".

On page 158, strike line 2 and insert "the end and inserting a semicolon; and".

On page 162, strike lines 14 through 20 and insert the following:

"(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike "reason is" and insert "grounds include".

On page 162, line 22, strike "that".

On page 162, line 23, insert "for which" before "there exists".

On page 163, line 1, strike "(ii)(I)" and insert "(ii)".

On page 163, line 1, strike "that act or omission" and insert "which".

On page 163, line 3, strike " , but not" and all that follows through line 8 and insert a period.

On page 163, line 22, insert after "failure to maintain appropriate insurance" the following: "that poses a risk to the estate or to the public".

On page 164, line 3, insert "repeated" before "failure".

On page 165, line 3, insert "confirmed" before "plan".

On page 165, line 23, insert "or an examiner" after "trustee".

On page 167, after line 21, insert the following:

**SEC. 435. TECHNICAL CORRECTION.**

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking "penalty rate or provision" and inserting "penalty rate or penalty provision".

On page 169, line 6, insert "as amended by section 430 of this Act," after "Code,".

On page 183, line 20, strike all through line 13 on page 187.

On page 232, line 7, strike all after "by" through line 8 and insert "striking '7, 11, 12, or 13' and inserting '7, 11, 12, 13, or 15'".

On page 266, line 13, insert "AND FAMILY FISHERMEN" after "FARMERS".

On page 268, insert between lines 16 and 17 the following:

**SEC. 1005. FAMILY FISHERMEN.**

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

“(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);”;

“(7B) ‘commercial fishing vessel’ means a vessel used by a fisherman to carry out a commercial fishing operation;”;

(2) by inserting after paragraph (19) the following:

“(19A) ‘family fisherman’ means—

“(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

“(i) whose aggregate debts do not exceed \$1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

“(ii) who receive from such commercial fishing operation more than 50 percent of such individual’s or such individual’s and spouse’s gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

“(B) a corporation or partnership—

“(i) in which more than 50 percent of the outstanding stock or equity is held by—

“(I) 1 family that conducts the commercial fishing operation; or

“(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

“(ii) (I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

“(II) its aggregate debts do not exceed \$1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

“(III) if such corporation issues stock, such stock is not publicly traded;”;

(3) by inserting after paragraph (19A) the following:

“(19B) ‘family fisherman with regular annual income’ means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;”.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting “or family fisherman” after “family farmer”.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting “OR FISHERMAN” after “FAMILY FARMER”;

(2) in section 1201, by adding at the end the following:

“(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

“(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a

creditor with respect to the operation of a stay under this section.”;

(3) in section 1203, by inserting “or commercial fishing operation” after “farm”;

(4) in section 1206, by striking “if the property is farmland or farm equipment” and inserting “if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)”;

(5) by adding at the end the following:

“§ 1232. Additional provisions relating to family fishermen

“(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

“(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

“(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

“(b) A lien described in this subsection is—

“(1) a maritime lien under subchapter III of chapter 313 of title 46, United States Code, without regard to whether that lien is recorded under section 31343 of title 46, United States Code; or

“(2) a lien under applicable State law (or the law of a political subdivision thereof).

“(c) Subsection (a) shall not apply to—

“(1) a claim made by a member of a crew or a seaman including a claim made for—

“(A) wages, maintenance, or cure; or

“(B) personal injury; or

“(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46, United States Code.

“(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.”.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

“12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

“1232. Additional provisions relating to family fishermen.”.

On page 281, line 21, strike “714” and insert “315”.

On page 282, line 11, strike “(a)(9)” and insert “(a)(8)”.

On page 282, line 13, strike “and”.

On page 282, between lines 13 and 14, insert the following:

(3) in subsection (a)(15), as so transferred, by striking “paragraph (5)” and inserting “paragraph (4)”;

On page 282, line 14, strike “(3)” and insert “(4)”.

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

SEC. 1127. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) For a case commenced—

“(A) under chapter 7 of title 11, \$160; or

“(B) under chapter 13 of title 11, \$150.”.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

“(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;”;

(2) in paragraph (2) by striking “one-half” and inserting “three-fourths”; and

(3) in paragraph (4) by striking “one-half” and inserting “100 percent”.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking “pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931” and inserting “under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title”.

#### CRAIG AMENDMENT NO. 1733

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, is amended by adding at the end the following—

“(6) any interest of the debtor in property where the debtor has pledged or sold tangible personal property or other valuable things (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money, where—

(i) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price, and

(ii) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or state law, in a timely manner as provided under state law and Section 108(b) of this title.”.

#### GRAHAM AMENDMENT NO. 1734

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

Beginning on page 289, line 4, strike all through page 290, line 12 and insert the following:

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the central district of California.

(B) One additional bankruptcy judgeship for the eastern district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) One additional bankruptcy judgeship for the southern district of Mississippi.

(E) One additional bankruptcy judgeship for the northern district of New York.

(F) One additional bankruptcy judgeship for the eastern district of New York.

(G) One additional bankruptcy judgeship for the southern district of New York.

(H) One additional bankruptcy judgeship for the eastern district of North Carolina.

(I) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(J) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(K) One additional bankruptcy judgeship for the district of Puerto Rico.

On page 294, insert between lines 11 and 12 the following:

(f) PERMANENT JUDGESHIPS.—The table under section 152(a)(2) of title 28, United States Code, is amended—

(1) in the item relating to Delaware by striking "1" and inserting "2";

(2) in the item relating to New Jersey by striking "8" and inserting "9";

(3) in the item relating to Maryland by striking "4" and inserting "7";

(4) in the item relating to the eastern district for Virginia by striking "5" and inserting "6";

(5) in the item relating to the western district for Tennessee by striking "4" and inserting "5";

(6) in the item relating to the central district for California by striking "21" and inserting "24";

(7) in the item relating to the southern district for Georgia by striking "2" and inserting "3"; and

(8) in the item relating to the southern district for Florida by striking "5" and inserting "7".

WELLSTONE (AND DORGAN)  
AMENDMENT NO. 1735

(Ordered to lie on the table.)

Mr. WELLSTONE, (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the end of the bill, add the following:

**DIVISION 2—MORATORIUM ON LARGE  
AGRIBUSINESS MERGERS**

**SEC. 01. SHORT TITLE.**

This division may be cited as the "Agribusiness Merger Moratorium and Antitrust Review Act of 1999".

**SEC. 02. DEFINITIONS.**

In this division:

(1) BROKER.—The term "broker" means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser.

(2) COMMISSION MERCHANT.—The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(3) DEALER.—The term "dealer" means any person (excluding agricultural cooperatives) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising.

(4) PROCESSOR.—The term "processor" means any person (excluding agricultural cooperatives) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing for human consumption, except a person who manufactures (including slaughters) any product of any livestock or poultry owned by such person.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

**TITLE I—MORATORIUM ON LARGE  
AGRIBUSINESS MERGERS**

**SEC. 11. MORATORIUM ON LARGE AGRIBUSINESS MERGERS.**

(a) IN GENERAL.—

(1) MORATORIUM.—Until the date referred to in paragraph (2) and except as provided in subsection (b)—

(A) no dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than \$100,000,000 shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than \$10,000,000; and

(B) no dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than \$10,000,000 shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than \$100,000,000 if the acquiring person would hold—

(i) 15 percent or more of the voting securities or assets of the acquired person; or

(ii) an aggregate total amount of the voting securities and assets of the acquired person in excess of \$15,000,000.

(2) DATE.—The date referred to in this paragraph is the earlier of—

(A) the effective date of comprehensive legislation—

(i) addressing the problem of market concentration in the agricultural sector; and

(ii) containing a section stating that the legislation is comprehensive legislation as provided in section 11 of the Agribusiness Merger Moratorium Act of 1999; or

(B) the date that is 18 months after the date of enactment of this Act.

(b) WAIVER AUTHORITY.—The Attorney General shall have authority to waive the moratorium imposed by subsection (a) only under extraordinary circumstances, such as insolvency or similar financial distress of 1 of the affected parties.

**TITLE II—AGRICULTURE CONCENTRATION AND MARKET POWER REVIEW COMMISSION**

**SEC. 21. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established a commission to be known as the Agriculture Concentration and Market Power Review Commission (hereafter in this title referred to as the "Commission").

(b) PURPOSES.—The purpose of the Commission is to—

(1) study the nature and consequences of concentration in America's agricultural economy; and

(2) make recommendations on how to change underlying antitrust laws and other Federal laws and regulations to keep a fair and competitive agriculture marketplace for family farmers, other small and medium sized agriculture producers, generally, and the communities of which they are a part.

(c) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members as follows:

(A) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate, after consultation with the Chairman of the Committee on Agriculture, Nutrition, and Forestry.

(B) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Agriculture, Nutrition, and Forestry.

(C) Three persons shall be appointed by the Speaker of the House of Representatives, after consultation with the Chairman of the Committee on Agriculture.

(D) Three persons shall be appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Agriculture.

(2) QUALIFICATIONS OF MEMBERS.—

(A) APPOINTMENTS.—Persons who are appointed under paragraph (1) shall be persons who—

(i) have expertise in agricultural economics and antitrust or have other pertinent qualifications or experience relating to agriculture and agriculture industries; and

(ii) are not officers or employees of the United States.

(B) OTHER CONSIDERATION.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross sector of agriculture and antitrust perspectives within the United States; and

(ii) provide fresh insights to analyzing the causes and impacts of concentration in agriculture industries and sectors.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

**SEC. 22. DUTIES OF THE COMMISSION.**

(a) IN GENERAL.—The Commission shall be responsible for examining the nature, the causes, and consequences concentration in America's agricultural economy in the broadest possible terms.

(b) ISSUES TO BE ADDRESSED.—The study shall include an examination of the following matters:

(1) The nature and extent of concentration in the agricultural sector, including food production, transportation, processing, distribution and marketing, and farm inputs such as machinery, fertilizer, and seeds.

(2) Current trends in concentration of the agricultural sector and what this sector is likely to look like in the near and longer term future.

(3) The effect of this concentration on farmer income.

(4) The impacts of this concentration upon rural communities, rural economic development, and the natural environment.

(5) The impacts of this concentration upon food shoppers, including the reasons that Depression-level farm prices have not resulted in corresponding drops in supermarket prices.

(6) The productivity of family-based farm units, compared with corporate based agriculture, and whether farming is approaching a scale that is larger than necessary from the standpoint of productivity.

(7) The effect of current laws and administrative practices in supporting and encouraging this concentration.

(8) Whether the existing antitrust laws provide adequate safeguards against, and remedies for, the impacts of concentration upon family-based agriculture, the communities they comprise, and the food shoppers of this Nation.

(9) Such related matters as the Commission determines are important.

#### SEC. 23. FINAL REPORT.

(a) IN GENERAL.—Not later than 12 months after the date of the initial meeting of the Commission, the Commission shall submit to the President and Congress a final report which contains—

(1) the findings and conclusions of the Commission described in section 22; and

(2) recommendations for addressing the problems identified as part of the Commission's analysis.

(b) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

#### SEC. 24. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different agriculture regions of the United States.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

#### SEC. 25. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil

service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### SEC. 26. SUPPORT SERVICES.

The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

#### SEC. 27. APPROPRIATIONS.

There are appropriated \$2,000,000 to the Commission to carry out the provisions of this title.

### TORRICELLI (AND OTHERS) AMENDMENT NO. 1736

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mr. GRASSLEY, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the end of the bill, add the following new title:

#### TITLE —CONSUMER CREDIT DISCLOSURE

##### SEC. 01. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

“(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: ‘Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of \$1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: \_\_\_\_\_.’

“(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on

which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: ‘Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of \$300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: \_\_\_\_\_.’

“(C) In the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: ‘Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of \$300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: \_\_\_\_\_.’

“(D) Notwithstanding subparagraph (B) or (C), in complying with either such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent.

“(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

“(F) The toll-free telephone number disclosed by a creditor under subparagraph (A) or (B) may be a toll-free telephone number established and maintained by the creditor or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B) by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

“(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

“(H) The Board shall—

“(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance and the approximate total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no other advances

are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

“(ii) establish the table required under clause (i) by assuming—

“(I) a significant number of different annual percentage rates;

“(II) a significant number of different account balances;

“(III) a significant number of different minimum payment amounts; and

“(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

“(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).”.

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the “Board”) shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section. Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under this subsection shall not take effect until the later of 18 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board shall conduct a study to determine whether consumers have adequate information about borrowing activities that may result in financial problems.

(2) FACTORS FOR CONSIDERATION.—In conducting the study under paragraph (1), the Board shall, in consultation with the Secretary of the Treasury and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the minimum payment under open end credit plans;

(D) consumers are aware that making only minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Before the end of the 2-year period beginning on the date of enactment of this Act, the Board shall submit to Congress a report containing the findings of the Board in connection with the study required by this subsection.

(d) REGULATIONS.—The Board shall, by regulation promulgated pursuant to its authority under the Truth in Lending Act, require additional disclosures to consumers regarding minimum payment features, including periodic statement disclosures, if the Board determines, as part of its final report to Congress under subsection (c), that such disclosures are necessary, based on the findings set forth in that report. Any such regulations shall not take effect until 12 months after the publication of such regulations by the Board.

**SEC. 02. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.**

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking “CONSULTATION OF TAX ADVISOR.—A statement that the” and inserting the following: “TAX DEDUCTIBILITY.—A statement that—

“(A) the”; and

(B) by striking the period at the end and inserting the following: “; and

“(B) in any case in which the extension of credit exceeds the fair market value of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.”.

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking “If any” and inserting the following:

“(1) IN GENERAL.—If any”; and

(B) by adding at the end the following:

“(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling shall include a clear and conspicuous statement that—

“(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

“(B) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.”.

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

“(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

“(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

“(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.”; and

(B) in subsection (b), by adding at the end the following:

“(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.”.

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

“(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling shall clearly and conspicuously state that—

“(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

“(2) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective 12 months after the date of enactment of this Act.

**SEC. 03. DISCLOSURES RELATED TO “INTRODUCTORY RATES”.**

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

“(6) ADDITIONAL NOTICE CONCERNING ‘INTRODUCTORY RATES’.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation, for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

“(i) use the term ‘introductory’ in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear in the same type size and type style used to state the temporary annual percentage rate;

“(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state the following in a prominent location immediately proximate to the first or otherwise most prominent listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)) and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size the date on which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

“(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state the following in a prominent location immediately proximate to the first or otherwise most prominent listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)) and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size the date on which the introductory period will end and the annual percentage rate that would apply if the introductory period ended on the date on which the application or solicitation was printed.

“(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

“(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

“(i) any and all circumstances or events that may result in the revocation of the temporary annual percentage rate; and

“(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

“(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

“(II) will vary in accordance with an index, the annual percentage rate that would apply if the temporary annual percentage rate was revoked on the date on which the application or solicitation was printed.

“(D) DEFINITIONS.—In this paragraph—

“(i) the terms ‘temporary annual percentage rate of interest’ and ‘temporary annual

percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than the annual percentage rate of interest that will apply if the introductory period ended on the date on which the application was printed; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede any disclosure required by paragraph (1) or any other provision of this subsection."

**SEC. 04. INTERNET-BASED CREDIT CARD SOLICITATIONS.**

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—

"(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the disclosures described in paragraph (6).

"(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions."

**SEC. 05. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.**

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(12) If a charge is to be imposed due to the failure of the obligor to make payment on or before a required payment due date the following shall be stated prominently in a conspicuous location on the billing statement:

"(A) The date that payment is due or, if different, the earliest date on which a late payment fee may be charged.

"(B) The amount of the late payment charge to be imposed if payment is made after such date."

**SEC. 06. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.**

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from

terminating an account for inactivity in 3 or more consecutive months."

**SEC. 07. DUAL USE DEBIT CARD.**

(a) STUDY REQUIRED.—The Board shall conduct a study of existing consumer protections provided to consumers at the time of the study to limit the liability of consumers for unauthorized use of a debit card or similar access device.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Board shall consider—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the study, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to provide adequate protection for consumers concerning unauthorized use liability.

(c) REPORT AND REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Board shall make public a report on its findings with respect to the adequacy of existing protections afforded consumers with respect to unauthorized use liability for debit cards and similar access devices. If the Board determines that such protections are inadequate, the Board, pursuant to its authority under the Electronic Fund Transfer Act, may issue regulations to address such inadequacy. Any regulations issued by the Board under this paragraph shall not become effective before the end of the 36-month period beginning on the date of enactment of this Act.

**SEC. 08. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit referred to in paragraph (1) is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

**SEC. 09. ENCOURAGING CREDITWORTHINESS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner that may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

**HUTCHISON AMENDMENT NO. 1737**

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 625, supra; as follows:

Notwithstanding and other provision of law, any Federal homestead exemption shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act."

**BROWNBACK AMENDMENT NO. 1738**

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

In lieu of the language proposed to be included, insert the following:

**SEC. 09. LIMITATION.**

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n) (1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A)—

"(A) by a family farmer for the principal residence of that family farmer, without regard to whether the principal residence is covered under an applicable homestead provision referred to in subparagraph (B); or

"(B) by a farmer (including, for purposes of this subparagraph, a family farmer and any person that is considered to be a farmer under applicable State law) for a site at which a farming operation of that farmer is carried out (including the principal residence of that farmer), if that site is covered under an applicable homestead provision that exempts that site under a State constitution or statute."

## HUTCHISON AMENDMENT NO. 1739

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 625, supra; as follows:

On page 91, strike lines 15 through 18 and insert the following:

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case in addition to the prior case."

## SESSIONS AMENDMENT NO. 1740

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 1, line 3, strike all through line 10 on page 2.

HUTCHISON AMENDMENTS NOS.  
1741-1743

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted three amendments intended to be proposed by her to the bill, S. 625, supra; as follows:

## AMENDMENT No. 1741

At the end of the amendment add the following: "The preceding provisions relating to a limitation on State homestead exemptions shall not apply to debtors who are 65 years or older."

## AMENDMENT No. 1742

In lieu of the matter proposed to be inserted, insert the following:

**SEC. \_\_. STUDY OF EFFECTS OF THE HOMESTEAD EXEMPTION.**

The Comptroller General shall conduct a nationwide study and report to Congress any findings and recommendations not later than 1 year after the date of enactment of this Act regarding—

(1) the utilization of State homestead exemption in States where there is no limitation on the homestead exemption or in States where the limitation exceeds \$100,000 to determine the income level of the debtors utilizing the homestead exemption in those States; and

(2) the extent to which those individuals who have utilized the homestead exemption in those States are prohibited from doing so by the provisions in this Act—

(A) restricting utilization of the homestead exemption to those who have resided in the State for at least 2 years (section 303);

(B) providing for enhanced judicial scrutiny of any asset transfers to the homestead within 2 years of the date of filing bankruptcy (section 303); and

(C) the presumption against allowance of filing for chapter 7 (liquidation of assets) for certain high-income individuals (section 102).

## AMENDMENT No. 1743

At the end of the amendment add the following: "The preceding provisions relating to a limitation on State homestead exemptions shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act."

## NOTICES OF HEARINGS

## COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee

on Rules and Administration will meet on Wednesday, September 22, 1999 at 9:00 a.m. in Room SR-301 Russell Senate Office Building, to mark up S. Res. 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4-6352.

## COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 22, 1999 at 10:00 a.m. to conduct a hearing on S. 1587, a bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control and; S. 1589, to amend the American Indian Trust Fund Management Reform Act of 1994.

The hearing will be held in room 485, Russell Senate Building.

## COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 23, 1999 in SH-216 at 9:00 a.m. The purpose of this meeting will be to (1) To examine the impact of electronic trading on regulation and (2) to consider the nominations of Paul Riddick to be Assistant Secretary of Agriculture for Administration and Andrew Fish to be Assistant Secretary of Agriculture for Congressional Relations.

## COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 29, 1999 at 9:30 a.m. to conduct a hearing on S. 1508, a bill to provide technical and legal assistance to tribal justice systems and members of Indian tribes.

The hearing will be held in room 485, Russell Senate Building.

Please direct any inquiries to Committee staff at 202/224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Hybrid Pension Plans" during the session of the Senate on Tuesday, September 21, 1999, at 9:30 a.m.

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

## SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special

Committee on the Year 2000 Technology Problem be permitted to meet on September 21, 1999, at 9:30 a.m. for the purpose of conducting a hearing.

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

## ADDITIONAL STATEMENTS

## TRIBUTE TO GEORGE P. CROUNSE

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to the life of George P. Crouse, who passed away on August 22, 1999. His death marked the end of a five-decade career of entrepreneurship, community building, and philanthropy in Paducah, Kentucky.

A native of Minneapolis, Minnesota, George worked for the Tennessee Valley Authority and then Arrow Transportation Company, an Alabama firm. George served his country in the U.S. Navy during World War II, and came to Paducah in 1945, to work for Iger Towing. George realized the potential of his new hometown as a crossroads of the nation's major river ways, and Crouse Corporation began operations in 1949, when its first towboat, *The Alice*, began operation on the Ohio River. This was the beginning of George's dream to have his own company.

Crouse Corporation continued to grow over the years, and expanded operations to other parts of the inland waterway system. From that single boat, the *Alice*, grew one of the nation's largest towing companies which presently operates 25 towboats and 750 barges. Even more amazing, the only time George borrowed money for his operation was the \$60,000 he borrowed to help construct that first boat. Aside from that initial loan, the Crouse Corporation balance sheets never showed debt. George continued to run the company as its chairman until only a few weeks prior to his death.

George led not only his own company to prosperity, but helped establish Paducah as a major center for river shipping, bringing economic growth and jobs to the area. His business acumen also was highly sought out in other areas such as banking. George was a firm believer in the principle of giving back to the community that had been so good to him, his family, and business. Entities such as the Paducah Public Library, Tilghman High School, and the new River Heritage Museum benefitted from George's generosity and guidance. We will probably never know the true extent of George's work to better the lives of all those in his community, and that's just the way George, a humble and modest man, would have wanted it.

George Crouse perhaps will best be remembered as a dogged advocate for education. In 1968, as a board member of Paducah Junior College, he helped bring the school into the statewide network of the University of Kentucky Community College System. George made sure that PJC retained ownership

of the property and buildings, making it the only community college in Kentucky controlled by the local community. When it appeared that the area was handicapped by the lack of an engineering school to serve college students in the area, George worked to establish an extension of the UK engineering school in Paducah. In fact, George and his wife, Eleanor, gave \$4 million to help build a suitable facility to house the program. Though George was reluctant, the building was named Crouse Hall to acknowledge his leadership and generosity in bringing the dream to reality.

George's passing leaves a great void is left in Western Kentucky. His was truly a life well lived. I offer condolences to his wife of many years, Eleanor, and the entire Crouse family. I ask that my colleagues join me in honoring the achievements and contributions of this outstanding Kentuckian, and that an article from the Paducah Sun be printed in the CONGRESSIONAL RECORD.

The article follows.

#### CROUNSE'S LEGACY ONE OF GENEROSITY

(By Joe Walker)

People who knew barge company mogul George P. Crouse Sr. remember him for his ceaseless giving to the Paducah area and helping mold it into a hub of the nation's river industry.

"I was honored to be able to tell people that George Crouse was my friend," said Paducah Community College President Len O'Hara. "He was a wise, visionary and generous man. There's no doubt that he did more to shape the face of the college—both Paducah Community College and Paducah Junior College—than any other individual."

Mr. Crouse, 86, died at 8:24 p.m. Sunday at Western Baptist Hospital. Friends may call at Roth Funeral Chapel from 5 to 8 p.m. today.

Memorial services will be at 11 a.m. Wednesday at First Presbyterian Church, where he was a member. The Rev. Lynn Shurley will officiate. Burial will be private.

He was founder and past chairman of Crouse Corp., which he built from a single, leased boat to one of the nation's largest barge lines. He started the firm in 1948 after having worked with the Tennessee Valley Authority and seen how its dams improved navigation on the Tennessee River. He also knew Paducah was ideally situated near the confluence of two major rivers.

"I had learned earlier that the Tennessee (river) is a side street," he once wrote, "and the Ohio and Mississippi are the main highways."

About a month ago, in failing health, Mr. Crouse became chairman emeritus of the firm, making way for President Bill Dibert to take over as chairman. Mr. Crouse's son, Avery, a noted filmmaker, assumed the role of vice chairman.

My father was the first to show us to always plan for the inevitable," said Avery Crouse, who returned to Paducah to help run the business while continuing to make films. "We've often said that no one will fill his shoes, but several of us will try to do that."

The same is true for Paducah, which will miss Mr. Crouse immeasurably, said O'Hara. "People don't have any idea how much he's given to this community, not only with his mind, but also contributions of money."

In 1968, as a member of the Paducah Junior College Board of Trustees, Mr. Crouse fashioned the legal structure that brought the school into the University of Kentucky community college system while maintaining local ownership.

"He made sure PJC retained ownership of the property and buildings, so the community still owns the college," O'Hara said. "It's the only one in the nation that is locally owned."

Mr. Crouse, who told O'Hara repeatedly that higher education was Paducah's greatest need, and his wife, Eleanor, gave \$4 million toward the PCC engineering school. But O'Hara said Mr. Crouse was reluctant to publicize the gift or have the school named after him and his wife.

"I told my staff this morning that I'm so happy to have been able to get it finished and for it to become a community icon before his passing," O'Hara said.

Because of Mr. Crouse's modesty, Paducahans will never know the real extent of his beneficence, O'Hara said.

"The (public) library owes a great deal to George Crouse. Paducah Tilghman High School does, too, and a lot of other less visible charities," he said. "He was very quiet about it and didn't want his name passed around, but he was always there."

In the 1960s, Mr. Crouse used his business savvy to boost the growth of Peoples First Corp., which became a large, regional banking firm before merging with Union Planters last year. Aubrey Lippert, head of Union Planters' Paducah operation, was executive vice president when Mr. Crouse was a Peoples board member.

"He was probably one of the best thinkers I've seen in being able to put together business plans and concepts and then methodically talk through how you would execute them," Lippert said. "He was always very quiet, but as we used to say around our board table, when Mr. Crouse speaks, you need to listen because he always has his thoughts in order."

Lippert said Mr. Crouse's generosity began when he came to Paducah in 1948 and continued throughout his life.

"He was a fine family man, had a great family and I have great admiration for Eleanor," Lippert said. "He was the kind of citizen that you would love to have as many of as you could possibly have in the community. We'll sure miss George Crouse."

A native of Minneapolis, Mr. Crouse worked for TVA and later Arrow Transportation, a river towing company in Sheffield, Ala. After serving in the U.S. Navy in World War II, he joined Iget Towing in late 1945 and moved to Paducah. All along, he had a desire to form his own company.

That happened three years later when Mr. Crouse put down \$40,000 in cash and borrowed \$60,000, which he said gave him \$88,000 to build his first towboat and \$12,000 for working capital. He rented a towboat to get started.

In 1949, Mr. Crouse finished construction. The Alice, named after his aunt, and immediately starting towing chemical barges on the Ohio River. Steady growth of the company led to purchasing barges in 1951 and finishing a second towboat. The Louise, in 1952. By then, coal was the main cargo.

John Cathey remembers working on the Alice and becoming pilot of The Louise, named after Mr. Crouse's mother. As the firm added towboats, Mr. Crouse ran out of family names and began naming vessels after the wives of employees like Cathey's wife, Hazel.

"That was a real honor at that time," Cathey said. "He was a really smart man, and he had a good relationship with all the employees. There were times when people

came in off the boats and were troubled, and he'd talk to them."

Cathey saw the firm grow gradually, expanding to the Green River in 1956 and buying Clifton Towing Co. in 1959. Renamed Southern Barge Line Corp., the Clifton operation remained a subsidiary until 1980.

In June 1965, Crouse Corp., moved from a converted residence into its current headquarters at 2626 Broadway. In 1969, Mr. Crouse completed another major expansion by opening a branch in Maysville in eastern Kentucky to serve the upper Ohio River.

Cathey remained with Crouse Corp. for nearly 30 years, retiring as senior vice president. Aside from his initial loan to build The Alice, Mr. Crouse ran the firm in the black, Cathey said.

"One of the things I always admired him for was, we never went into debt," he said. "We paid as we went."

Mr. Crouse is survived by his wife Eleanor Buchanan Crouse; his son, Avery Crouse of Paducah; his sister, Barbara Kleet of Naples, Fla.; nine grandchildren; and eight great-grandchildren.

He was preceded in death by a son, George P. Crouse Jr.; and his daughter, Virginia Cramp. His parents were Avery Fitch Crouse and Louise Ray Crouse.

Expressions of sympathy may take the form of contributions to the Paducah Cooperative Ministry, 1359 S. 6th St., Paducah, KY 42001; Paducah Junior College Board, P.O. Box 7380, Paducah, KY 42002; or First Presbyterian Church, 200 N. 7th St., Paducah, KY 42001.●

#### TRIBUTE TO JUDGE SAMUEL J. ERVIN III

● Mr. EDWARDS. Mr. President, I rise to honor the life of a remarkable North Carolinian. Judge Sam Ervin III died last Saturday, September 18, 1999 at the age of 73. His passing has left a void—his family and friends have lost a wonderful, caring man, North Carolina has lost one of its finest citizens, and our nation has lost an honorable and respected jurist.

Judge Ervin devoted his life to public service. Born March 2, 1926 in Morganton, North Carolina to the late Senator Sam Ervin, Jr. and Margaret Bruce Ervin, Judge Ervin studied at Davidson College. He interrupted his undergraduate education for two years to serve in the U.S. Army during World War II. After attending Harvard Law School, he returned to the Army, attaining the rank of colonel while serving in the Judge Advocate General's Corps. In 1952, Judge Ervin returned to practice law in Morganton, where he would remain for the better part of the rest of his life. Judge Ervin served in the North Carolina General Assembly between 1965 and 1967, when Governor Dan Moore appointed Judge Ervin to the North Carolina Superior Court bench.

Judge Ervin was considered among the ablest Superior Court Judges of his time. Lawyers trusted that Judge Ervin would afford all litigants a full and impartial hearing and would ground his decision in the law. He was often selected by the Chief Justice of the North Carolina Supreme Court to preside over controversial trials from which local judges recused themselves.

After thirteen years as a trial judge, Judge Ervin was sworn in on May 25, 1980 as a judge on the Fourth Circuit Court of Appeals of the United States. When he was elevated to the chief judgeship of the Fourth Circuit in 1989, he became only the second North Carolinian to occupy this important position. Supreme Court Justice Lewis Powell, Jr. once described Judge Ervin as "the very model of what a judge, especially the presiding judge of a great court, should be."

Judge Ervin left his mark in hundreds of decisions. He always was fair and principled. He approached cases with a deep understanding of the law, but never forgetting the common sense he developed growing up in Morganton. Just last year, he participated in two important decisions affecting elections in North Carolina. In the middle of the election year, the district court issued an opinion striking down North Carolina's campaign finance statute. Judge Ervin issued a stay on the decision until the election season ended to prevent the election from devolving into confusion. Similarly, he participated in a decision to keep the primary election on May 5, 1998 for all offices except for the U.S. House, which was subject to a redistricting lawsuit, to minimize disruption for the other candidates and the electorate.

Judge Ervin had the courage to stand up for his beliefs, which he always did in his typical gracious manner. In February 1997, as a witness in a congressional hearing about proposed legislation to reduce the number of judgeships on the Fourth Circuit, he politely took issue with the Chairman of the hearing. He believed that the court's ability to render swift and certain justice would be enhanced by the filling of two long vacant positions, not by eliminating them. He stated that the degree of delegation by circuit court judges was greater than ideal and that he would like to be able to devote greater personal attention to the matters that came before him.

Because he was such a remarkable person and a dedicated jurist, he earned the lifelong admiration of dozens of young people who clerked for him over the years. He also earned the respect of his peers in the legal profession, as well as many honors over the years. Just this year, the North Carolina Bar Association accorded him its Liberty Bell Award for "strengthening the American system of freedom under law" and the North Carolina Academy of Trial Lawyers presented him its Outstanding Appellate Judge Award.

The Judge cherished his family, which is nothing they do not already know. What he knew about the important, everlasting things in life, he said that he learned from his parents, his wife Elisabeth, his two sons, Jim and Robert, and his two daughters, Betsy and Margaret. I send my heartfelt condolences to Elisabeth and their children. Please know that you are in my prayers.

In his commencement speech at Campbell University this past spring, he told the graduates, "[I]f you seek truth, if you keep faith, and have courage, life will release you from the little things and give you peace of mind and heart." Judge Ervin left this world released of the little things with peace of mind and peace of heart because throughout his life, he never stopped searching for truth, he kept faith in God, and he repeatedly demonstrated courage.●

#### TRIBUTE TO AMY ISAACS

● Mr. WELLSTONE. Mr. President, I rise in recognition of the 30th anniversary of Amy Isaacs' association with Americans for Democratic Action (ADA), the nation's oldest independent liberal advocacy organization dedicated to individual liberty and building economic and social justice at home and abroad.

Ms. Isaacs has been a driving force within the organization, shaping its agenda for three decades, working on a broad range of issues affecting domestic, foreign, economic, social and environmental policy. She began her career at ADA as an intern in 1969 and has moved up through the ranks serving as Director of Organization, Executive Assistant to the Director, Deputy National Director and currently, as ADA National Director. On the domestic front, she has focused the organization's attention on such pressing issues as preserving social security, fighting for full civil rights and quality health care for all, and working to pass campaign finance reform legislation.

Throughout her life Ms. Isaacs has worked tirelessly at home and abroad to raise awareness of the injustice of all forms of discrimination. She is a graduate of the American University in Washington, DC, attended classes at the University of Cologne in Germany and was a delegate to the Young Leaders Conference for the American Council on Germany. She also served as a member to a bipartisan observer delegation to the Liberal International Party Congress in Stockholm, Sweden.

Ms. Isaacs has been a true champion for social and economic justice. Pursuing these ideals comes as naturally to Amy as breathing. She is a gifted and wonderfully compassionate and committed human being and I am pleased to congratulate her on her thirty years of service to the ADA.●

#### THE MARRIAGE OF PATRICK JOHN MCGONIGLE AND JENNIFER BRAVO

● Mr. MOYNIHAN. Mr. President, I rise to note briefly the union of two talented and beloved people, Mr. Patrick John McGonigle and Miss Jennifer Bravo. On this Saturday past, following a nine-year courtship begun at their alma mater, Saint Louis University, the couple were wed in resplendent fashion among friends and family in New Orleans.

Mr. President, over my twenty-three years in the United States Senate, it has become increasingly acceptable to decry the loss of virtue in our young—to suggest that television, popular culture, et al., have conspired and, indeed, triumphed over American values. Anyone who knows Patrick and Jennifer and their loving families or fortunate enough to attend their beautiful ceremony would surely dispute such a view.

Mr. President, I extend my sincerest congratulations to the newlyweds and wish them the greatest luck as they embark this most cherished journey.●

#### TRIBUTE TO JACK WARNER

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. Jack Warner, the former Chairman and CEO of Gulf States Paper Corporation. I recognize him for the contributions that he and his wife, Elizabeth, have made to Tuscaloosa and the surrounding community.

A man of strong character and a wealth of old-fashioned common sense, Jack Warner has persevered and triumphed no matter what the challenge; through wars, labor strikes, and tough financial and personal circumstances. Through it all, he has remained steadfast in his beliefs and a pioneer from which others might draw inspiration. He has made tough business decisions over the years, and through it all has kept Gulf States Paper privately owned, a challenging endeavor when so many other companies have felt the pressure to go public. His gritty determination has led to financial success, which has helped him to pursue his many philanthropic interests and also allowed him to give back to the Tuscaloosa community.

It was through many obstacles and achievements that Jack Warner developed the strong character and firm convictions that are with him today. A graduate of Culver Military Academy in Culver, Indiana in 1936, he moved on to college at Washington & Lee University to pursue a degree in business administration. Following graduation, he promptly enlisted in the U.S. Army to perform what he saw as his duty to serve the country. As a commissioned officer with the Mars Task Force in the Burma theater of operations, he served the United States in exemplary fashion. Assigned in the Army's last horse-mounted unit, his calvary outfit was sent to India to pack supplies along the Burma trail. Once there, Jack Warner's unit was confronted with difficulties and obstacles which would have taken the spirit out of most men. Jack persevered, however, and his regiment ended up making a significant contribution to the War effort. This short episode in the life of Mr. Warner encapsulates his great spirit and will. He has always demonstrated persistence through adversity, and a commitment to get the job done right.

Perhaps it is this quality which has led to the astonishing success of Jack

Warner's business endeavors. During his tenure as President and Chairman of the Board of Gulf States Paper Corporation, the company experienced enormous growth. The business which has become synonymous with his name today enjoys a very healthy portfolio. This success has paved the way for many other business ventures and activities for Jack. He is the past director of the American Paper Institute, the past chairman and three-term president of the Alabama Chamber of Commerce, the past two-term president of the Greater Tuscaloosa Chamber of Commerce, a Director of the First Alabama Bank of Tuscaloosa, a past director of the Alabama Great Southern Railroad Company, a past director of the First National Bank of Tuscaloosa, just to name a few. He is truly a fixture in the Tuscaloosa business community.

Jack Warner has not taken his tremendous business success for granted. In fact, he has used his position in the community to become actively involved in the growth and development of Tuscaloosa. Through his efforts, he has made a tremendous impact on Tuscaloosa and the surrounding area. His numerous civic activities attest to his unyielding commitment towards improving the community in which he lives. A few of his current civic activities include membership in the Mount Vernon Advisory Committee, the Decorative Arts Trust Board of Governors, active Director of the University Club of Tuscaloosa, Commodore of the North River Yacht Club, as well as Elder in the First Presbyterian Church of Tuscaloosa. His former activities include a term as the Chairman of the Alabama Council on Economic Education, President of the YMCA of Metropolitan Tuscaloosa, President of the Druid City Hospital Foundation, as well as a member of the National Board of the Smithsonian Institution in Washington, D.C. He has received numerous honors and awards for his efforts, including the Distinguished Achievement Award from the President's Cabinet at the University of Alabama, the Frances G. Summersell Award from the University of Alabama, the Lifetime Achievement Award from the Alabama State Council on the Arts, the Lifetime Achievement Award from the Greater Tuscaloosa Chamber of Commerce, the Lifetime Preservation Achievement Award from the Tuscaloosa County Preservation Society, and induction into the Alabama Business Hall of Fame.

Jack Warner has truly been an integral part in all aspects of the Tuscaloosa community. It is with great pleasure that I recognize his efforts and rise in tribute to all that he has done for Tuscaloosa and the state of Alabama. His commitment and sense of civic duty is greatly appreciated.●

#### A TRIBUTE TO LENNY ZAKIM

● Mr. KERRY. Mr. President, I rise today to pay tribute to one of the most

inspirational and unifying individuals I have had the privilege of knowing and working with. Today, in Boston, people from all over Massachusetts are gathering to recognize and celebrate Lenny Zakim, Executive Director of the New England Regional Office of the Anti-Defamation League, and I rise today to join them in honoring this important friend. This evening's ceremony, though, has a purpose far deeper and broader than his notable leadership at the ADL. Tonight is a reflection of the love that has flowed from this man to the people of Boston, and now, it's flowing back to him as he confronts his own personal challenges.

For over 20 years, Lenny Zakim has courageously traveled the world, bringing a message of tolerance and respect. Through hundreds of meetings, conferences and visits to the countless places of worship, Lenny has turned racial and cultural divides into bonds amongst people and built bridges between communities. Mr. President, one of this country's greatest inspirational figures, Helen Keller, said in 1890, "We could never learn to be brave and patient if there was only joy in the world," and I believe that this quote captures the values and goals that have guided Lenny Zakim's life. What Helen Keller was saying is that our true nature only surfaces when we are confronted with adversity, and, time and time again, Lenny has turned ignorance into enlightenment, crisis into opportunity, and hostility into support.

Groundbreaking collaborations with the Ten Point Coalition and Cardinal Bernard Law illuminate the often-overlooked common ground that we quietly cherish but celebrate together far too infrequently. His public meditations on subjects such as the Middle East, relationships between African Americans and Jews, and Judeo-Christian values in a modern world elevate our public dialogue and focus our attention on some of the most compelling issues of the day. On issues global he has worked with Hosni Mubarak, Menachem Begin, Yitzak Shamir, and Shimon Peres. I am fortunate to share his vision of a Middle East with a sustainable peace, a vision that he sculpted and shared with my predecessor, Paul Tsongas.

Beyond the global dimension of his work, perhaps his most expansive and wisest endeavors have been those with children and young adults. He is one of the founders of A World of Difference, an anti-bias education project that has had over 350,000 teachers participate in lessons that bring the lessons of tolerance and cooperation to classrooms for thousands of children every day. He also started Team Harmony, the nation's largest annual, interracial gathering of youth. Every year, thousands of young adults from Greater Boston come together and pledge to bigotry and celebrate their support of diversity and inclusion. These two programs will allow Lenny's vision of a peaceful and respectful world to reach far beyond

those that he meets directly. I have witnessed firsthand how A World of Difference and Team Harmony will help build a better world for all our citizens.

Tonight's event will bring together Lenny's hundreds of friends and supporters to raise funds for the completion of the Zakim Center for Integrated Therapies at the Dana Farber Cancer Institute. Collectively, we thank Lenny for all of his work, and most importantly for what he has brought out in all of us and our communities.●

#### INSTALLATION OF WILLIAM M. HOUSTON AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

● Mr. ALLARD. Mr. President, I rise today to commend a fellow Coloradan, William M. Houston of Denver, who will be installed as President of the nation's largest insurance association—the Independent Insurance Agents of America (IIAA)—later this month in Las Vegas. Bill is branch manager of Riedman Insurance Corporation, an independent insurance agency located in Denver.

Bill began his volunteer service within the insurance industry at the local and state levels. He served on numerous committees of both the Independent Insurance Agents of Denver and the Independent Insurance Agents of Colorado, including serving as president of both organizations. In 1976, Bill was awarded the Local Board President of the Year Award and in 1987 was honored as Colorado Insurer of the year. Bill was elected to IIAA's Executive committee in October 1994 and was honored by his peers when they named him President-Elect of the Association last fall.

While on this Association leadership panel; he was worked to strengthen the competitive standing of independent insurance agents by helping to provide the tools they need to run more successful businesses. Over the years, Mr. Houston has been active on several IIAA committees, and has represented the state of Colorado as its representative to IIAA's National Board of State Directors for six years.

Aside from his professional volunteer work, Bill also has distinguished himself as an active and concerned member of his community. He is past president of both the Gyro Club and the University Club of Denver, and Trustee (Director) of the National Sports Center for the Disabled in Winter Park, Colorado.

Currently, Bill serves on the Board of Directors for the Denver Rotary Club and as an elder in the Wellshire Presbyterian Church. Bill also proudly served his country in the U.S. Marine Corps, initially as a first lieutenant on active duty and as a captain in the Marine Corps Reserves.

I am proud of my fellow Coloradan's accomplishments and bid him a successful year as president of the Independent Insurance Agents of America.

As his past accomplishments show, Bill will serve his fellow agents with distinction and strong leadership as he leads IIAA into the new millennium. I wish him and his lovely wife, Jane, all the best as IIAA President and First Lady. ●

#### 25TH ANNIVERSARY OF WOMEN'S ADVOCATES

● Mr. WELLSTONE. I speak today in recognition of the 25th anniversary of Women's Advocates, Inc., our Nation's first battered women's shelter, located in St. Paul, MN.

It is with gratitude and with pride that I recognize the unyielding dedication of the staff, the volunteers and the supporters of Women's Advocates. It was in 1974 that the doors of this shelter first opened to women and their children seeking respite from domestic violence. At a time when it took great courage and strength, women stood together to say that violence in our homes must end. Today, having provided advocacy, shelter and support services to over 25,000 women and children, and having spent countless hours teaching our school children and community members about the impact of domestic violence, Women's Advocates stands as a pillar of grace and triumph in the great state of Minnesota.

So today we hail Executive Director, Lisbet Wolf, and the courageous women at Women's Advocates, who 25 years ago, gave women and children's safety a permanent place in our nation's history. ●

#### NATIONAL POW/MIA RECOGNITION DAY

● Mr. LUGAR. Mr. President, Friday, September 17th was National POW/MIA Recognition Day. On this day, we remember, give tribute to, and stand in solidarity with the loved ones and families of the thousands of Soldiers, Sailors, Marines and Airmen who became Prisoners of War and Missing in Action.

These Americans swore an oath to support and defend the Constitution and carried that promise through to great sacrifice for their nation. While thousands died, many others endured years in starved, tortured, isolated misery before regaining their freedom. Their perseverance, integrity and heroism are shining examples of the core values on which this nation was founded and became great.

As a former Navy officer, I feel strongly that the United States Government must fulfill its commitments to the men and women who serve in the Armed Forces. One of these commitments is ensuring the return of POWs and MIAs at the end of hostilities. The vigorous pursuit of this commitment must continue through on-site investigations being undertaken in Indochina and through a fuller examination of records in the United States, Russia, and Southeast Asia.

Through much diligence and hard work, and gradually improving relations with various nations since 1973, 529 American servicemen, formerly listed as unaccounted-for, have been recovered, identified and returned to their families. However, 2054 Americans remain unaccounted-for from the war in Southeast Asia, with 1,530 in Vietnam. We have focused, and rightly so, many of our efforts on Southeast Asia, but we must also honor those who were held prisoner and who are missing in action in other remote parts of the globe. More than 80,000 Americans remain missing and unaccounted for from World War I, World War II and the Korean conflict, and countless others from the Cold War.

Since the end of the Cold War, I have visited Russia and other states of the former Soviet Union on several occasions. During meetings with high level Russian government personnel and members of the Russian military. I have made it clear that Russian cooperation in these areas is a necessity.

I am hopeful that American efforts will lead to information and/or evidence of the fates of U.S. servicemen still missing from conflicts during the Cold War. I likewise encourage my colleagues who interact with officials of Laos, Cambodia, Korea, Vietnam and others to press for the same commitment from those officials.

Headway is being made, but there is still a long way to go before we have the fullest possible accounting of all POW/MIA personnel. Our great and free Nation owes eternal gratitude to all POW/MIAs and their families for their supreme sacrifice, but we in the Senate shall not rest until all are accounted for. I urge you the administration, the Departments of Defense and State, the Joint Chiefs of Staff and the National Security Agency to redouble our efforts. ●

#### BOYS OF SUMMER

● Mr. TORRICELLI. Mr. President, I rise today in recognition of the achievements of the Toms River East Little League baseball team, who overcame great odds to return their team to the National Little League final for the second year in a row.

The Toms River squad, known as the "Beast of the East", were Little League world champions in 1998. This year, they sought to be only the second American team ever in the fifty-three year history of the Little League World Series to repeat as world champions. Unlike professional sports, where champions often repeat using much the same lineup from one year to the next, Toms River attempted to repeat as champions using almost an entirely new roster, with ten of the twelve players new to the team for the 1999 season. Although they fell one game short of returning to the Little League World Series, the fact that Toms River advanced to the national final in 1999 is an impressive accomplishment in its own right.

In the aftermath of their exciting run last year, I had the opportunity to meet many of the players and parents involved with the team. I was impressed not only by the skill, poise, and manners with which the team conducted itself on and off the field, but also by the way that the entire community of Toms River rallied around the team. The true character of the squad was demonstrated this year, when even in defeat, they displayed the good sportsmanship and class that is a hallmark of the Toms River community.

Truly, these "boys of summer" have given us another August to remember with their fine play and tremendous love of the game. I am proud to recognize the accomplishments and contributions of Steve Bernath, Jeff Burgdorff, Eric Campesi, Dave Cappello, Mike Casale, Bobby Cummings, Chris Cunningham, Zach Del Vento, Derrick Egan, Chris Fontenelli, Casey Gaynor, and RJ Jones and I know they will continue to make New Jersey proud for years to come. ●

#### TRIBUTE TO SHERMAN HENDERSON

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a fine businessman, family man and all-around great Kentuckian, Sherman Henderson.

Sherm is a man who exudes the kind of enthusiasm and spunk everybody wants to possess. He has a genuine zest for life. Sherm's energy has helped him found and run one of the countries top 20 fastest-growing private companies, UniDial Communications, Inc. Sherm founded UniDial just six years ago with six employees and, in that short time, has turned UniDial into a 600-employee operation and an unbelievable success story.

Some of the most successful businessmen become great because they see an untapped market and make it theirs—and that is what Sherm has done with the communications industry in UniDial. Intuitively picking up on emerging opportunities in the communications field after the telephone industry was deregulated, Sherm dove into the business head first. He started by investing in other telecommunications companies, and then founded the now-booming UniDial in 1993.

As well as being a great businessman, Sherm has always been a good friend and family man. He boasts a terrific wife, two wonderful children, and two (soon-to-be-three) much-doted-upon grandchildren. Sherm, on behalf of my colleagues and myself, I express my heartfelt admiration for your accomplishments, congratulate you on your success, and wish you the best in your future endeavors. Thank you for creating hundreds of jobs for your fellow Kentuckians, and for making such a significant contribution to our state's economies and communities.

Mr. President, I ask that a copy of an article that ran in the Louisville

Voice-Tribune on August 25, 1999, be printed in the RECORD following my remarks.

The article follows.

MAKING A BIG SPLASH  
(By Susan McDonald)

Sherman Henderson says a lot of people have trouble understanding what he does for a living, but he must do it pretty well.

UniDial Communications Inc., the company he founded with half a dozen employees only six years ago, is now among the 20 fastest-growing private companies in the country, according to Inc. magazine. That's not bad for a company Henderson conceived over breakfast one August morning at a local Denny's restaurant.

UniDial is now poised for still more growth. The company, which built its business primarily as a reseller of long-distance telephone service and other communications products, is expanding to meet the growing demand for technology, Henderson said. UniDial recently announced plans to build its own nationwide telecommunications network, called xios, to offer integrated data, voice, Internet and other telecom services. Its new 75,000-square-foot building at Eastpoint Business Center will soon be followed by more new facilities.

But although UniDial has become a familiar name, its business remains a mystery to many, Henderson said.

"It's hard for people to understand what we do," he said. "We're a communications company. We communicate, and we have all kinds of vehicles to do it with, whether it's a fax machine, a voice over a hard line, data transmission, videoconferencing, conference calls, or whatever."

EMBRACING TECHNOLOGY

Henderson and UniDial have capitalized on people's hunger for more communication and information, he said. Although Americans are inundated with mail, voice messages, and e-mail, they want more, said Henderson who can quote a wealth of facts, figures and statistics about the fast pace of technology and the factors that drive it.

Still, Henderson, who is in his 50s, said it's difficult for members of his generation to keep up with the quick pace of technological advancements.

"My generation has two problems," he said. "We're not educated in the field of technology because we didn't grow up with it. The second strike against our generation is our habits. We don't embrace technology because we all have gray hair. To keep up is tremendously tough, even for me, and I'm in the business."

Henderson does keep up, though, making extensive use of the Internet to conduct business, make travel arrangements, shop and more.

"I do a lot of fun things, like seeing where the Rolling Stones are playing next, or where is Elton John playing, or get information about golf courses," he said.

FROM DIAPERS TO HIGH TECH

Henderson's experience in the telecommunications industry isn't much older than UniDial itself. Before starting the company, his varied business experience included real estate development, sales and marketing, and a stint at Proctor & Gamble, where he "was the original Pampers guy," he said.

"I was one of the three guys on the team that actually developed the product back in the 1960s," Henderson said. "Actually, we didn't create a product. We created an industry because there was no disposal diaper at that time."

Henderson began to see the opportunities that emerged after deregulation of the tele-

phone industry, and he owned other telecom companies before starting UniDial in 1993. He has since become a national leader in the industry and is currently chairman of the Telecommunications Resellers Association, a 700-member trade organization for businesses reselling long distance and other services.

Although UniDial is continuing to grow in national prominence, Henderson, a native of Louisville, said he is most proud that the company is a home-grown product.

"The neat thing about this company is that it was founded here and it was built here," he said. "It was built by Louisville employees, and it's turned into a nationwide deal."

And although the company could operate from anywhere, its headquarters will stay in Louisville, he said.

"The opportunity we have as a company is to lead Kentucky and this part of the country into a development stage for all these young kids who are coming out of school," said Henderson. "We want them to stay here and help us build what is going to be the future, and the future is in technology and media."

ENERGY TO SPARE

Henderson's energy seems boundless, manifesting itself in foot-tapping and leg-wagging when he is forced to sit down. During a recent meeting with a group of local business leaders, "They were astounded by my energy," Henderson said. "They said, 'You know, Sherm, you're not a young puppy anymore,' and it's true, but energy comes from your environment and from the environment that you allow in your mind."

Henderson finds outlets for that energy in golf, spending time with his wife, two children and two grandchildren (with another on the way), and promoting his beloved Florida State University Seminoles. Since attending the school on a swimming scholarship, Henderson has remained active in alumni activities, including a recently completed stint as chairman of the Florida State Seminole Boosters. Football coach Bobby Bowden is a golf partner and someone from whom Henderson said he has learned a great deal.

"He's a winner, and you learn from winners," Henderson said. "If you keep pushing for whatever your objective is, if you get 80 to 85 percent of that, you win."

Judging from UniDial's dramatic success, Henderson has learned some secrets of winning. He gets to know the company's nearly 600 employees at monthly small-group lunches, gives managers plenty of autonomy, and tells colleagues not to be afraid to make mistakes and "use both ends of the pencil," he said. He has also developed a simple personal philosophy to help him keep things in perspective.

"I wake up every day and say this to myself: God first, family second, and the rest will happen."•

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

On September 16, 1999, the Senate amended and passed H.R. 2084, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 2084) entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:*

TITLE I

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

*For necessary expenses of the Immediate Office of the Secretary, \$1,900,000.*

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

*For necessary expenses of the Immediate Office of the Deputy Secretary, \$600,000.*

OFFICE OF THE GENERAL COUNSEL

*For necessary expenses of the Office of the General Counsel, \$9,000,000.*

OFFICE OF THE ASSISTANT SECRETARY FOR  
POLICY

*For necessary expenses of the Office of the Assistant Secretary for Policy, \$2,900,000.*

OFFICE OF THE ASSISTANT SECRETARY FOR  
AVIATION AND INTERNATIONAL AFFAIRS

*For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, \$7,700,000: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to \$1,250,000 in funds received in user fees.*

OFFICE OF THE ASSISTANT SECRETARY FOR  
BUDGET AND PROGRAMS

*For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, \$6,870,000, including not to exceed \$45,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.*

OFFICE OF THE ASSISTANT SECRETARY FOR  
GOVERNMENTAL AFFAIRS

*For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, \$2,000,000.*

OFFICE OF THE ASSISTANT SECRETARY FOR  
ADMINISTRATION

*For necessary expenses of the Office of the Assistant Secretary for Administration, \$18,600,000.*

OFFICE OF PUBLIC AFFAIRS

*For necessary expenses of the Office of Public Affairs, \$1,800,000.*

EXECUTIVE SECRETARIAT

*For necessary expenses of the Executive Secretariat, \$1,110,000.*

BOARD OF CONTRACT APPEALS

*For necessary expenses of the Board of Contract Appeals, \$560,000.*

OFFICE OF SMALL AND DISADVANTAGED BUSINESS  
UTILIZATION

*For necessary expenses of the Office of Small and Disadvantaged Business Utilization, \$1,222,000.*

OFFICE OF THE CHIEF INFORMATION OFFICER

*For necessary expenses of the Office of the Chief Information Officer, \$5,100,000.*

OFFICE OF CIVIL RIGHTS

*For necessary expenses of the Office of Civil Rights, \$7,200,000.*

TRANSPORTATION PLANNING, RESEARCH, AND  
DEVELOPMENT

*For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$3,300,000.*

TRANSPORTATION ADMINISTRATIVE SERVICE  
CENTER

*Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed*

\$169,953,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: Provided further, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

#### MINORITY BUSINESS RESOURCE CENTER

For the cost of direct loans, \$1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$13,775,000. In addition, for administrative expenses to carry out the direct loan program, \$400,000.

#### MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$2,900,000, of which \$2,635,000 shall remain available until September 30, 2001: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

#### COAST GUARD

##### OPERATING EXPENSES

###### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; \$2,772,000,000, of which \$534,000,000 shall be available for defense-related activities; and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: Provided further, That up to \$615,000 in user fees collected pursuant to section 1111 of Public Law 104-324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: Provided further, That the Secretary may transfer funds to this account, from Federal Aviation Administration "Operations", not to exceed \$60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, for the purpose of providing additional funds for drug interdiction activities and/or the Office of Intelligence and Security activities: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act: Provided further, That

the United States Coast Guard will reimburse the Department of Transportation Inspector General \$5,000,000 for costs associated with audits and investigations of all Coast Guard-related issues and systems: Provided further, That the Secretary of Transportation shall use any surplus funds that are made available to the Secretary, to the maximum extent practicable, to provide for the operation and maintenance of the Coast Guard.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

###### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, \$370,426,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$123,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; \$33,210,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; \$52,726,000 shall be available for other equipment, to remain available until September 30, 2002; \$63,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; \$52,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001; and \$44,200,000 shall be deposited in the Deepwater Replacement Project Revolving Fund to remain available until expended: Provided, That funds received from the sale of HU-25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: Provided further, That the Commandant of the Coast Guard is authorized to and may dispose of by sale at fair market value all rights, title, and interests of any United States entity on behalf of the Coast Guard in and to the land of, and improvements to, South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Portsmouth, New Hampshire; Station Clair Flats, Michigan; and, Aids to navigation team Huron, Ohio: Provided further, That there is established in the Treasury of the United States a special account to be known as the Deepwater Replacement Project Revolving Fund and proceeds from the sale of said specified properties and improvements shall be deposited in that account, from which the proceeds shall be available until expended for the purposes of replacing or modernizing Coast Guard ships, aircraft, and other capital assets necessary to conduct its deepwater statutory responsibilities: Provided further, That, if balances in the Deepwater Replacement Project Revolving Fund permit, the Commandant of the Coast Guard is authorized to obligate up to \$60,000,000.

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$12,450,000, to remain available until expended.

#### ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$14,000,000, to remain available until expended.

#### RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), \$730,327,000.

#### RESERVE TRAINING

###### (INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; \$72,000,000: Provided, That no more than \$20,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$17,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

#### FEDERAL AVIATION ADMINISTRATION

##### OPERATIONS

###### (AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104-264, \$5,857,450,000 from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: Provided further, That the Secretary may transfer funds to this account, from Coast Guard "Operating expenses", not to exceed \$60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security, and/or the Office of Intelligence and Security activities: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, \$5,000,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization

to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than five years in length or greater than \$100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That the Federal Aviation Administration will reimburse the Department of Transportation Inspector General \$19,000,000 for costs associated with audits and investigations of all aviation-related issues and systems: Provided further, That notwithstanding any other provision of law, the FAA Administrator may contract out the entire function of Oceanic flight services.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, \$2,045,652,000, of which \$1,721,086,000 shall remain available until September 30, 2002, and of which \$274,566,000 shall remain available until September 30, 2000: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSIONS)

Of the amounts provided under this heading in Public Law 104-205, \$17,500,000 are rescinded: Provided, That of the amounts provided under this heading in Public Law 105-66, \$282,000,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, and for administration of such programs, \$1,750,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$2,000,000,000 in fiscal year 2000, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That discretionary grant funds available for noise planning and mitigation shall not exceed \$60,000,000: Provided further, That, notwithstanding any other provision of law, not more than \$47,891,000 of the funds limited under this heading shall be obligated for administration.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

The obligation limitation under this heading in Public Law 105-277 is hereby reduced by \$290,000,000.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this heading during fiscal year 2000.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed \$370,000,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided further, That \$55,418,000 shall be available to carry out the functions and operations of the office of motor carriers: Provided further, That \$14,500,000 of the funds available under section 104(a) of title 23, United States Code, shall be made available and transferred to the National Highway Traffic Safety Administration operations and research to carry out the provisions of chapter 301 of title 49, United States Code, part C of subtitle VI of title 49, United States Code, and section 405(b) of title 23, United States Code: Provided further, That of the \$14,500,000 made available for traffic and highway safety programs, \$8,300,000 shall be made available to carry out the provisions of chapter 301 of title 49, United States Code and \$6,200,000 shall be made available to carry out the provisions of part C of subtitle VI of title 49, United States Code: Provided further, That \$7,500,000, of the funds available under section 104(a) of title 23, United States Code, shall be made available and transferred to the National Highway Traffic Safety Administration, Highway Traffic Safety Grants, for "Child Passenger Protection Education Grants" under section 405(b) of title 23, United States Code: Provided further, That \$6,000,000 of the funds made available under section 104(a) of title 23, United States Code, shall be made available to carry out section 5113 of Public Law 105-178: Provided further, That, the Federal High-

way Administration will reimburse the Department of Transportation Inspector General \$9,000,000 from funds available within this limitation on obligations for costs associated with audits and investigations of all highway-related issues and systems.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000: Provided, That within the \$27,701,350,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$391,450,000 shall be available for the implementation or execution of programs for transportation research (Sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204-5209 of Public Law 105-178) for fiscal year 2000; not more than \$20,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (Section 1218 of Public Law 105-178) for fiscal year 2000, of which not to exceed \$500,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than \$31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (Section 111 of title 49, United States Code) for fiscal year 2000: Provided further, That of the funds made available in fiscal year 2000 to carry out section 144(g)(1) of title 23, United States Code, \$10,000,000 shall be made available to carry out section 1224 of Public Law 105-178: Provided further, That within the \$211,200,000 obligation limitation on Intelligent Transportation Systems, \$5,000,000 shall be made available to carry out the Nationwide Differential Global Positioning System program, and the following sums shall be made available for Intelligent Transportation system projects in the following specified areas:

	Committee recommendation
ITS deployment projects	
Southeast Michigan .....	\$4,000,000
Salt Lake City, UT .....	6,500,000
Branson, MO .....	1,500,000
St. Louis, MO .....	2,000,000
Shreveport, LA .....	2,000,000
State of Montana .....	3,500,000
State of Colorado .....	4,000,000
Arapahoe County, CO .....	2,000,000
Grand Forks, ND .....	500,000
State of Idaho .....	2,000,000
Columbus, OH .....	2,000,000
Inglewood, CA .....	2,000,000
Fargo, ND .....	2,000,000
Albuquerque/State of New Mexico interstate projects	2,000,000
Dothan/Port Saint Joe .....	2,000,000
Santa Teresa, NM .....	1,500,000
State of Illinois .....	4,800,000
Charlotte, NC .....	2,500,000
Nashville, TN .....	2,000,000
Tacoma Puyallup, WA .....	500,000
Spokane, WA .....	1,000,000
Puget Sound, WA .....	2,200,000
State of Washington .....	4,000,000
State of Texas .....	6,000,000
Corpus Christi, TX .....	2,000,000
State of Nebraska .....	1,500,000
State of Wisconsin rural systems .....	1,000,000
State of Wisconsin .....	2,400,000
State of Alaska .....	3,700,000
Cargo Mate, Northern NJ .....	2,000,000
Statewide Transcom/Transmit upgrades, NJ .....	6,000,000
State of Vermont rural systems .....	2,000,000

ITS deployment projects	Committee recommendation
State of Maryland .....	4,500,000
Washoe County, NV .....	2,000,000
State of Delaware .....	2,000,000
Reno/Tahoe, CA/NV .....	1,000,000
Towamencin, PA .....	1,100,000
State of Alabama .....	1,300,000
Huntsville, AL .....	3,000,000
Silicon Valley, CA .....	2,000,000
Greater Yellowstone, MT .....	2,000,000
Pennsylvania Turnpike, PA .....	7,000,000
Portland, OR .....	1,500,000
Delaware River, PA .....	1,500,000
Kansas City, MO .....	1,000,000

Provided further, That, notwithstanding Public Law 105-178 as amended, or any other provision of law, funds authorized under section 110 of title 23, United States Code, for fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000. Of these funds to be apportioned under section 110 for fiscal year 2000, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway System program, the bridge program, the surface transportation program, and the congestion mitigation and air quality improvement program in the same ratio that each State is apportioned funds for such programs in fiscal year 2000 but for this section: Provided, That, notwithstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to \$10,000,000 of Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 "Widen I-15 in San Bernardino County", section 1602 of Public Law 105-178.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, U.S.C., that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$26,300,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

NATIONAL MOTOR CARRIER SAFETY PROGRAM  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For necessary expenses to carry out 49 U.S.C. 31102, \$50,000,000 to be derived from the Highway Trust Fund and to remain available until expended: Provided, That no more than \$155,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, \$105,000,000 is for payment of obligations incurred in carrying out 49 U.S.C. 31102 to be derived from the Highway Trust Fund and to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
OPERATIONS AND RESEARCH  
(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, to be derived from the Highway Trust Fund, \$72,900,000 for traffic and highway safety under chapter 301 of title 49, United States Code, of which \$48,843,000 shall remain available until September 30, 2001: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

Notwithstanding Public Law 105-178 or any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, \$72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of \$72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER  
(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, \$2,000,000 to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, \$206,800,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of \$206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which \$152,800,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, \$10,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, \$36,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, \$8,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed \$7,500,000 of the funds made available for section 402, not to exceed \$500,000 of the funds made available for section 405, not to exceed \$1,750,000 of the funds made available for section 410, and not to exceed \$223,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under Chapter 4 of title 23, U.S.C.: Provided further, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION  
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$91,789,000, of which \$6,700,000 shall remain available until expended: Provided, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced

by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: Provided further, That the Federal Railroad Administration will reimburse the Department of Transportation Inspector General \$1,000,000 for costs associated with audits and investigations of all rail-related issues and systems: Provided further, That the Administrator of the Federal Railroad Administration is authorized to transfer funds appropriated for any office under this heading to any other office funded under this heading: Provided further, That no appropriation shall be increased or decreased by more than 10 percent by such transfers unless it is approved by both the House and Senate Committees on Appropriations.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$22,364,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 United States Code sections 26101 and 26102, \$20,500,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, \$14,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, \$10,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by U.S.C. 24104(a), \$571,000,000, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION  
ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$12,000,000, to remain available until expended: Provided, That no more than \$60,000,000 of budget authority shall be available for these purposes: Provided further, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General \$9,000,000 for costs associated with audits and investigations of all transit-related issues and systems.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of

Public Law 105-178, \$619,600,000, to remain available until expended: Provided, That no more than \$3,098,000,000 of budget authority shall be available for these purposes.

#### UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, \$21,000,000, to remain available until expended: Provided, That no more than \$6,000,000 of budget authority shall be available for these purposes.

#### TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, \$21,000,000, to remain available until expended: Provided, That no more than \$107,000,000 of budget authority shall be available for these purposes: Provided further, That \$5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); \$4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); \$8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); \$49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); \$10,368,000 is available for state planning (49 U.S.C. 5313(b)); and \$29,500,000 is available for the national planning and research program (49 U.S.C. 5314): Provided further, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Zinc-air battery bus technology demonstration, \$1,500,000;

Electric vehicle information sharing and technology transfer program, \$1,000,000;

Portland, ME independent transportation network, \$500,000;

Wheeling, WV mobility study, \$250,000;

Utah advanced traffic management system, transit component, \$3,000,000;

Project ACTION, \$3,000,000;

Trans-Hudson tunnel feasibility study, \$5,000,000;

Washoe County, NV transit technology, \$1,250,000;

Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, \$1,500,000;

Palm Springs, CA fuel cell buses, \$1,500,000;

Gloucester, MA intermodal technology center, \$1,500,000;

Southeastern Pennsylvania Transit Authority advanced propulsion control system, \$3,000,000; and

Advanced transit systems and electric vehicle program (CALSTART), \$1,000,000.

#### TRUST FUND SHARE OF EXPENSES

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303-5308, 5310-5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105-178, \$4,638,000,000, to remain available until expended of which \$4,638,000,000 shall be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That \$2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That \$86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That \$48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That \$4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That \$60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That \$1,960,800,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

#### CAPITAL INVESTMENT GRANTS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, \$490,200,000, to remain available until expended: Provided, That no more than \$2,451,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, \$980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, \$490,200,000; and there shall be available for new fixed guideway systems \$980,400,000: Provided further, That, within the total funds provided for buses and bus-related facilities to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: Provided further, That the Administrator of the Federal Transit Administration shall, not later than 60 days after the enactment of this Act, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects, from the following projects here listed:

2001 Special Olympics Winter Games buses and facilities, Anchorage, Alaska

Adrian buses and bus facilities, Michigan

Alabama statewide rural bus needs, Alabama

Alameda-Contra Costa Transit District Project, California

Albany train station/intermodal facility, New York

Albuquerque SOLAR computerized transit management system, New Mexico

Albuquerque Westside transit maintenance facility, New Mexico

Albuquerque, buses, paratransit vehicles, and bus facility, New Mexico

Alexandria Union Station transit center, Virginia

Alexandria, bus maintenance facility and Crystal City canopy project, Virginia

Allegheny County buses, Pennsylvania

Altoona bus testing facility, Pennsylvania

Altoona, Metro Transit Authority buses and transit system improvements, Pennsylvania

Ames transit facility expansion, Iowa

Anchorage Ship Creek intermodal facility, Alaska

Arkansas Highway and Transit Department buses, Arkansas

Arkansas state safety and preventative maintenance facility, Arkansas

Armstrong County-Mid-County, PA bus facilities and buses, Pennsylvania

Atlanta, MARTA buses, Georgia

Attleboro intermodal transit facility, Massachusetts

Austin buses, Texas

Babylon Intermodal Center, New York

Baldwin Rural Area Transportation System buses, Alabama

Ballston Metro access improvements, Virginia

Bay/Saginaw buses and bus facilities, Michigan

Beaumont Municipal Transit System buses and bus facilities, Texas

Beaver County bus facility, Pennsylvania

Ben Franklin transit buses and bus facilities, Richland, Washington

Billings buses and bus facilities, Montana

Birmingham intermodal facility, Alabama

Birmingham-Jefferson County buses, Alabama

Blue Water buses and bus facilities, Michigan

Boston Government Center transit center, Massachusetts

Boston Logan Airport intermodal transit connector, Massachusetts

Boulder/Denver, RTD buses, Colorado

Brazos Transit Authority buses and bus facilities, Texas

Brea shuttle buses, California

Bremerton multimodal center—Sinclair's Landing, Washington

Brigham City and Payson regional park and ride lots/transit centers, Utah

Brockton intermodal transportation center, Massachusetts

Buffalo, Auditorium Intermodal Center, New York

Burlington ferry terminal improvements, Vermont

Burlington multimodal center, Vermont

Cambria County, bus facilities and buses, Pennsylvania

Cedar Rapids intermodal facility, Iowa

Central Ohio Transit Authority vehicle locator system, Ohio

Centre Area Transportation Authority buses, Pennsylvania

Chattanooga Southern Regional Alternative fuel bus program, Georgia

Chester County, Paoli Transportation Center, Pennsylvania

Chittenden County Transportation Authority buses, Vermont

Clallam Transit multimodal center, Sequim, Washington

Clark County Regional Transportation Commission buses and bus facilities, Nevada

Cleveland, Triskett Garage bus maintenance facility, Ohio

Clinton transit facility expansion, Iowa

Colorado buses and bus facilities, Colorado

Columbia Bus replacement, South Carolina

Columbia buses and vans, Missouri

Compton Renaissance Transit System shelters and facilities, California

Corpus Christi Regional Transportation Authority buses and bus facilities, Texas

Corvallis buses and automated passenger information system, Oregon

Culver City, CityBus buses, California

Dallas Area Rapid Transit buses, Texas

Davis, Unitrans transit maintenance facility, California

Dayton, Multimodal Transportation Center, Ohio

Daytona Beach, Intermodal Center, Florida

Deerfield Valley Transit Authority buses, Vermont

Denver 16th Street Intermodal Center

Denver, Stapleton Intermodal Center, Colorado

Des Moines transit facilities, Iowa

Detroit buses and bus facilities, Michigan

Dothan Wiregrass Transit Authority vehicles and transit facility, Alabama

Dulles Corridor park and ride, Virginia

Duluth, Transit Authority community circulation vehicles, Minnesota

Duluth, Transit Authority intelligent transportation systems, Minnesota

Duluth, Transit Authority Transit Hub, Minnesota

Dutchess County, Loop System buses, New York

El Paso Sun Metro buses, Texas

Elliott Bay Water Taxi ferry purchase, Washington

Erie, Metropolitan Transit Authority buses, Pennsylvania

Escambia County buses and bus facility, Alabama

Essex Junction multimodal station rehabilitation, Vermont

Everett transit bus replacement, Washington

Everett, Multimodal Transportation Center, Washington

Fairbanks intermodal rail/bus transfer facility, Alaska

Fairfield Transit, Solano County buses, California

Fayette County, intermodal facilities and buses, Pennsylvania

Fayetteville, University of Arkansas Transit System buses, Arkansas

Flint buses and bus facilities, Michigan

Florence, University of North Alabama pedestrian walkways, Alabama

Folsom multimodal facility, California

Fort Dodge, Intermodal Facility (Phase II), Iowa

Fort Worth bus and paratransit vehicle project, Texas

- Fort Worth Transit Authority Corridor Redevelopment Program, Texas
- Franklin County buses and bus facilities, Missouri
- Fuel cell bus and bus facilities program, Georgetown University, District/Columbia
- Gainesville buses and equipment, Florida
- Galveston buses and bus facilities, Texas
- Gary, Transit Consortium buses, Indiana
- Gees Bend Ferry facilities, Wilcox County, Alabama
- Georgia Regional Transportation Authority buses, Georgia
- Georgia Regional Transportation Authority, Southern Crescent Transit bus service between Clayton County and MARTA rail stations, Georgia
- Georgia statewide buses and bus-related facilities, Georgia
- Gloucester intermodal transportation center, Massachusetts
- Grand Rapids Area Transit Authority downtown transit transfer center, Michigan
- Greensboro multimodal center, North Carolina
- Greensboro, Transit Authority buses, North Carolina
- Harrison County multimodal center, Mississippi
- Hawaii buses and bus facilities
- Healdsburg, intermodal facility, California
- Hillsborough Area Regional Transit Authority, Ybor buses and bus facilities, Florida
- Honolulu, bus facility and buses, Hawaii
- Hot Springs, transportation depot and plaza, Arkansas
- Houston buses and bus facilities, Texas
- Huntington Beach buses and bus facilities, California
- Huntington intermodal facility, West Virginia
- Huntsville Airport international intermodal center, Alabama
- Huntsville Space and Rocket Center intermodal center, Alabama
- Huntsville, transit facility, Alabama
- Hyannis intermodal transportation center, Massachusetts
- I-5 Corridor intermodal transit centers, California
- Illinois statewide buses and bus-related equipment, Illinois
- Indianapolis buses, Indiana
- Inglewood Market Street bus facility/LAX shuttle service, California
- Iowa City multi-use parking facility and transit hub, Iowa
- Iowa statewide buses and bus facilities, Iowa
- Iowa/Illinois Transit Consortium bus safety and security, Iowa
- Isabella buses and bus facilities, Michigan
- Ithaca intermodal transportation center, New York
- Ithaca, TCAT bus technology improvements, New York
- Jackson County buses and bus facilities, Missouri
- Jackson J-TRAN buses and facilities, Mississippi
- Jacksonville buses and bus facilities, Florida
- Jasper buses, Alabama
- Juneau downtown mass transit facility, Alaska
- Kalamazoo downtown bus transfer center, Michigan
- Kansas City Area Transit Authority buses and Troost transit center, Missouri
- Kansas Public Transit Association buses and bus facilities, Kansas
- Killington-Sherburne satellite bus facility, Vermont
- King Country Metro King Street Station, Washington
- King County Metro Atlantic and Central buses, Washington
- King County park and ride expansion, Washington
- Lackawanna County Transit System buses, Pennsylvania
- Lake Tahoe CNG buses, Nevada
- Lake Tahoe/Tahoe Basin buses and bus facilities, California
- Lakeland, Citrus Connection transit vehicles and related equipment, Florida
- Lane County, Bus Rapid Transit buses and facilities, Oregon
- Lansing, CATA buses, Michigan
- Las Cruces buses and bus facilities, New Mexico
- Las Cruces intermodal transportation plaza, New Mexico
- Las Vegas intermodal transit transfer facility, Nevada
- Las Vegas South Strip intermodal facility, Nevada
- Lincoln County Transit District buses, Oregon
- Lincoln Star Tran bus facility, Nebraska
- Little Rock River Market and College Station transfer facility, Arkansas
- Little Rock, Central Arkansas Transit buses, Arkansas
- Livermore Amador Valley Transit Authority buses, California
- Livermore automatic vehicle locator program, California
- Long Island, CNG transit vehicles and facilities and bus replacement, New York
- Los Angeles/City of El Segundo Douglas Street Green Line connection, California
- Los Angeles County Metropolitan transportation authority buses, California
- Los Angeles Foothill Transit buses and bus facilities, California
- Los Angeles Municipal Transit Operators Coalition, California
- Los Angeles, Union Station Gateway Intermodal Transit Center, California
- Louisiana statewide buses and bus-related facilities, Louisiana
- Lowell performing arts center transit transfer facility, Massachusetts
- Lufkin intermodal center, Texas
- Maryland statewide alternative fuel buses, Maryland
- Maryland statewide bus facilities and buses, Maryland
- Mason City Region 2 office and maintenance transit facility, Iowa
- Massachusetts Bay Transportation Authority buses, Massachusetts
- Merrimack Valley Regional Transit Authority bus facilities, Massachusetts
- Miami Beach multimodal transit center, Florida
- Miami Beach, electric shuttle service, Florida
- Miami-Dade Northeast transit center, Florida
- Miami-Dade Transit buses, Florida
- Michigan State University campus boarding centers, Michigan
- Michigan statewide buses, Michigan
- Mid-Columbia Council of Governments minivans, Oregon
- Milwaukee County, buses, Wisconsin
- Mineola/Hicksville, LIRR intermodal centers, New York
- Missoula buses and bus facilities, Montana
- Missouri statewide bus and bus facilities, Missouri
- Mobile buses, Alabama
- Mobile waterfront terminal complex, Alabama
- Modesto, bus maintenance facility, California
- Monterey, Monterey-Salinas buses, California
- Monterey, Monterey-Salinas transit refueling facility, California
- Montgomery Moulton Street intermodal center, Alabama
- Montgomery Union Station intermodal center and buses, Alabama
- Mount Vernon, buses and bus related facilities, Washington
- Mukilteo multimodal terminal ferry and transit project, Washington
- New Castle County buses and bus facilities, Delaware
- New Hampshire statewide transit systems, New Hampshire
- New Haven bus facility, Connecticut
- New Jersey Transit alternative fuel buses, New Jersey
- New Jersey Transit jitney shuttle buses, New Jersey
- New Mexico State University park and ride facilities, New Mexico
- New York City Midtown West 38th Street Ferry Terminal, New York
- New York, West 72nd St. Intermodal Station, New York
- Newark intermodal center, New Jersey
- Newark Passaic River bridge and arena pedestrian walkway, New Jersey
- Newark, Morris & Essex Station access and buses, New Jersey
- Niagara Frontier Transportation Authority buses, New York
- North Carolina statewide buses and bus facilities, North Carolina
- North Dakota statewide buses and bus-related facilities, North Dakota
- North San Diego County transit district buses, California
- North Star Borough intermodal facility, Alaska
- Northern New Mexico Transit Express/Park and Ride buses, New Mexico
- Northstar Corridor, Intermodal Facilities and buses, Minnesota
- Norwich buses, Connecticut
- OATS Transit, Missouri
- Ogden Intermodal Center, Utah
- Ohio Public Transit Association buses and bus facilities, Ohio
- Oklahoma statewide bus facilities and buses, Oklahoma
- Olympic Peninsula International Gateway Transportation Center, Washington
- Omaha Missouri River transit pedestrian facility, Nebraska
- Ontonagon buses and bus facilities, Michigan
- Orlando Intermodal Facility, Florida
- Orlando, Lynx buses and bus facilities, Florida
- Palm Beach County Palmtran buses, Florida
- Palmdale multimodal center, California
- Park City Intermodal Center, Utah
- Parkersburg intermodal transportation facility, West Virginia
- Pee Dee buses and facilities, South Carolina
- Penn's Landing ferry vehicles, Pennsylvania
- Pennsylvania Commonwealth combined bus and facilities, Pennsylvania
- Perris bus maintenance facility, California
- Philadelphia, Frankford Transportation Center, Pennsylvania
- Philadelphia, Intermodal 30th Street Station, Pennsylvania
- Philadelphia, PHLASH shuttle buses, Pennsylvania
- Philadelphia, SEPTA Center City improvements, Pennsylvania
- Philadelphia, SEPTA Paoli transportation center, Pennsylvania
- Philadelphia, SEPTA Girard Avenue intermodal transportation centers, Pennsylvania
- Phoenix bus and bus facilities, Arizona
- Pierce County Transit buses and bus facilities, Washington
- Pittsfield intermodal center, Massachusetts
- Port of Corpus Christi ferry infrastructure and ferry purchase, Texas
- Port of St. Bernard intermodal facility, Louisiana
- Portland, Tri-Met bus maintenance facility, Oregon
- Portland, Tri-Met buses, Oregon
- Prince William County bus replacement, Virginia
- Providence, buses and bus maintenance facility, Rhode Island
- Reading, BARTA Intermodal Transportation Facility, Pennsylvania
- Rensselaer intermodal bus facility, New York
- Rhode Island Public Transit Authority buses, Rhode Island
- Richmond, GRTC bus maintenance facility, Virginia
- Riverside Transit Agency buses and facilities, California

- Robinson, Towne Center Intermodal Facility, Pennsylvania  
 Sacramento CNG buses, California  
 Salem Area Mass Ttransit System buses, Oregon  
 Salt Lake City hybrid electric vehicle bus purchase, Utah  
 Salt Lake City International Airport transit parking and transfer center, Utah  
 Salt Lake City Olympics bus facilities, Utah  
 Salt Lake City Olympics regional park and ride lots, Utah  
 Salt Lake City Olympics transit bus loan project, Utah  
 San Bernardino buses, California  
 San Bernardino County Mountain area Regional Transit Authority fueling stations, California  
 San Diego MTD buses and bus facilities, California  
 San Francisco, Islais Creek maintenance facility, California  
 San Joaquin buses and bus facilities, Stockton, California  
 San Juan Intermodal access, Puerto Rico  
 San Marcos Capital Area Rural Transportation System (CARTS) intermodal project, Texas  
 Sandy buses, Oregon  
 Santa Barbara Metropolitan Transit district bus facilities, California  
 Santa Clara Valley Transportation Authority buses and bus facilities, California  
 Santa Clarita buses, California  
 Santa Cruz metropolitan bus facilities, California  
 Santa Fe CNG buses, New Mexico  
 Santa Fe paratransit/computer systems, New Mexico  
 Santa Marie organization of transportation helpers minibuses, California  
 Savannah/Chatham Area transit bus transfer centers and buses, Georgia  
 Seattle Sound Transit buses and bus facilities, Washington  
 Seattle, intermodal transportation terminal, Washington  
 SMART buses and bus facilities, Michigan  
 Snohomish County, Community Transit buses, equipment and facilities, Washington  
 Solano Links intercity transit OTR bus purchase, California  
 Somerset County bus facilities and buses, Pennsylvania  
 South Amboy, Regional Intermodal Transportation Initiative, New Jersey  
 South Bend, Urban Intermodal Transportation Facility, Indiana  
 South Carolina statewide bus and bus facility.  
 South Carolina Virtual Transit Enterprise, South Carolina  
 South Dakota statewide bus facilities and buses, South Dakota  
 South Metro Area Rapid Transit (SMART) maintenance facility, Oregon  
 Southeast Missouri transportation service rural, elderly, disabled service, Missouri  
 Springfield Metro/VRE pedestrian link, Virginia  
 Springfield, Union Station, Massachusetts  
 St. Joseph buses and vans, Missouri  
 St. Louis, Bi-state Intermodal Center, Missouri  
 St. Louis Bi-state Metro Link buses  
 Sunset Empire Transit District intermodal transit facility, Oregon  
 Syracuse CNG buses and facilities, New York  
 Tacoma Dome, buses and bus facilities, Washington  
 Tennessee statewide buses and bus facilities, Tennessee  
 Texas statewide small urban and rural buses, Texas  
 Topeka Transit offstreet transit transfer center, Kansas  
 Towamencin Township, Intermodal Bus Transportation Center, Pennsylvania  
 Transit Authority of Northern Kentucky (TANK) buses, Kentucky  
 Tucson buses, Arizona  
 Twin Cities area metro transit buses and bus facilities, Minnesota  
 Utah Transit Authority buses, Utah  
 Utah Transit Authority, intermodal facilities, Utah  
 Utah Transit Authority/Park City Transit, buses, Utah  
 Utica Union Station, New York  
 Valley bus and bus facilities, Alabama  
 Vancouver Clark County (SEATLAN) bus facilities, Washington  
 Washington County intermodal facilities, Pennsylvania  
 Washington State DOT combined small transit system buses and bus facilities, Washington  
 Washington, D.C. Intermodal Transportation Center, District/Columbia  
 Washoe County transit improvements, Nevada  
 Waterbury, bus facility, Connecticut  
 West Falls Church Metro station improvements, Virginia  
 West Lafayette bus transfer station/terminal (Wabash Landing), Indiana  
 West Virginia Statewide Intermodal Facility and buses, West Virginia  
 Westchester County DOT, articulated buses, New York  
 Westchester County, Bee-Line transit system fareboxes, New York  
 Westchester County, Bee-Line transit system shuttle buses, New York  
 Westminster senior citizen vans, California  
 Westmoreland County, Intermodal Facility, Pennsylvania  
 Whittier intermodal facility and pedestrian overpass, Alaska  
 Wilkes-Barre, Intermodal Facility, Pennsylvania  
 Williamsport bus facility, Pennsylvania  
 Wisconsin statewide bus facilities and buses, Wisconsin  
 Worcester, Union Station Intermodal Transportation Center, Massachusetts  
 Yuma paratransit buses, Arizona:  
 Provided further, That within the total funds provided for new fixed guideway systems to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: Provided further, That the Administrator of the Federal Transit Administration shall, not later than 60 days after the enactment of this Act, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects.  
 The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for final design and construction:  
 Alaska or Hawaii ferries;  
 Albuquerque/Greater Albuquerque mass transit project;  
 Atlanta North Line Extension;  
 Austin Capital Metro Northwest/North Central Corridor project;  
 Baltimore Central Light Rail double tracking project;  
 Boston North-South Rail Link;  
 Boston Piers Transitway phase 1;  
 Charlotte North-South corridor transitway project;  
 Chicago Metra commuter rail extensions;  
 Chicago Transit Authority Ravenswood and Douglas branch line projects;  
 Cleveland Euclid Corridor;  
 Dallas Area Rapid Transit North Central LRT extension;  
 Dane County/Madison East-West Corridor;  
 Denver Southeast Corridor project;  
 Denver Southwest LRT project;  
 Fort Lauderdale Tri-Rail commuter rail project;  
 Galveston rail trolley extension project;  
 Houston Regional Bus Plan;  
 Lahaina Harbor, Maui ferries;  
 Las Vegas Corridor/Clark County regional fixed guideway project;  
 Little Rock River Rail project;  
 Long Island Rail Road East Side Access project;  
 Los Angeles Metro Rail—MOS 3 and Eastside/Mid City corridors;  
 MARC expansion programs: Silver Spring intermodal center and Penn-Camden rail connection;  
 Memphis Area Transit Authority medical center extension;  
 Miami East-West Corridor project;  
 Miami North 27th Avenue corridor;  
 New Orleans Airport-CBD commuter rail project;  
 New Orleans Canal Streetcar Spine;  
 New Orleans Desire Streetcar;  
 Newark-Elizabeth rail link project;  
 Norfolk-Virginia Beach Corridor project;  
 Northern Indiana South Shore commuter rail project;  
 Northern New Jersey—Hudson-Bergen LRT project;  
 Orange County Transitway project;  
 Orlando 1-4 Central Florida LRT project;  
 Philadelphia Schuylkill Valley Metro;  
 Phoenix—Central Phoenix/East Valley Corridor;  
 Pittsburgh Airborne Shuttle System;  
 Pittsburgh North Shore—Central Business District corridor;  
 Pittsburgh State II light rail project;  
 Port McKenzie-Ship Creek, AK ferry project;  
 Portland Westside-Hillsboro Corridor project;  
 Providence-Boston commuter rail;  
 Raleigh-Durham—Research Triangle regional rail;  
 Sacramento South Corridor LRT project;  
 Salt Lake City South LRT Olympics capacity improvements;  
 Salt Lake City South LRT project;  
 Salt Lake City/Airport to University (West-East) light rail project;  
 Salt Lake City-Ogden-Provo commuter rail project;  
 San Bernardino MetroLink extension project;  
 San Diego Mid Coast Corridor;  
 San Diego Mission Valley East LRT extension project;  
 San Diego Oceanside-Escondido passenger rail project;  
 San Francisco BART to Airport extension;  
 San Jose Tasman LRT project;  
 San Juan—Tren Urbano;  
 Seattle Sound Move Link LRT project;  
 Spokane South Valley Corridor light rail project;  
 St. Louis—St. Clair County, Illinois LRT project;  
 Tacoma-Seattle Sounder commuter rail project;  
 Tampa Bay regional rail system;  
 Twin Cities Transitways Corridors projects; and the  
 Washington Metro Blue Line extension—Addison Road.  
 The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for alternatives analysis and preliminary engineering:  
 Atlanta—Lindbergh Station to MARTA West Line feasibility study;  
 Atlanta MARTA South DeKalb comprehensive transit program;  
 Baltimore Central Downtown MIS;  
 Bergen County, NJ/Cross County light rail project;  
 Birmingham, Alabama transit corridor;  
 Boston North Shore Corridor and Blue Line extension to Beverly;  
 Boston Urban Ring project;  
 Bridgeport Intermodal Corridor project, Connecticut;  
 Calais, ME Branch Rail Line regional transit program;  
 Charleston, SC Monobeam corridor project;  
 Cincinnati Northeast/Northern Kentucky rail line project;  
 Colorado—Roaring Fork Valley Rail;

Detroit—commuter rail to Detroit metropolitan airport feasibility study;

El Paso—Juarez international fixed guideway; Girdwood, Alaska commuter rail project; Harrisburg-Lancaster Capitol Area Transit Corridor 1 commuter rail;

Houston Advanced Transit Program; Indianapolis Northeast Downtown Corridor project;

Jacksonville fixed guideway corridor; Johnson County, Kansas I-35 commuter rail project;

Kenosha-Racine-Milwaukee rail extension project;

Knoxville to Memphis commuter rail feasibility study;

Miami Metrorail Palmetto extension; Montpelier-St. Albans, VT commuter rail study;

Nashua, NY-Lowell, MA commuter rail project;

New Jersey Trans-Hudson midtown corridor study;

New London waterfront access project;

New York Second Avenue Subway feasibility study;

Old Saybrook—Hartford Rail Extension; Philadelphia SEPTA commuter rail, R-3 connection—Elwyn to Wawa;

Philadelphia SEPTA Cross County Metro;

Salt Lake City light rail extensions;

Santa Fe/El Dorado rail link;

Stamford fixed guideway connector;

Stockton Altamont Commuter Rail;

Virginia Railway Express Woodbridge transit access station improvements project;

Washington, D.C. Dulles Corridor extension project;

Western Montana regional transportation/commuter rail study;

Wilmington, DE downtown transit connector; and the

Wilsonville to Washington County, OR connection to Westside.

#### DISCRETIONARY GRANTS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (HIGHWAY TRUST FUND, MASS TRANSIT ACCOUNT)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), \$1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

##### JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, \$15,000,000, to remain available until expended; Provided, That no more than \$75,000,000 of budget authority shall be available for these purposes.

##### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

##### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

#### OPERATIONS AND MAINTENANCE

##### (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$11,496,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

#### RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

##### RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, \$30,752,000, of which \$575,000 shall be derived from the Pipeline Safety Fund, and of which \$3,500,000 shall remain available until September 30, 2002: Provided, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

#### PIPELINE SAFETY

##### (PIPELINE SAFETY FUND)

##### (OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$36,104,000, of which \$4,704,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; and of which \$30,000,000 shall be derived from the Pipeline Safety Fund, of which \$16,500,000 shall remain available until September 30, 2001: Provided, That in addition to amounts made available for the Pipeline Safety Fund, \$1,400,000 shall be available for grants to States for the development and establishment of one-call notification systems and public education activities, and shall be derived from amounts previously collected under 49 U.S.C. 60301.

#### EMERGENCY PREPAREDNESS GRANTS

##### (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), \$200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: Provided, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$48,000,000, of which \$43,000,000 shall be derived from transfers of funds from the United States Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration: Provided, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents: Provided further, That, it is the sense of the Senate, for purposes of the preceding proviso, the terms "unfair or deceptive practices" and "unfair methods of competition" include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible: Provided further, That the funds made available under this heading shall be used (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and

foreign air carriers, (2) for monitoring by the Inspector General of the compliance of air carriers and foreign carriers with respect to paragraph (1) of this proviso, and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: Provided further, That, it is the sense of the Senate, for purposes of the preceding proviso, the terms "unfair or deceptive practices" and "unfair methods of competition" mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication: Provided further, That, it is the sense of the Senate, funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with nonrefundable tickets from one carrier to another.

#### SURFACE TRANSPORTATION BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$15,400,000: Provided, That notwithstanding any other provision of law, not to exceed \$1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That any fees received in excess of \$1,600,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

#### TITLE II

##### RELATED AGENCIES

#### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

##### SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$4,500,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

#### NATIONAL TRANSPORTATION SAFETY BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$51,500,000, of which not to exceed \$2,000 may be used for official reception and representation expenses.

#### EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$1,000,000, to remain available until expended.

#### TITLE III

##### GENERAL PROVISIONS

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of

Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 2000, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics.

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and \$2,000,000,000 for such fiscal year under section 105 of the Transportation Equity Act for the 21st Century (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, \$2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under section 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of enactment of the Transpor-

tion Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to \$639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943-1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapters 3 and 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for a section set forth in subsection (a)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of \$10,000,000 in any one year of the contract; (2) includes a cancellation charge greater than \$10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 317. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 318. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by \$60,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than \$169,953,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriation account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's Federal aid-highway account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. TEMPORARY AIR SERVICE INTERRUPTIONS. (a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

SEC. 322. Section 3021 of Public Law 105-178 is amended in subsection (a)—

(1) in the first sentence, by striking "single-State";

(2) in the second sentence, by striking "Any" and all that follows through "United States Code" and inserting "The funds made available to the State of Oklahoma and the State of Vermont to carry out sections 5307 and 5311 of title 49, United States Code and sections 133 and 149 of title 23, United States Code";

SEC. 323. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 324. Not to exceed \$1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: Provided, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561-570a, or the Coast Guard's advisory council on roles and missions.

SEC. 325. No funds other than those appropriated to the Surface Transportation Board or fees collected by the Board shall be used for conducting the activities of the Board.

SEC. 326. Hereafter, notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 327. Capital Investment grants funds made available in this Act and in Public Law 105-277 and in Public Law 105-66 and its accompanying conference report for the Charleston, South Carolina Monobeam corridor project shall be used to fund any aspect of the Charleston, South Carolina Monobeam corridor project.

SEC. 328. Hereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of \$200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 329. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 330. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer

of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 331. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105-134, \$950,000, to remain available until September 30, 2001: Provided, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105-134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105-134.

SEC. 332. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 333. None of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

(2) restrict the distribution of peanuts, until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

SEC. 334. For purposes of funding in this Act for the Salt Lake City/Airport to University (West-East) light rail project, the non-governmental share for these funds shall be determined in accordance with Section 3030(c)(2)(B)(ii) of the Transportation Equity Act for the 21st Century, as amended (Public Law 105-178).

SEC. 335. Section 5309(g)(1)(B) of title 49, United States Code, is amended by inserting after "Committee on Banking, Housing, and Urban Affairs of the Senate" the following: "and the House and Senate Committees on Appropriations".

SEC. 336. Section 1212(g) of the Transportation Equity Act for the 21st Century (Public Law 105-178), as amended, is amended—

(1) in the subsection heading, by inserting "and New Jersey" after "Minnesota"; and

(2) by inserting "or the State of New Jersey" after "Minnesota".

SEC. 337. The Secretary of Transportation shall execute a demonstration program, to be conducted for a period not to exceed eighteen months, of the "fractional ownership" concept in performing administrative support flight missions, the purpose of which would be to determine whether cost savings, as well as increased operational flexibility and aircraft availability,

can be realized through the use by the government of the commercial fractional ownership concept or report to the Committee the reason for not conducting such an evaluation: Provided, That the Secretary shall ensure the competitive selection for this demonstration of a fractional ownership concept which provides a suite of aircraft capable of meeting the Department's varied needs, and that the Secretary shall ensure the demonstration program encompasses a significant and representative portion of the Department's administrative support missions (to include those performed by the Coast Guard, the Federal Aviation Administration, and the National Aeronautics and Space Administration, whose aircraft are currently operated by the FAA): Provided further, That the Secretary shall report to the House and Senate Committees on Appropriations on results of this evaluation of the fractional ownership concept in the performance of the administrative support mission no later than twenty-four months after final passage of this Act or within 60 days of enactment of this Act if the Secretary decides not to conduct such a demonstration for evaluation including an explanation for such a decision.

SEC. 338. (a) REQUIREMENT TO CONVEY.—The Commandant of the Coast Guard shall convey, without consideration, to the University of New Hampshire (in this section referred to as the "University") all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located in New Castle, New Hampshire, consisting of approximately five acres and including a pier.

(b) IDENTIFICATION OF PROPERTY.—The Commandant shall determine, identify, and describe the property to be conveyed under this section.

(c) EASEMENTS, RIGHTS-OF-WAY, AND RIGHTS.—(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the University such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

(2) The Commandant shall, in connection with such conveyance, reserve in favor of the United States such easements and rights as the Commandant considers necessary to protect the interests of the United States, including easements or rights regarding access to property and utilities.

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the University not convey, assign, exchange, or encumber the property conveyed, or any part thereof, unless such conveyance, assignment, exchange, or encumbrance—

(A) is made without consideration; or  
(B) is otherwise approved by the Commandant.

(2) That the University not interfere or allow interference in any manner with the maintenance or operation of Coast Guard Station Portsmouth Harbor, New Hampshire, without the express written permission of the Commandant.

(3) That the University use the property for educational, research, or other public purposes.

(e) MAINTENANCE OF PROPERTY.—The University, or any subsequent owner of the property conveyed under subsection (a) pursuant to a conveyance, assignment, or exchange referred to in subsection (d)(1), shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(f) REVERSIONARY INTEREST.—All right, title, and interest in and to the property conveyed under this section (including any improvements thereon) shall revert to the United States, and the United States shall have the right of immediate entry thereon, if—

(1) the property, or any part thereof, ceases to be used for educational, research, or other public purposes by the University;

(2) the University conveys, assigns, exchanges, or encumbers the property conveyed, or part thereof, for consideration or without the approval of the Commandant;

(3) the Commandant notifies the owner of the property that the property is needed the national security purposes and a period of 30 days elapses after such notice; or

(4) any other term or condition established by the Commandant under this section with respect to the property is violated.

SEC. 339. (a) None of the funds in this Act shall be available to execute a project agreement for any highway project in a State that sells drivers' license personal information as defined in 18 U.S.C. 2725(3) (excluding individual photograph), or motor vehicle record, as defined in 18 U.S.C. 2725(1), unless that State has established and implemented an opt-in process for the use of personal information or motor vehicle record in surveys, marketing (excluding insurance rate setting), or solicitations.

(b) None of the funds in this Act shall be available to execute a project agreement for any highway project in a State that sells individual's drivers' license photographs, unless that State has established and implemented an opt-in process for such photographs.

SEC. 340. Notwithstanding any other provision of law, from funds provided in the Act, \$10,000,000 shall be made available for completion of the National Advanced Driving Simulator (NADS).

SEC. 341. Notwithstanding any other provision of law, section 1107(b) of Public Law 102-240 is amended by striking "Construction of a replacement bridge at Watervale Bridge #63, Harford County, MD" and inserting in lieu thereof the following: "For improvements to Bottom Road Bridge, Vinegar Hill Road Bridge and Southampton Road Bridge, Harford County, MD".

SEC. 342. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM. It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

SEC. 343. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article I of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than \$100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

SEC. 344. It is the sense of the Senate that the Secretary should expeditiously amend title 14, chapter II, part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boardings and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

SEC. 345. For purposes of section 5117(b)(5) of the Transportation Equity Act for the 21st Century, the cost sharing provisions of section 5001(b) of that Act shall not apply.

SEC. 346. (a) FINDINGS.—The Senate finds that the Village of Bourbonnais, Illinois and Kankakee County, Illinois, have incurred significant costs for the rescue and cleanup related to the Amtrak train accident of March 15, 1999. These costs have created financial burdens for the Village, the County, and other adjacent municipalities.

(b) NTSB INVESTIGATION.—The National Transportation Safety Board (NTSB) conducted a thorough investigation of the accident and opened the public docket on the matter on September 7, 1999. To date, NTSB has made no conclusions or determinations of probable cause.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Village of Bourbonnais, Illinois, Kankakee County, Illinois, and any other related municipalities should, consistent with applicable laws against any party, including the National Railroad Passenger Corporation (Amtrak), found to be responsible for the accident, be able to recover all necessary costs of rescue and cleanup efforts related to the March 15, 1999 accident.

SEC. 347. Of funds made available in this Act, the Secretary shall make available not less than \$2,000,000, to remain available until expended, for planning, engineering, and construction of the runway extension at Eastern West Virginia Regional Airport, Martinsburg, West Virginia: Provided, That the Secretary shall make available not less than \$400,000 for the Concord, New Hampshire transportation planning project: Provided further, That the Secretary shall make available not less than \$2,000,000 for an explosive detection system demonstration at a cargo facility at Huntsville International Airport.

SEC. 348. Section 656(b) of division C of the Omnibus Consolidated Appropriations Act of 1997 is repealed.

SEC. 349. Notwithstanding any other provision of law, the amount made available pursuant to Public Law 105-277 for the Pittsburgh North Shore central business district transit options MIS project may be used to fund any aspect of preliminary engineering, costs associated with an environmental impact statement, or a major investment study for that project.

SEC. 350. For necessary expenses for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center, to become available on October 1 of the fiscal year specified and remain available until expended: fiscal year 2001, \$20,000,000.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2000".

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 106-11, 106-12, AND 106-13

Mr. WARNER. Mr. President, as in executive session, I ask unanimous

consent the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 1, 1999, by the President of the United States: Tax Convention with Italy (Treaty Document No. 106-11); Tax Convention with Denmark (Treaty Document No. 106-12); and Protocol Amending the Tax Convention with Germany (Treaty Document No. 106-13).

I further ask that the treaties be considered as having been read for the first time, that they be referred with accompanying papers to the Committee on Foreign Relations in order to be printed, and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

*To the Senate of the United States:*

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Italian Republic for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fraud or Fiscal Evasion, signed at Washington on August 25, 1999, together with a Protocol. Also transmitted are an exchange of notes with a Memorandum of Understanding and the report of the Department of State concerning the Convention.

This Convention, which is similar to tax treaties between the United States and other developed nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty-shopping or certain abusive transactions.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 21, 1999.

*To the Senate of the United States:*

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on August 19, 1999, together with a Protocol. Also transmitted for the information of the Senate is the report of the Department of State concerning the Convention.

It is my desire that the Convention and Protocol transmitted herewith be considered in place of the Convention for the Avoidance of Double Taxation,

signed at Washington on June 17, 1980, and the Protocol Amending the Convention, signed at Washington on August 23, 1983, which were transmitted to the Senate with messages dated September 4, 1980 (S. Ex. Q, 96th Cong., 2d Sess.) and November 16, 1983 (T. Doc. No. 98-12, 98th Cong., 1st Sess.), and which are pending in the Committee on Foreign Relations. I desire, therefore, to withdraw from the Senate the Convention and Protocol signed in 1980 and 1983.

This Convention, which is similar to tax treaties between the United States and other developed nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty-shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 21, 1999.

*To the Senate of the United States:*

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation with Respect to Taxes on Estates, Inheritances, and Gifts signed at Bonn on December 3, 1980, signed at Washington, December 14, 1998. The Protocol provides a pro rata unified tax credit to the estate of a German domiciliary for purposes of computing U.S. estate tax. It allows a limited U.S. "marital deduction" for certain estates of limited value if the surviving spouse is not a U.S. citizen. In addition, the Protocol expands the United States jurisdiction to tax its citizens and certain former citizens and long-term residents and makes other changes to the treaty to more closely reflect current U.S. treaty policy.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 21, 1999.

MEASURE READ FOR THE FIRST TIME—S. 1606

Mr. WARNER. I understand that S. 1606, which was introduced by Senator GRASSLEY, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1606) to reenact chapter 12 of title 11, United States Code, and for other purposes.

Mr. WARNER. Mr. President, I now ask for its second reading, and I object to my own request of the second reading.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY,  
SEPTEMBER 22, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, September 22. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date and 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 begin 15 minutes of debate equally divided in the usual form for closing statements on the Department of Defense authorization conference report, with a vote occurring following the debate.

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

Mr. WARNER. I further ask that immediately following the vote on the defense authorization conference report, the Senate proceed to consideration of the VA/HUD appropriations bill and, further, no call for the regular order serve to displace the VA/HUD appropriations bill.

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

PROGRAM

Mr. WARNER. For the information of all Senators, the Senate will convene at 9:30 a.m. and immediately begin 15 minutes of debate on the Department of Defense authorization conference report, with a vote immediately following. Therefore, Senators can expect the first vote at approximately 9:45 a.m. tomorrow. Following the vote, the Senate will begin consideration of the VA/HUD appropriations bill. Amendments are expected to be offered, and therefore Senators can anticipate votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, September 22, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## REPUBLIC OF GABON DELEGATION VISIT

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. RANGEL. Mr. Speaker, I rise to say that during the week of July 12 through 16, the Congress was privileged to have a delegation from the National Assembly of the Republic of Gabon visit with members of both the House and Senate. The delegation was headed by President Guy Nzouba-Ndama and included members of the opposition party. It was the hope of this delegation that this visit would strengthen their understanding of democracy and political leadership in the U.S. and strengthen ties between their National Assembly and our Congress. It is by coincidence that the delegation was here in Washington during our consideration of the Africa Trade Bill. As many members suggested during the debate on this legislation, it's time that we take another look at our policies toward Africa.

The Republic of Gabon is a good example of the changes occurring across Africa. The Republic of Gabon achieved its independence in 1960 and became a democratic republic with three branches of government; the executive, legislative, and judicial branches. President Omar Bongo became the leader of Gabon following the death of President Leon Mba, Gabon's first president, in 1963 and has served as President since that time. After the 1993 election, political parties supporting the President and the major opposition parties negotiated the "Paris Accords" in October 1994. These agreements included reforms to amend electoral procedures, inclusion of opposition leaders in government, and assurances of greater respect for human rights. In July 1995, the Paris Accords were approved by a national referendum. President Bongo was re-elected to a seven-year term in December of 1998.

The National Assembly of Gabon is composed of 120 members and is elected by direct popular vote to serve a five-year term. The first multiparty elections were held in 1991 and the former ruling party, the Gabonese Democratic Party (GDP), retained a large majority in the National Assembly. In the 1996 elections, the PDG secured 100 of the 120 seats. The Senate's 91 members were last elected in 1997.

The Gabonese government and its leadership have taken important strides in implementing a populist democracy. Gabon is also fortunate to have a high level of prosperity and is developing an expanded middle class. President Bongo, with the assistance and cooperation of legislative leaders, is taking strides to increase economic opportunity for the Gabonese people by privatizing state-owned industries and improving the countries infrastructure.

We support the efforts the Gabonese government and its leadership has undertaken to

increase their knowledge of the democratic process as practiced in the United States. We also encourage the Gabonese political leadership to continue its positive strides and understand that true democracy does not occur overnight. We also understand that an expanded middle class and economic development are important elements of a vibrant democracy. I look forward to building and expanding our nation's ties to Gabon. We should do everything in our power to ensure this nation's continued growth.

## THE SOUTHWEST DEFENSE COMPLEX AND MILITARY SUPERIORITY

### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. THOMAS. Mr. Speaker, I hope our House colleagues will support the Southwest Defense Complex, a proposal to consolidate defense research, development, testing, evaluation, and training in the Southwest United States. This proposal would link as many as 12 bases in 5 states (California, Utah, Nevada, New Mexico, and Arizona) to work to ensure our armed forces' technical superiority. Moreover, at a time of diminishing defense budgets, we must enhance the performance of military weaponry at lower costs. The consolidation of defense resources made possible by the Complex will help the Department of Defense achieve optimum use of its facilities.

The threats to our national security around the world are rapidly changing, unpredictable, but extremely dangerous. Americans in uniform are clearly going to need accurate and secure information systems, and high impact weapons with extreme precision. We need to develop new systems to meet the challenges of warfare in the 21st century to remain the best military in the world. Yet, conflicting demands and competing interests for dwindling defense dollars has spurred inefficiencies in military research, development, training, and evaluation that threaten our long-term combat readiness. The Complex proposal offers a strategy of consolidation that is cost-effective and affordable and most important, allows us to redirect needed funds to military needs.

The objective of the Southwest Defense Complex is to remedy the inefficiencies that hinder Department of Defense research, development, testing, and evaluation programs from strengthening our military superiority. The Department of Defense currently spends \$80 billion annually to maintain an inefficient defense logistic infrastructure. Each service maintains facilities that are expensive and perform redundant capabilities with little regard for cost-efficient coordinated investment.

Underutilized and non-competitive infrastructure must be eliminated if we are to get the maximum value for our defense dollars. We must equip our soldiers with the right equip-

ment to protect our national security and deter any potential threats. It is our research and training infrastructure that ensures that our armed forces are strong.

The advantages of the Southwest Defense Complex are numerous. First, bases in the Southwest United States are already becoming electronically linked and a number of them cooperate in solving problems and using facilities. In fact, western research and training facilities are already cooperating on sharing optical sensors between the Navy and Air Force for aircraft tracking devices, testing the weaponry of the F-15 at Edwards Air Force Base against drones at the Navy's Pt. Mugu range, and developing the Global Positioning Systems with shared information from all western facilities. Second, it is the only area in the U.S. where advanced technology can be used and tested in a realistic, high fidelity environment with minimal impact upon the general population. Third, the area provides ideal weather conditions for testing and training operations largely free of commercial activity. Fourth, the Southwest provides the physical space necessary for the testing and training that uses advanced technology. It is a region that offers 335 million acres of federally owned land. Over 490 thousand square miles of air space; and 484 thousand square miles of sea that can be used for training personnel. No other area in the country can offer these benefits.

The Southwest is a critical area to develop a stronger defense for our nation. The coordination of western facilities can allow for an effective and streamlined system to replace the status quo. The land, air and sea ranges available in the west will permit new technology to be developed, tested in the field, improved in the lab, and evaluated in a combat simulated environment. The most cost-effective way to test and adapt commercial technology for military purposes is to have facilities in the vicinity of where the field tests were held.

The Department of Defense has taken the first step in changing the way it researches, develops, and tests new technologies and trains personnel with the recommendation of the Western Test Range Command. The next step should be creation of the Southwest Defense Complex. Such a complex can provide long-term solutions to current military inefficiencies to develop, test, and deploy new weapon systems. I urge my colleagues to join me in supporting the Southwest Defense Complex to strengthen our national security in the future.

HONORING JONELLE SUZANNE  
GARO

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Jonelle Suzanne Garo, recently

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

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

ordained Associate Pastor for Christian Education at California's Oldest Armenian Church.

The Presbytery of San Joaquin also ordained Jonelle Suzanne Garo, M.Div. as a Minister of the World and Sacraments on Sunday, June 13.

A native of Fresno, Garo received her early education at Carroll Baird Elementary School, Tenaya Middle School, and Bullard High School, where she lettered in varsity soccer and softball. She matriculated at California State University, Fresno for 2 years, reported for the Armenian Studies Newspaper, and played on the CSUF Women's Club Soccer Team.

In 1990, Garo transferred to Westmont College in Santa Barbara and earned a bachelor of arts degree in sociology 2 years later. She worked here way through undergraduate school as a nanny for actress Jane Seymour, construction worker, retail associate sales, and food service/catering assistant, among other things.

In 1994, Garo was admitted to Princeton Theological Seminary, the oldest Presbyterian graduate school in America. During her course of study, Garo was a member of the Theological Students Fellowship and cochaired the Charles Hodge Society and Friday Night Fellowship. She served as a ministry intern at the Armenian Martyrs Congregational Church of Havertown, Pennsylvania and as a chaplain at the University of Pennsylvania and as a chaplain at the University of Pennsylvania Medical Center.

Garo conducted youth ministries in New England and Canada under the auspices of the Armenian Evangelical Union of North America. She also engaged in missions work in the inner city of Newark and in the Republics of Mexico and Armenia. Upon her graduation in 1997, Garo undertook a 1-year Christian Education internship/practicum at her childhood church, the First Armenian Presbyterian Church of Fresno.

Garo is the daughter of Philip and Elaine (Karabian) Garo of Fresno, married Kalem Kazarian of Fowler, CA, on July 24, 1999.

Mr. Speaker, I rise to honor Jonelle Suzanne Garo Kazarian for her accomplishments as an ordained associate pastor for Christian Education in the oldest Armenian church. I urge my colleagues to join me in wishing Ms. Garo many more years of continued success.

#### TRIBUTE TO CITIZENS AGAINST LAWSUIT ABUSE

### HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. BILBRAY. Mr. Speaker, on behalf of California's 49th Congressional District, I would like to recognize the efforts of the 6,700 members of San Diego's Citizens Against Lawsuit Abuse organization in promoting California's fourth "Lawsuit Abuse Awareness Week" from September 20–24, 1999.

Citizens Against Lawsuit Abuse (CALA) is a respected and effective organization that works to educate consumers about the human and financial costs associated with frivolous lawsuits. This organization has led successful efforts to protect MICRA (the Medical Injury Compensation Reform Act) in the State of

California, to limit the liability of Y2K lawsuits, and to inform the public of the true threats of lawsuit abuse which burden our local economy.

CALA in San Diego is recognized locally for their distinctive billboard signs, "Gavel of Justice" cable network program, and for providing crucial educational information exposing the true financial effects that lawsuits have upon each and every one of us—in the pocketbook through higher insurance and medical charges.

I support CALA in their efforts to secure support for civil justice reform. I have been delighted to work with CALA in the past, and look forward to working with them in the future.

Mr. Speaker, CALA should be commended during this important "Lawsuit Abuse Awareness Week".

#### IN HONOR OF ROBERT F. BUSBEY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Robert F. Busbey and in recognition of Cleveland State University naming their natatorium the Robert F. Busbey Natatorium on October 2, 1999. I am honored to have been invited to this dedication ceremony.

Beginning with his enrollment in 1946 to Fenn College, later Cleveland State University, Robert F. "Bob" Busbey has contributed more to the history of Cleveland State athletics than any other single individual. As a four-sport athlete (swimming, baseball, track, and fencing), he was Fenn College's first All-American and achieved this honor in both 1948 and 1949.

After graduation, Mr. Busbey served as the head swimming coach at Cleveland State for 30 years. During his coaching tenure, Mr. Busbey was named the assistant swimming coach for the 1964 U.S. Olympic Team, served as chairman of the NCAA Swimming Committee, served as Cleveland State's athletics director, and was responsible for bringing five NCAA swimming championships to the Cleveland State natatorium.

Robert Busbey's accomplishments led to his receiving the 1982 National Collegiate and Scholastic Swimming Trophy, one of the sport's highest awards. Mr. Busbey served as the athletic director until 1990, developing a program of 18 intercollegiate sports and was a prime force in the planning and building of CSU's Physical Education Building, housing the world class natatorium. After serving as Cleveland State's Director of Athletics, Mr. Busbey served as the associate vice president for athletic affairs until his retirement in 1994. In recognition of his outstanding athletic legacy and generous support, Cleveland State University is honoring him by naming the natatorium the Robert F. Busbey Natatorium.

Mr. Speaker, I would like to congratulate Mr. Busbey on his many accomplishments and commemorate him for his continuous support of Cleveland State University.

#### TRIBUTE TO EMILIO TORRES

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. GONZALEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Mr. Emilio Torres of San Antonio, TX, upon his retirement after 51 years of Federal Government service.

Mr. Torres began serving his country on May 4, 1948, with a tour of duty in the U.S. Navy. After his service with the Navy, Mr. Torres spent his remaining years of Federal Government service at Kelly Air Force Base in San Antonio. Throughout those years of service, Mr. Torres held positions in Kelly Flight Test and in the Quality Assurance Division of the Directorate of Maintenance. Mr. Torres also served as chief of the Quality Evaluation Team and as chief of Administration Services for the Directorate of Maintenance. In addition, Mr. Torres was assigned to the San Antonio-Air Logistics Center as a special projects officer.

As an artist, Mr. Torres has made a number of significant contributions to Kelly Air Force Base. Mr. Torres is the designer of the Veteran's Monument at Kelly Air Force Base, and his efforts were instrumental in establishing the Kelly Air Force Base Heritage Museum. Mr. Torres has also received wide recognition and acclaim for his historical carton depiction of Kelly Air Force Base, a piece which appeared in the San Antonio Express News, the San Antonio Light, and the Kelly Observer.

Mr. Torres' artistic contributions have been recognized by the city of San Antonio, and his works have been presented to many distinguished officials including the Pope, the Queen of England, the King of Spain, all U.S. Presidents beginning with President Kennedy, and a number of secretaries of the Air Force, Governors, State senators, and other visiting dignitaries.

In his final duty for the Federal Government, Mr. Torres has been assigned to the San Antonio-Air Logistics Center Commander's Action Group. In this capacity, Mr. Torres manages the special projects function which aids the commander in support of distinguished visitors, briefings, tours, displays, and orientations.

The efforts of Emilio Torres merit recognition, not only for his years of dedicated service, but also for the indelible imprint that his artistic works have left on the San Antonio community.

#### A TRIBUTE TO BILL ROLEN

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. EVANS. Mr. Speaker, it is with great sadness that I inform my colleagues of the recent death of John William "Bill" Rolan on September 14, 1999.

Bill is perhaps best known for his outstanding advocacy on behalf of our Nation's former prisoners of war. Since March 1994, Bill served as the Executive Director of the American Ex-Prisoners of War. In this important position, with outstanding support from his

wife Mary, Bill Rolan had a major role in assisting the Congress to respond more effectively to America's servicemen and women who were prisoners of war, their dependents and survivors.

After graduation from high school in Sevierville, Tennessee, Bill entered the U.S. Army in October 1943 and spent four months in basic training at Camp Blanding, Florida. Bill subsequently joined the 45th Division in March 1944 at Anzio Beach, Italy, participated in the liberation of Rome and the invasion of Southern France. Following six months of combat, Bill was captured and spent seven months in a prisoner-of-war camp. He was awarded the Combat Infantry Badge, the European Campaign Ribbon with three battle stars, and the Prisoner of War Medal for his distinguished military service.

At the end of World War II, Bill returned to Tennessee, then later trained at Coyne Electrical Training School in Chicago, Illinois. In 1950, Bill moved to Washington, DC and began his successful 34-year career with the Army Strategic Communication Command at the Pentagon.

Following retirement in 1984, Bill organized the first American Ex-Prisoners of War Chapter in Northern Virginia. He continued his service to his fellow POWs throughout the remainder of his life, serving on the National Legislative Committee of the National Capitol Office for many years.

Bill continued his dedicated work on behalf of POWs and their families until his last days. When the House approved H.R. 2280, the Veterans Benefits Improvement Act of 1999, on June 29th, this bill included a provision which would allow surviving spouses of former prisoners of war to qualify for dependency and indemnity compensation (DIC) benefits without requiring that the veteran have been 100% service-connected for ten years prior to death. This provision was recommended to the Committee by Bill Rolan and, as a result of his committed and articulate advocacy, an inequity in law which unintentionally penalizes spouses of former POWs will be corrected when this measure is enacted into law.

I am proud to have known Bill Rolan and we are better for his dedicated service to his Nation and his fellow veterans. We will miss Bill Rolan and extend our condolences to his wife Mary, his children and grandchildren.

JIMMIE ICARDO, KERN COUNTY  
FAIR'S AGRICULTURIST OF THE  
YEAR

**HON. WILLIAM M. THOMAS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. THOMAS. Mr. Speaker, on Thursday, September 23rd the 1999 Kern County Fair will name Mr. Jimmie Icardo as the Fair's 1999 Agriculturist of the Year. Jimmie Icardo's contributions to Kern County agriculture have helped make California farming the competitor it is today.

When you look at agriculture across the United States, California's ability to turn out and export quality crops is exemplary. It is through the efforts of Kern County farmers like Jimmie Icardo and the quality goods they have consistently introduced into the market place

that California is now one of the world's foremost suppliers of quality produce.

Jimmie Icardo represents a generation of farmers who sought to put out the best product they could. Successful in real estate, oil and gas and other ventures, Jimmie remains first and foremost a farmer. He did want to be the best farmer he could and his long standing reputation for quality melons, cotton, carrots and other produce says he achieved that goal. His work, along with the work of other farmers who also sought to be the best at the business, has given Kern County agriculture the reputation for quality the state enjoys today throughout the world.

HONORING THE VERY REVEREND  
FATHER KOURKEN YARALIAN

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute The Very Reverend Father Kourken Yaralian who passed away December 17th 1998.

Born Garo Yaralian on July 9, 1931, in Kessab, Syria, Der Hayr received his primary education at Ousoomnasiratz Miatzyl Varjaran. At age 14, he entered the seminary in Antelias, Lebanon, where he received his secondary diploma. After graduation, he returned to Kessab and taught children at the same school he previously attended. From this point on, youth education would become a vital aspect of his priestly responsibilities throughout his life.

In 1954, he returned to the seminary to enter the priesthood, and in 1955 he married his only sweetheart, Anoush Hovsepian. On July 8, 1956, he was ordained Der Kourken.

Der Kourken's first parish was St. Mary's in Beirut, and in 1959, the catholicos sent him to the United States to assist in the consecration and to become the first pastor of Sts. Vartanatz Armenian Church in Ridgefield, NJ. There he organized the church choir and established the Sunday School and Nareg Armenian Saturday School. Knowing the importance of assimilating into the American culture, he attended Fairleigh Dickinson University, where he furthered his English language skills. He was then accepted into the Master's program of Columbia University's Union Theological Seminary where he received his degree in Sacred Theology in 1963. During the Great Ecumenical movement, he was the first Armenian priest to receive membership in the World Council of Churches.

After serving the Armenian community in New Jersey for nearly 8 years, Der Kourken was asked to preside as pastor for the parish of Holy Trinity Armenian Apostolic Church in Fresno, and with Yerezgin Anoush and their five children, he moved the family to California in 1966.

At Holy Trinity, Der Kourken raised funds and brought new parishioners that would secure the church's financial future. He then set out to meet and seek the support of his peers and colleagues from other faiths with the hope to establish cooperation and support between the major churches and temples in Fresno. Together these religious leaders wove the fabric of the community.

Der Kourken continued to be active in the local and Armenian community, and with the Sisters of Saint Agnes Hospital, he established the first hospice program in the San Joaquin Valley. Responding to the needs of Vietnam and other veterans of war, he served as Chaplain of Veterans Hospital for several years and provided counseling services in the hospital's drug and alcohol rehabilitation clinic.

Der Kourken's influence extended into the political arena, supporting Armenian candidates for both local and State government offices. Of his many accolades, he was proud to be recognized by the Fresno County Board of Supervisors for his achievements in both civic and religious contributions to the Fresno Community at large.

Of his major accomplishments, the one that gratified him most was the inception 22 years ago to establish the first Armenian Community Day School in the United States. He was recognized as the school's Founding Father.

Always striving to better the Armenian community and to make the Armenian Church Services more accessible to the Church youth, Der Hayr devoted an immense effort in the translation, transliteration and final publications of The Sacred Music and Divine Liturgy of the Armenian Apostolic Church. The texts are now widely used in Armenian Churches throughout the U.S.

Der Kourken also made major strides in promoting Armenian culture and religious music throughout the country. In 1984, in conjunction with the Music Department of San Francisco State University he initiated an accredited course in Armenian Church Music and Hymns, where he assisted in the music workshop instruction for the two semester course.

In 1980, he established the first Armenian Church in Vancouver, BC; in 1984, the first Armenian Church in Salt Lake City; followed by the first Armenian Church in Boulder, CO, in 1985.

Der Kourken passed away in his home Thursday, December 17, 1998.

Mr. Speaker, I rise to pay tribute to The Very Reverend Father Kourken Yaralian for his accomplishments and services to his community, the United States, and internationally. I urge my colleagues to join me in extending my condolences to the Yaralian family.

TRIBUTE TO THE FAIRFAX COUNTY  
URBAN SEARCH AND RESCUE  
TEAM

**HON. THOMAS M. DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to welcome home the members of the Fairfax County Urban Search and Rescue Team, and to salute their heroic efforts to rescue survivors in Izmit, Turkey in the aftermath of the country's worst earthquake in history. Called Virginia Task Force One, this highly trained team of rescue specialists are a credit to our nation both as ambassadors and humanitarians.

On August 17, 1999 at 3 a.m., Turkey was shook by a catastrophic earthquake recorded at a magnitude of 7.4. The ground's rumbling came in the still of the night while most people were sleeping, and sent others running out

into the streets in a panic. In just 45 seconds 60,000 buildings crumbled to the ground, entombing at least 20,000 and perhaps as many as 40,000, with another 30,000 people injured, and 600,000 people left homeless.

Just a few hours after this tragedy hit, the 72 operational members of the Virginia Task Force team, comprised of urban search and rescue technicians, cave-in experts, canine teams, physicians, paramedics, logisticians, and command and control personnel, prepared for one of their toughest missions. They brought with them 56,000 pounds of specialized equipment and supplies, including thermal imaging cameras, listening devices, advance life support medical equipment and supplies, communications equipment, food and water. They soon joined rescue teams from France, Germany, Switzerland, Italy, Japan and Israel to work round the clock to uncover victims buried under the once protective walls of their home.

Amid the tragedy and destruction of Turkey's massive earthquake, the Virginia Task Force courageously searched in perilous conditions for signs of life. More than 1,000 aftershocks continued to shake the earth and rain pelted against them creating muddy quagmires which complicated their efforts to clear debris and rescue survivors. Yet they demonstrated exemplary perseverance in their mission and successfully pulled four survivors from the twisted ruins. The first rescue was a frightened seven-year-old boy who had been trapped in bed for more than two days when his apartment building collapsed around him. Miraculously, he was not injured. After 4½ hours of chipping, shoveling and sawing through 15 feet of rubble, they saved the life of a vivacious 24-year-old woman in surprisingly high spirits. Another 8 hours of digging uncovered a second woman who had been entombed in the rubble. And 64 hours after the quake struck, miraculously they saved the life of Ayse Cesen, 46, whose brother had given up hope and brought a coffin to collect his body.

I join the country of Turkey in offering our heartfelt thanks to each and every member of the Virginia Task Force Team who selflessly demonstrated their invaluable skills and knowledge to locate survivors and recover victims. I salute the valiant efforts of Anthony MacIntyre, James M. Strickland, Barry Anderson, William Baker, William M. Bertone, Bernard D. Bickham, Donald C. Booth, Edward M. Brinkley, Jon P. Bruley, Gary B. Bunch, Gregory A. Bunch, Carlton G. Burkhammer, John Chabal, James M. Chinn, Brian Cloyd, David P. Conrad, Dean W. Cox, Kevin R. Dabeny, Michael B. Davis, Jeffrey L. Donaldson, Robert C. Dube, Benjamin A. Dye, Garrett L. Dyer, Thomas P. Feehan, Thomas H. Galvez, Thomas J. Griffin, Dan Hafling, Sonja Heritage, Kit R. Hessel, Andrew J. Hubery, Michael A. Istvan, Gerald Jakulski, Joseph M. Kaleda, Joseph E. Knerr, Elizabeth Kreiter, Randal A. Leatherman, Evan J. Lewis, Jeffery S. Lewis, Mark F. Lucas, Ramond Lucas, Craig S. Luecke, Michael J. Marks, Christopher M. Matsos, John C. Mayers, Shawn K. McPherson, Charles Mills, Susan Mingle, Gerard Morrison, Dewey H. Perks, Mark J. Plunkett, Thomas W. Reedy, Michael P. Regan, Michael T. Reilly, Jerome A. Roussillon, Charles S. Ruble, Dean A. Scott, William E. Shugart, Dallas L. Slemp, Frank Stoda, Rex Strickland, Michael Tamillow, David L. Taylor, William E.

Teal, Scott Tezak, Dean Tills, James H. Tolson, Jack Walmer, James J. Walsh, Peter West, Charles A. Williams, Kea A. Zimmerman, and Robert J. Zoldos.

The Virginia Task Force Team and their families deserve the highest praise possible for the sacrifices they have made to come to the aid of the grief-stricken people of Turkey. As they have proven in the past, Fairfax County rescue workers are among the best trained in the world. The expertise they bring to such devastating scenes helps shine a ray of hope on an otherwise desperate situation.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 8, 1999*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2684) making appropriations for the Department of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

Ms. DELAURO. Mr. Chairman, I rise in strong support of this amendment. At a time when our economy is at its strongest in a generation, we should be working to ensure that working Americans can afford a roof over their heads. Unfortunately, the bill the Republicans chose to bring to the floor would leave 128,000 families out in the cold.

By failing to fund the President's request for 100,000 new Section 8 housing vouchers, Republicans will leave 128,000 families out in the cold.

This bill undermines low and moderate income Americans struggling to make ends meet. It fails to fund the President's request for 100,000 new Section 8 vouchers, cutting the legs out from under people making the transition from welfare to work. And it comes at a time when the number of people in need of rental assistance is at an all-time high of 12.5 million—nearly half of whom are children and the elderly.

Mr. NADLER's amendment would help move us back toward investing in affordable housing opportunities for working Americans by funding 50,000 new Section 8 vouchers. We should not leave working Americans out in the cold to help pay for a tax cut that the American people don't want and that our children's future can't afford. I urge members to support this amendment.

RECOGNIZING THE WESTERN MASS. PIONEERS, NATIONAL CHAMPIONS D3 PROFESSIONAL SOCCER

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to recognize the exciting achieve-

ment of the Western Mass. Pioneers soccer team. On Saturday, September 11, 1999, the Pioneers defeated the South Jersey Barons 2-1 in the National Championship match of the D3 Professional Soccer League. The Pioneers organization became the national champion in just its second year of existence and was also awarded Franchise-of-the-Year status.

Western Massachusetts has long been a hotbed of soccer in America. Immigrants from countries such as Portugal, Poland, Italy, and Ireland brought their passion for the world's game with them as they settled in places like Ludlow, Chicopee, the South End, and Hungry Hill. The fan support at Lusitano Stadium in Ludlow, MA, the home field of the Pioneers, can only be described as phenomenal. The raucous, yet knowledgeable crowd numbered 5,223 for the final game. In their final three matches, the Pioneers had an average attendance of 4,478, setting a new record each night. Clearly evident of the faces of both the young and the old were the passions of the old countries, as well as the growing American soccer pride.

The strength of Western Massachusetts soccer can be seen on the roster as well, as seven members of the champions are local products. These players include starting goalkeeper John Voight, starting defenders Paul Kelly and Brad Miller, starting midfielder Chris Legowski, defenders Greg Kolodziej and Nate Allen, and backup keeper Danny Pires. Voight was named Championship MVP, and Kelly was named to the 1999 All D3 Pro League All-Star First Team, as was forward Rob Jachym.

As Champions of the D3 League, the Pioneers may be considered for promotion to the A-League, the division two of American professional soccer. Whether they choose to pursue promotion or to remain in the D3, the Pioneers, led by general manager Rick Andre, have plenty to be proud of this year. Mr. Speaker, once again I am proud and honored to recognize and congratulate the Western Mass. Pioneers, the 1999 National Champions of the D3 Professional Soccer League.

SMALLER SCHOOLS ARE SAFER SCHOOLS

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. DUNCAN. Mr. Speaker, we have done a very good job in this Nation bringing class sizes down. But we have made a bad mistake going to large, centralized schools and closing down thousands of small neighborhood and community schools particularly at the high school level.

This point was made in a very articulate way in a letter entitled "Smaller Schools are Safer Schools" in the August 30th issue of the Christian Science Monitor. I commend this letter by Michael Klonsky to my colleagues and other readers of the RECORD.

SMALLER SCHOOLS ARE SAFER SCHOOLS

Regarding "Safer Places of Learning" (Aug. 20): The new "militarization" of schools may do more harm than good. Tens of millions of dollars are now being spent, without much thought or planning, on security cameras, metal detectors, and police

may make school violence the expected norm.

This trend also shifts the responsibility for teaching children away from teachers to counselors and police. When the shootings first took place, there was some serious discussion about the size and culture of schools. All the shootings occurred in large schools where kids outside the mainstream could easily fall through the cracks. Teachers and administrators claimed ignorance of the threat from neo-Nazi gangs and antisocial cliques.

But now the discussion has shifted almost entirely toward militarization and regimentation of schools and side issues of student dress codes.

Calling on students to eat lunch with kids they don't normally eat with is a nice idea but it avoids many of the responsibilities that adults should bare, like school restructuring.

Over the next decade we will spend billions in the construction of new gigantic high schools and junior highs. This is a recipe for more Littletons.

If we are serious about safe schools, one of the first things we need to consider is the creation of smaller communities of teachers and learners where kids are known by the people charged with educating them.

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#### CALIFORNIA'S AGRICULTURAL EXPORT STRENGTH AND IT'S SIGNIFICANCE

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### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. THOMAS. Mr. Speaker, in spite of all the jobs produced by foreign trade in California and the opening of a new round of agricultural trade negotiations expected during the World Trade Organization Ministerial meeting this fall, there continue to be those who claim the U.S. should not undertake new negotiations. I believe what we need are more ways to sell overseas so California farmers can take advantage of their ability to produce quality products.

Exports are vital to California's agricultural industry as well as the California economy. California's agriculture accounts for almost \$7 billion in exports every year. Cotton and almonds, which account for one quarter of California's agricultural exports, are the two largest exports with 83 percent and 55 percent of the crops respectively being sold to foreign markets. We have also seen a booming increase in wine exports, which have grown 80% since 1995. Wine is now the third largest California agricultural export. One third of all California's agriculture output goes to foreign markets.

The three leading export markets for California are Japan, Mexico, and Hong Kong. Japan still offers the largest growth potential in value added products. Mexico is recovering from the effects of the peso devaluation and has resumed its position as the largest market for California's farm agricultural exports. Hong Kong plays a key role as the gateway to Asia for exports. Thanks to the North American Free Trade Agreement (NAFTA), tariffs between two of California's major markets, Mexico and Canada, are being phased out or have already been eliminated. These markets are not the only ones in which growth is expected.

California has the real possibility of making inroads into new emerging markets with long term potential. Many Asian markets were largely closed to foreign trade until this decade. Latin American nations also have potential to become important long-term importers of California's agricultural products.

Another contributing factor to California's agricultural export strength is the motivation to adopt useful latest technology. Approximately 90,000 farms in California currently have Internet access and the number of farms "on line" has doubled from 23% to 46% in the last two years. Using this tool, farmers have access to commodity prices, weather, news on the latest technology, advice from the USDA and market conditions. This improved access to information will give farmers more control over production and marketing.

In fact, California agriculture has demonstrated remarkable flexibility in marketing its products during the last ten years. Anyone who shops for produce is familiar with the bagged, ready-to-eat salad and vegetable products packed for consumers. Storage techniques have improved to the point where many types of produce are available for months after harvest with the same quality we have come to expect from fresh-picked products. Having perfected these techniques at home, Californians are positioned to offer foreign buyers high quality goods as well.

While California has grown to be the biggest agricultural producer and exporter in the U.S., we should remember that our farmers also have the ability to offset unfair trade restrictions or obtain time to adjust to new market conditions. For example, American lamb producers recently obtained a 3-year recovery program to battle the recent drastic increase in lamb imports. This tariff-rate quota system will impose high tariffs on any lamb imports exceeding a specified amount. This will give our domestic lamb market the ability to recover competitiveness.

Agricultural exports from California continue to grow and support our economy by creating jobs, revenue, and increasing our own economic stability. By continuing trade with our current customers, as well as researching new and emerging markets, California's agricultural production and value will continue to grow. We know we can prosper through trade. What we need to do most is pursue new places and means of trading with other countries.

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#### HONORING SAN DIEGO COUNTY'S 1999 TEACHERS OF THE YEAR

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. CUNNINGHAM. Mr. Speaker, as a strong advocate of excellence in education, I am honored today to give recognition to four men and women who have been named San Diego County Teachers of the Year.

These are: Alma Hills, O'Farrell Community School; Karen O'Connor, Sunset Hills Elementary School; Jan Patrick Mongoven, San Marcos High School; and Gualter do Rego Moura, Mission Bay High School.

Excellent education begins at home with strong families. It continues in the classroom, with teachers who do their jobs well, whose

lives are dedicated to the children and the young people that they enrich and inspire. As a former teacher and coach, I understand that teaching is a difficult job whose rewards are not always immediately evident. But nothing that is truly rewarding in life comes easily. And the dedication and commitment shown by San Diego County's finest teachers exemplifies the best of our schools, the best of our communities, and the best of America.

Because education is the passport to the American dream, I want for all of our Nation's young people to have the finest teachers. And while San Diego County has recognized these four for Teacher of the Year honors, eligible for further recognition at the State and national levels, the truth is that there are hundreds and thousands more outstanding teachers where these came from—in public and private schools, in public charter schools, and in home schools across our country. As we work to do better, we can learn from the best.

Let the permanent RECORD of the Congress of the United States note the contributions that San Diego County's 1999 Teachers of the Year have made to the lives of young people in our community, the high standards of professionalism that they exemplify, and their love of teaching and learning.

I commend to my colleagues two news articles describing San Diego County's Teachers of the Year. The first is from the San Diego Union-Tribune of September 19, 1999, and the second is from the Escondido (Calif.) North County Times, of the same date.

[From the San Diego Union Tribune, Sept. 19, 1999]

#### FOUR SALUTED AS TEACHERS OF THE YEAR (By Angélica Pence)

Four teachers were saluted last night with the San Diego County Teacher of the Year Award for the creative and dedicated ways in which they bring out their students' potential.

Those honored were Alma Hills of O'Farrell Community School, Karen O'Connor of Sunset Hills Elementary School, Jan Patrick Mongoven of San Marcos High School and Gualter do Rego Moura of Mission Bay High School.

This year's winners were announced at a Salute to Teachers ceremony that was broadcast live on Cox Communications Channel 4. The event was held at San Diego's Civic Theatre and co-sponsored by the county Office of Education.

Thirty-one educators throughout the county were nominated by their peers and school districts. Given its size, the county submits four candidates for consideration for the state honor. The award is the first stepping-stone to state and national Teacher of the Year awards.

Candidates are selected on the basis of student achievement, professional development, community involvement and accountability. A nominee's teaching philosophy, personal style, knowledge of educational issues and trends, and promotion and development of the teaching profession are also considered.

For this year's crew of favorites, tapping into each student's talents is a key to their success.

Hills, a language arts and social studies teacher of O'Farrell, has helped prepare hundreds of teen-agers for high school and beyond.

"I live and constantly work with the anticipation that children can grow up to be productive adults in our society," the seventh-grade teacher wrote in her contest application. "I am very anxious about my responsibility to children and society, and so I

teach with a sense of urgency and determination."

Hills received a master's degree in teaching in 1989 from the University of California San Diego. The 13-year veteran is earning administrative credentials from National University.

"Alma believes that a child's education is a journey, not a race," wrote William Rose, O'Farrell's school programs coordinator. "And as their teacher, she has the obligation to monitor, encourage and support every child under her care to succeed on this journey."

Hills, who has worked at 1,490-student O'Farrell for eight years, was the San Diego Unified School District's Teacher of the Year for 1999.

"I have not found the solution to getting every student where he or she needs to be academically," Hills admitted. "But I am clear that I must never stop trying and I must never grow weary in my pursuit."

O'Connor, a third-grade teacher at San Diego's Sunset Hills Elementary, decided to take on teaching later in life than most.

"Because I came to the teaching profession at a relatively late date, I had more times than most to decide what I wanted to be when I grew up," she wrote. "My decision to be a teacher wavered at times, but I knew when I had children of my own and began volunteering at school that I had rediscovered my early desire to teach."

She earned a master's degree in curriculum and instruction, with honors, from Chapman University. This year her school, the Poway Unified School District and Wal-Mart each recognized her as Teacher of the Year.

O'Connor's ability to see each child as an individual is what sets her apart from other educators, said Sunset Hills principal Steve Hodge.

"I've watched her coach a highly gifted writer into making those subtle improvements that make a good piece of work," Hodge wrote. "Literally 30 seconds later, she's skillfully guiding a severely handicapped student into a learning game with his classmates."

Mongoven's chosen career, on the other hand, is a family tradition.

"One could say I was born into teaching," wrote Mongoven, who teaches genetics and a biotech lab to juniors and seniors at San Marcos High. "The first person to cuddle me and murmur soothing words into my ear was a teacher—my mother. The first person to lift my tiny being into the air and safely return it to the ground was another teacher—my father."

In 1994, Mongoven graduated from National University with a master's in counseling psychology, all the while earning a molecular biology workshop certification from California State University San Marcos.

A two-time National Teacher of the Year nominee, Mongoven was awarded 1999 Teacher of the Year honors in the San Marcos Unified School District.

But he counts his students' achievements, not his awards, among his greatest accomplishments.

"I feel so proud upon hearing that a former student has become a nurse, doctor, lab tech, chiropractor, research scientist or marine biologist," wrote Mongoven, who has been teaching for a quarter-century. Among them, "I proudly recall Karin Perkins (genetics class of '86) saying she was off to Stanford University as a graduate student to work on the Human Genome Project."

Moura, a Portuguese immigrant, learned early on to love and respect education.

"In Portugal, I learned that school is everything," he wrote. "Teachers were highly regarded—like demigods. Their words were the Golden Rule."

Since then, Moura has worked hard to pass his respect for learning to his students.

"My greatest success in teaching is instilling the belief in students that they can accomplish anything they desire," wrote Moura, who has taught mathematics at Mission Bay High for six years. "I must help students realize and recognize their potential and help the formation of an appreciation for mathematics."

Moura has degrees and teaching credentials from National University, San Diego State University and Mesa College. During the 1998-99 school year, he was named Teacher of the Year by his school as well as the San Diego Unified School District.

"Gualter Moura is a man for all seasons!" wrote Donna Bullock, head counselor at Mission Bay High. "He is one who is able to deal with the exceptional math students as well as the student who (has) difficulty with language. The counselors occasionally assign students to his classes who are unable to achieve in another environment."

[From the Escondido (Calif.) North County Times, Sept. 19, 1999]

2 LOCAL TEACHERS NAMED BEST IN COUNTY  
(By Joseph Gimenez)

SAN DIEGO.—Two North County teachers were among the four educators who received San Diego County Teacher of the Year awards Saturday night.

Jan Mongoven, a science teacher at San Marcos High School, and Karen O'Connor, a third-grade teacher who specializes in writing instruction at Poway's Sunset Hills Elementary School, joined two San Diego Unified District teachers as the honorees at a banquet at the San Diego Civic Theatre. O'Connor accepted her award, saying, "I can't believe this. Thank you so much."

"They told us to have a 15-second speech ready in case we won, but I didn't," she said. "It has been a humbling experience." Mongoven thanked his parents and family. "I couldn't stand up without the support of my wife and my sons," he said.

Moura of Mission Bay High School and Alma Hills of O'Farrell Community School also received the Cox Communications-sponsored awards at Saturday's 26-year-old ceremony.

Each school district in the county selects a Teacher of the Year who can apply for the county award. Saturday's four winners were among 10 finalists who advanced to the awards ceremonies after interviews and screenings. The 10 finalists selected from 31 nominees included two other North County teachers: Mary Lou Schultz of Pacific View School in Encinitas and Giff Asimos of Ramona High School.

O'Connor has taught third- and fourth-graders in Poway since 1986. She is a San Diego State University graduate who earned teaching credentials from the University of San Diego and a master's degree in curriculum and instruction at Chapman University.

"One thing that really sets Karen apart is her incredible ability to see each child as an individual and to know exactly what each child needs to succeed," Sunset Hills Principal Steve Hodge wrote in a background package for the nominees.

"I've watched her coach a highly gifted writer into making those subtle improvements that make a good piece of writing a great piece of work. Literally 30 seconds later, she's skillfully guiding a severely handicapped, fully included student into a learning game with his classmates. But, most remarkably, she knows exactly what that average child, the one who does average work and demands little attention, needs to

move to the next stage in his or her development."

O'Connor also assists the district with its proprietary writing programs and assessments.

Mongoven has been a teacher and athletic coach at San Marcos High School since 1974. He attended San Diego State University, where he earned his bachelor of science degree in zoology and his teaching credentials.

He earned his master's degree in counseling psychology at National University in 1994. In his application letter, Mongoven credited his parents, who had six decades of teaching experience between them, and other instructors who inspired him.

"I have indelible memories of my finest teachers," Mongoven wrote.

"Hoisting me by the back of the shirt collar, Mr. Bradford dangled this would-be class clown like a mortified Howdy Doody in front of his sixth-grade chums (saying) 'Jan, I expect more of you.'"

San Marcos District Superintendent Larry Maw praised Mongoven's professionalism in a letter to the county selection committee. "Jan is an expert in his subject matter of biology and genetics, and is recognized throughout the county and state as a leader in his field," Maw wrote.

"His unique courses provide students the opportunity to experience a college-level course while still on the high school campus. ...The high success rate of his students reflects his philosophy of presenting material in a way so that all students will succeed in his classroom."

All four of Saturday's honorees qualify to compete for the state's Teacher of the Year award. The four were each presented \$1,000 in cash, etched crystal apples, and an all-expenses-paid trip for two to Washington, D.C. Hewlett-Packard is donating computer equipment to the schools of all 10 finalists this year.

O'Connor joins four other Poway district teachers—Robert Pacilio, Linda Foote, Lori Brickley and Kristie Szentesi—in winning the county award since 1995. Five other Poway district teachers won the awards in the '70s and '80s. Mongoven joins Carol Scurlock, who won the award in 1993, as the two San Marcos district teachers to win the award since 1974.

## CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

**HON. F. JAMES SENSENBRENNER, JR.**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 15, 1999*

Mr. SENSENBRENNER. Mr. Speaker, the following is the agreement reached between Chairman SPENCE, Chairman BLILEY, and myself in regard to the respective jurisdictions of each of our committees over the newly created National Nuclear Security Administration.

STATEMENT OF UNDERSTANDING CONCERNING JURISDICTIONAL IMPLICATIONS OF TITLE XXXII OF S. 1059, THE CONFERENCE REPORT FOR THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000, SEPTEMBER 14, 1999

This statement addresses the intent and understanding of the undersigned as it pertains to the impact of title XXXII (National Nuclear Security Administration Act) of S. 1059, the conference report for the National Defense Authorization Act for Fiscal Year

2000, on the jurisdiction of the Committees on Armed Services, Commerce, and Science of the House of Representatives.

The adoption of the conference report is not intended, and should not be construed as an attempt, to modify, expand, or diminish the jurisdiction of the Committees on Armed Services, Commerce, or Science over the Department of Energy, or any of its subordinate entities, programs, functions, or activities pursuant to Rule X of the Rules of the House. We agree that futures legislative referrals and other related matters shall remain consistent with referrals made under the Rules of the House of Representatives and the Speaker's understanding of applicable precedents.

Consistent with these principles and section 3211(a) of S. 1059, which establishes a new National Nuclear Security Administration within the Department of Energy, the Committee on Commerce shall maintain jurisdiction over the general management and public health aspects of the Department of Energy.

Further, the adoption of the conference report is not intended to modify or diminish the existing jurisdiction of the Committee on Science over all energy and scientific research, development, and demonstration, and projects thereof, commercial application of energy technology, and environmental research and development programs, projects, and activities conducted at the facilities to be included within the new National Nuclear Security Administration. In addition, the enactment of Title XXXII is neither intended to modify or diminish the existing jurisdiction of the Committee on Science over all federally owned or operated nonmilitary energy laboratories.

FLOYD D. SPENCE,  
*Chairman, Committee  
on Armed Services.*

TOM BLILEY,  
*Chairman, Committee  
on Commerce.*

F. JAMES SENSENBRENNER,  
Jr.,  
*Chairman, Committee  
on Science.*

#### ANOTHER PRIEST MURDERED IN INDIA

**HON. JOHN T. DOOLITTLE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. DOOLITTLE. Mr. Speaker, another Christian missionary has been murdered in India, according to recent press reports. According to *India West*, the priest, whose name was Aruldoss, was killed on September 2 with poison arrows by a Hindu mob in the village of Jambani in the state of Orissa.

This is the same region where Graham Staines, an Australian missionary, and his 8-year-old and 10-year-old sons were set on fire and murdered by a Hindu mob allied with the ruling party while they were sleeping in their van. The mob surrounded the van and kept anyone from getting to the Staines family, chanting "Victory to Lord Ram" while the Staines family was burning to death. Now the government has designated a single individual in the mob to take the fall in order to protect the government's allies.

Apparently, Aruldoss has been involved in conversions of Hindus to Christianity. According to the Hindu fundamentalists who run the

government and their allies, virtually all conversions are called "forced" conversions. One of the ministers in the Orissa government, Ajit Tripathy, claimed that Christians were causing all the trouble by "trying to separate families after converting tribals and others, which is leading to social tensions." This kind of religious intolerance and excuse for mob violence has no place in a country that proudly labels itself "the world's largest democracy."

Authorities have said that the mob was angry about the observance of a religious festival. While the Hindus in the region were celebrating the festival of Nuakhai, the local Christians were holding a festival of their own. Remember that in 1997, a Christian festival was broken up by police gunfire.

There is a disturbing pattern of religious intolerance in India, not only towards Christians, but towards Muslims and Sikhs as well. None of these groups can enjoy full religious or political rights, and they are among the 17 freedom movements within India. The Indian government's response to these efforts to achieve freedom is bloodshed. Thousands are being held in Indian jails as political prisoners without charge or trial. Some have been there for 15 years.

I would like to submit the *India West* article on this event into the RECORD to inform my colleagues about the kind of country that India really is.

#### ORISSA PRIEST MURDERED, LINKED TO CONVERSIONS

BHUBANESHWAR—Unidentified assailants killed a Christian missionary with poisoned arrows in a remote village in Orissa, a senior government official said Sept. 2.

"Preliminary reports say that a Christian . . . was attacked and killed by poisoned arrows last night," Orissa state chief secretary Sahadeva Sahoo told Reuters by telephone.

Police said Sept. 3 that an incident linked to the religious conversions of Hindus may have led to the murder of a Christian priest in a remote eastern Indian village this week.

"Local issues seem to have led to the killing," Pradeep Kapoor, police chief of Mayurbhanj district in Orissa, told Reuters. He was speaking by telephone from Karanjia town near the village where the priest, identified only as Aruldoss, was killed Sept. 2.

"It was a dispute over the observing of some festival," Sahoo said, without giving details.

"It is a very remote, inaccessible jungle area. Information is not coming easily. Even the ministers couldn't go there because helicopters cannot land within 5 km (3 miles) of the jungle area," Sahoo said.

Assailants shooting bows and arrows killed the missionary in Jambani, a hamlet of only 12 families in Mayurbhanj district.

Christian groups and Prime Minister Atal Behari Vajpayee have condemned the killing, which took place in the region where an Australian missionary, Graham Staines, and his two young sons were burnt to death in January as they slept in their jeep.

"There was a dispute over the celebration of Nuakhai, a Hindu festival. The (Christian) converts separately held the festival which might have angered the nearby villagers," Kapoor said.

"Several people have been rounded up for interrogation but no one has been arrested so far," he said.

Sahoo said earlier that two people had been arrested but gave no details.

Ajit Tripathy, the Orissa home secretary, said priests were causing tension in the area.

"Catholic priests are trying to separate the families after converting tribals and oth-

ers, which is leading to social tension," Tripathy said.

Mayurbhanj district chief R. Balakrishnan said 10 of the 12 families in the hamlet had been converted recently by the slain missionary.

Christian missionaries had ignored warnings by authorities after the killing of Staines not to visit remote villages without informing them, he said.

Staines also worked in the districts of Mayurbhanj and Keonjhar.

An inquiry into Staines' murder blamed a lone religious fanatic wanted by police. It exonerated a Hindu group considered close to Vajpayee's ruling Hindu nationalist Bharatiya Janata Party to which fingers of suspicion were initially pointed.

Hindu activists accuse Christian missionaries of using coercion or economic incentives to force religious conversions in remote tribal areas of India. Christian missionaries deny the charge.

Meanwhile, the Election Commission Sept. 5 rejected the Orissa government's proposal to shift general of police Dilip Mohapatra in the wake of his reported controversial remarks on the killing of the priest.

Chief Election Commissioner M.S. Gill told PTI: "We are in the midst of elections which will end by October 10. Therefore, the commission desires that Mohapatra, who is a key functionary, be not be shifted till October 10."

Gill made it clear that the Orissa chief secretary, home secretary and the DGP should under no circumstances be disturbed in any manner till the conclusion of the poll process.

The state government had sought the commission's permission to transfer and revert Mohapatra to the rank of additional DGP for his reported remarks linking Catholic priest Aruldoss's killing to "forced conversions."

Chief Minister Giridhar Gamang faced an angry outburst from church leaders Sept. 4, who demanded immediate suspension of home secretary Ajit Kumar Tripathy as well over his reported statement that Catholic priests were trying to split families through conversions.

Gamang had gone to attend the funeral of the slain priest at Balasore.

#### HONORING EDWIN L. BEHRENS ON HIS CAREER WITH PROCTER & GAMBLE COMPANY

**HON. ROB PORTMAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. PORTMAN. Mr. Speaker, I rise today to honor Edwin L. Behrens, Director of National Government Relations with the Procter & Gamble Company, who is retiring after 38 years with the company.

Ed began his career with Procter & Gamble in 1961 in Cincinnati, Ohio, after receiving both his Bachelor's and Master's degrees in chemical engineering from the University of Wisconsin in Madison. Ed also holds an M.B.A. from Xavier University in Cincinnati. Ed held positions in technical brand management, consumer research; and state and federal government relations. In 1967, Ed was awarded a patent for detergent formulations.

In 1976, Ed transferred to Procter & Gamble's Washington, DC office to represent the company at the federal level. He was appointed Director of National Government Relations in 1992. Ed actively advanced federal

"risk assessment" regulatory reform policy. In 1979, Ed was instrumental in initiating a pioneering study by the National Academy of Sciences, Risk Assessment in the Federal Government: Managing the Process. This year, Ed participated in the Academy's reorganization and a second seminal study, Science, Technology and the Law.

Currently, Ed is responsible for Procter & Gamble's federal policy on advertising, energy, the environment, labor, research and development and telecommunications. His principal focus has been on Internet privacy policy. He serves as Chairman of the BBB Online Steering Committee, overseeing the development of self-regulatory privacy approach for American industry.

Ed and his wife, Wanda, live in Great Falls, Virginia, and have two sons. Both Ed and Wanda are committed to their community. Ed chairs the University of Wisconsin Foundation in the Washington, DC area. Wanda is a leader in the Susan G. Komen Breast Cancer Foundation's annual "Race for the Cure."

Mr. Speaker, we salute Ed Behrens as he completes 38 years of service to the Procter & Gamble Company.

#### WOMEN AND CHILDREN'S RESOURCES ACT

### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. PITTS. Mr. Speaker, I am pleased today to introduce a bill that is about solutions. About solutions for women in need. It's called the Women and Children's Resources Act and it is truly seeking to improve women's health and offer a woman compassionate choices when she finds herself facing an unplanned pregnancy.

This is legislation that can frankly bring pro-life and pro-choice together to offer real solutions to women—on common ground. If today's women need choices we must offer them real choices. We must offer them compassion. To truly respect women and to respect the value and uniqueness of all human life—both mother and child—we need to meet their needs in a holistic way. This is the essence of caring for women.

We all rejoice when we hear that the abortion rate is dropping in America. We rejoice because we know that it is due in part to the compassionate services and alternatives that are being offered to today's women.

Indeed, as Frederica Mathewes-Green has said so well, many women would choose not to have an abortion if only they knew that other options were available to them.

Alternatives like adoption services, maternity home stays, crisis pregnancy centers, caring extended church families and religious communities, even para-church organizations.

I'm pleased to have representatives from some of these organizations here today. It is each of you who provide the time-intensive, long-term, compassionate assistance to women—women who may be scared, poor, lonely, even confused. Thank you.

The Women and Children's Resources Act takes a successful model—the Pennsylvania model—and expands it for all 50 states. In Pennsylvania, because of a fee-for-service

funding stream that goes directly to crisis pregnancy centers, maternity homes, and adoption services, small organizations that meet these needs are helping hundreds more women than they would have been able to otherwise.

At the federal level, the 85 million dollar grant that would be set up through the Women and Children's Resources Act will provide a helping hand to such organizations all over the United States—organizations meeting essential needs of women, through: Testing for pregnancy; follow-up services; prenatal and postpartum health care; health and nutritional needs of pregnant and postpartum women; and essential information on childbirth, parenting, and pregnancy during adolescence.

For thousands of women, unfortunately, unplanned pregnancy is a reality. We are here today because we care about women in these situations.

Even as funding for Title X continues to grow, small organizations like crisis pregnancy centers, maternity homes, and adoption agencies rely almost solely on contributions from concerned citizens just to keep their shoe-string budgets afloat.

Mother Teresa showed us that the most important thing we can do is to meet the needs of those in our midst, those on our street corner, those in our cities and towns, those who come to us for help.

The Women and Children's Resources Act empowers those who are making a tangible difference in the lives of women facing an unplanned pregnancy. This is a critical part of offering choices. And this is the very essence of compassion. And this is something on which pro-choice and pro-life people can agree: that women facing crisis pregnancies need compassionate assistance.

#### MODEL TEACHER: CHARLOTTE RAY

### HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. FLETCHER. Mr. Speaker, as a member of the Committee on Education and the Workforce, I have heard hours of testimony on the failure of our nation's public education system. Far too often, we fail to recognize the success stories, and the thousands of men and women that dedicate their lives to the education of our children. Next to parents, I believe the most important factor in whether or not a child succeeds academically is the quality of the teacher in the classroom. With that in mind, today I rise in recognition of a model teacher from Lexington, Kentucky—the kind of teacher that every child in Kentucky, and across the nation, deserves to have standing in front of the chalkboard.

Fayette County Public Schools recently honored Charlotte Ray as high school teacher of the year. During her twenty-seven years as a ninth grade chemistry and physics teacher, she has touched the lives of hundreds of children by showing them that there is much more to science than what can be found in a textbook. With an energy level that rivals her students, Mrs. Ray uses the entire school as her laboratory and through hands-on experimentation teaches students that learning can be both interesting and fun.

Mrs. Ray is also a teacher that enjoys her job. In her acceptance speech, she said, "My family encouraged me at the end of last year to think about retiring. Perhaps they were optimistic for better meals, or for ironed shirts. I'm not a very good cook and I sure don't want to iron. I'm still having a great time in the classroom." Her enthusiasm is contagious, so contagious that she was nominated not by her principal, or a group of her peers, but by the parent of a former student. She has also benefited from the school system in which she serves. A product of Kentucky public education, she graduated from Bryan Station High School in Lexington, and went on to receive a Bachelor's Degree from Eastern Kentucky University, followed by a Master's Degree from the University of Kentucky.

As the students and faculty of Lafayette High School celebrate Charlotte Ray's award, I would like to commend her on this achievement, and encourage all of us to look to her as an example of one of education's brightest stars.

#### BRIGADIER GENERAL JOHN P. GEIS: 30 YEARS OF HONOR, DUTY AND SERVICE

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the career of Brigadier General John P. Geis, who is retiring after 30 years of honorable service in the United States Army. On October 6, 1999, General Geis will be stepping down after one year as commander of the Army Armament Research, Development and Engineering Center (ARDEC) at Picatinny Arsenal in New Jersey.

General Geis was born in Jonesboro, Arkansas on January 31, 1947, and later attended Arkansas State University. He completed the Reserve Officers Training Corps program there, and graduated as a Second Lieutenant in 1969 with a Bachelor of Science degree in Business Administration. He went on to earn a Master of Arts degree in Logistics Management from Central Michigan University, and received additional training through a number of advanced military courses, including the Army War College.

General Geis developed his expertise in weapons systems as a result of his extensive involvement with the Army's research and development programs. Prior to his service as commander of TACOM-ARDEC, General Geis served as Commanding General of U.S. Army Simulation, Training and Instrumentation Command (Florida); Executive Office to the Assistant Secretary of the Army (Research, Development and Acquisition); Project Manager, Advanced Field Artillery System/Future Armored Resupply Vehicle; Project Manager, Future Armored Resupply Vehicle; Director for Program Integration, ASA (RDA); Chief, Logistics Plans and Operations, Combined Field Army, Korea; Commander, 27th Main Support Battalion, 1st Cavalry Division; Logistics Staff Officer, ODCSLOG, HQDA; and Chief, Weapons Systems Assessments, HQ Army Material Command.

While serving as Picatinny Arsenal's commanding officer, General Geis has exercised

calm and caring leadership to help move the base ahead in a time of downsizing, realignment and change. During General Geis' tenure at Picatinny, TACOM-ARDEC has received numerous awards for its work on the Army's weapons of the future, including the Crusader Self-Propelled Howitzer, the Lightweight 155 Towed Howitzer, the Objective Individual Combat Weapon (OICW), and the Precision Guided Mortar Munition (PGMM).

Under General Geis' command, the awards bestowed upon Picatinny include the Army Communities of Excellence, Chief of Staff of Army Award; the New Jersey Quality Achievement Award; the U.S. Army R&D Organization of the Year; and the U.S. Army R&D Excellence Award. These awards acknowledge what I have long known, that the men and women working at Picatinny Arsenal are the recognized experts in munitions technology.

Mr. Speaker, I again commend General Geis for his 30 years of service to his country. I wish him and his wife Lee all the best in the years to come as they embark on their new life in Virginia.

UNFETTERED LEGISLATIVE DEBATE MUST TAKE PRECEDENCE OVER A WITCH HUNT FOR GAYS IN THE MILITARY—LETTER TO THE PRESIDENT INITIATED BY CONGRESSMAN BARNEY FRANK AND TOM CAMPBELL

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. LANTOS. Mr. Speaker, I rise today to express my strongest support for the efforts of our distinguished colleagues and my friends, the gentleman from Massachusetts, Congressman BARNEY FRANK, and the gentleman from California, Congressman TOM CAMPBELL, for their principled commitment to the sanctity of unfettered legislative debate. These two colleagues—one a Democrat and the other a Republican—acted quickly and responsibly by sending a letter to the President in the matter of Arizona State Representative Stephen May, who is facing possible discharge from the Army Reserves because he discussed his sexual orientation within a relevant context during an official debate in the Arizona House of Representatives.

Like my colleagues, I find it absolutely intolerable that a duly elected States legislator should be punished by the military for appropriate comments which he made during the course of an official debate in the Arizona State Legislature. Taking action against a State representative for what he said in debate as elected legislator is a violation of the spirit of the "speech and debate clause" of the United States Constitution. The overwhelming majority of my colleagues, on both sides of the aisle, have strongly defended the democratic privilege of American legislators to speak freely, without having to fear that they will be prosecuted for comments they choose to make during official, public debate.

Mr. Speaker, Congressman FRANK and Congressman CAMPBELL have written an eloquent defense of the principle of legislative debate to the President of the United States. I thank them both for their leadership on this issue,

and I ask that the full text of their excellent letter be placed in the RECORD. Mr. Speaker, I urge all of my colleagues to join in signing this excellent letter to the President.

HOUSE OF REPRESENTATIVES,  
*Washington, DC*

Hon. WILLIAM J. CLINTON,  
*President, The White House*  
*Washington, DC.*

DEAR MR. PRESIDENT: We are writing to urge you to honor the tradition of full and unfettered legislative debate in America by instructing the Defense Department to drop charges against State Representative Stephen May of Arizona.

As you know, Representative May now faces potential discharge from the military because in his capacity as a member of the Arizona Legislature, during formal debate on legislative matters, he alluded to his sexual orientation in a context in which such an allusion was fully relevant.

The signers of this letter have varying views on the merits of the "Don't Ask, Don't Tell" policy regarding the military. But we do not write this letter as a commentary on that policy. Rather, we are writing because we as elected representatives believe strongly in that principle embodied in the "speech and debate clause" of the American Constitution which seeks to extend full protection to members of legislative bodies from any sanction for comments they legitimately make in the course of legislative debate.

We recognize, of course, that the speech and debate clause does not technically apply to members of State Legislatures. If it did, presumably this letter would be unnecessary. But we do believe in the policy embodied in that clause—namely that only when elected legislators are confident of their ability to speak out freely without any fear of external sanction from outside the legislative body can the process of representative government flourish.

As a student of Constitutional history, you know that this clause made its way into the United States Constitution in reaction to the harassment of members of the British Parliament that occurred in the 16th, 17th and 18th centuries. There was then a tradition of members of the House of Commons in particular suffering penalties for speaking freely in the course of legislative debate. Thus, the speech and debate clause as it is known says "and for any speech or debate in either House, they shall not be questioned in any other place."

The purpose of this is so that members of legislative bodies in fulfillment of their duty fully to represent their constituents need not fear that members of the Executive, or Judicial branches will penalize them for comments of which they disapprove. What is being proposed regarding Representative May is for the federal Executive Branch to punish an elected member of the Arizona State Legislature because of comments he chose to make that were fully relevant to a public policy debate in the legislature to which he was duly elected. We find it difficult to believe that you, as a believer in the importance of full legislative debate, would permit the Executive Branch over which you preside to punish an elected legislator for remarks made in the course of legislative debate.

As we noted earlier, we realize that the Constitutional clause protecting Members of Congress does not apply to State Legislators. But obviously the justification for that clause—preserving full freedom of debate—applies very strongly. Indeed, we believe there is an added policy reason why you should not allow your Executive Branch to penalize Representative May for comments

made in the course of legislative debate. That is the respect that the federal government ought to show for the democratic process within the states. The speech and debate clause says that no Members of Congress shall be made to answer "in any other place". Surely that applies with strong logical force to a situation in which the federal Executive Branch would reach down and take punitive action against an elected member of the Arizona Legislature. Certainly the Arizona Legislature ought to be considered by the federal Executive Branch competent to run its own affairs, and we believe that you will be setting a terrible precedent if you allow the military to go forward with its proposed against Representative May.

While some have suggested that no Members of Congress, for example, should serve in the Reserves, that has not been our policy. The military clearly has strong views about many issues. And the general rule is that members of military are not to take issue with official policy. Are federal and state legislators who serve in the Reserves now to begin to censor their comments in relevant legislative debates lest they face sanctions imposed by the federal Executive Branch?

As you know, Members of Congress have long treated the "speech and debate clause" as a matter of high Congressional privilege, embodying a principle essential to the functioning of our democracy. Our history is replete with examples of the overwhelming majority of both Houses of Congress, including the bi-partisan Congressional leadership of both Houses, coming to the defense of legislators who are faced with potential sanction for remarks which they made in debate, even in cases where the overwhelming majority of legislators strongly disagreed with the remarks in question. If Representative May is to be subjected to the severe sanction of expulsion from the military, where he has served with such distinction and without any negative marks on his record, the principle that legislators must be free from having to answer in any other place for comments they choose to make in public debate will have been more seriously eroded than in any other single instance that we can recall in recent times.

We prepared to debate the Don't Ask, Don't Tell policy among ourselves in our contexts. But here, we ask you to show the respect for unfettered legislative debate that has long been a hallmark of American democratic practice and drop any effort to punish a duly elected member of a state legislature for comments made during the course of debate.

HONORING JOHN SEPULVEDA FOR HIS DEDICATED SERVICE TO THE COMMUNITY

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Ms. DELAURO. Mr. Speaker, it is a great honor for me to rise today to join with the New Haven Hispanic community as they gather this evening to pay tribute to my dear friend, John U. Sepulveda. I regret that I am unable to join this evening's celebration though I am proud to convey my sincere congratulations to John as he is honored by Casa Otonal and the Hispanic community.

Before setting his sights on our nation's capitol, John was an active member of the New Haven community. A graduate of Yale

University, member of the Board of Education, and serving as a special assistant to former U.S. Representative Bruce Morrison, John was a driving force in revitalizing the economy and development of New Haven.

Perhaps his most distinguished service to the New Haven community was his tenure as Executive Director of the Hill Development Corporation. Hill Development is a non-profit corporation located in the Hill neighborhood that works to provide low-income housing and other services to some of our community's most vulnerable families. John's tenure as the Executive Director began at a time when the agency was struggling financially and lacked essential community support. John's dedication and unparalleled commitment brought community support to the Hill Development Corporation and the direction needed to ensure its success. Today, the Hill Development Corporation is one of the city's most successful non-profit agencies—an achievement made possible through John's leadership and vision.

As you may know, John is now the Deputy Director of the United States Office of Personnel Management. He has also served the Special Assistant to the Assistant Secretary for the Federal Housing Administration and as Director of the Federal Housing Administration's office of Insured Health Care Facilities at the United States Department of Housing and Urban Development. It is great to know that what John and his wife, Awilda, were able to achieve at the local level in New Haven, they are now able to do on a national scale. My congratulations to both of them.

It is an honor for me to take this opportunity to join the New Haven Hispanic community to offer my most sincere thanks to my good friend, John Sepulveda, for the many contributions he has made to the City of New Haven.

#### ST. MARY'S CENTENNIAL

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues St. Mary's Polish National Catholic Church in Duryea, Pennsylvania. The parish will celebrate its Centennial Anniversary with a banquet this month and I am proud to have been asked to participate in this event.

In the nineteenth century, many immigrants from Eastern Europe flocked to Northeastern Pennsylvania to pursue the American dream of religious and economic freedom. In 1897, a group of Polish immigrants in the area found a true leader in a young priest named Francis Hodur. He guided them spiritually and, under his leadership, a "mother church" was founded in Scranton. Today, this beautiful church is known to all as St. Stanislaus Cathedral.

A year later, another group of Polish Catholics invited Father Hodur to help them organize their own parish. They applied for a charter and in September of 1899, a charter was granted to Saint Mary's Polish National Catholic Church. Through the hard work and dedication of the parish, a new church was built and dedicated by 1908. While renovating and improving the original church building over the years, the parish has striven to keep and restore the beautiful original statues, altars, and other church artifacts.

Mr. Speaker, this proud parish in Duryea has much to celebrate. The hard working, dedicated parishioners at this beautiful church contribute to the fine quality of life that we enjoy in Northeastern Pennsylvania. Father Thadeusz Kluczek and the church's members help to continue the traditions of the country of their ancestors so that generations to come will feel the spirit and dedication of the small group of Polish immigrants who founded St. Mary's. I am pleased to have had this opportunity to bring this proud church's history to the attention of my colleagues and send my heartiest congratulations and best wishes to everyone at St. Mary's Polish National Catholic Church.

#### CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 15, 1999*

Mr. PITTS. Mr. Speaker, today we are considering an excellent FY 2000 Defense Authorization Conference Report, and I thank the conferees in the House and Senate for their leadership in bringing this bill to the floor.

With rapidly growing threats worldwide to our national security, we must begin to rebuild our military from years of decimation and escalating deployments. Mr. Speaker, this authorization responds to these concerns.

As a former navigator of a B-52 bomber in the Air Force and a Vietnam veteran, I am particularly excited about the upgrades and procurement of Air Force and Navy aircraft, especially for the EA-6B Prowler—our military's only radar support jammer for all the services, including joint air operations. Further, the pilot retention reforms contained in the Authorization, including enlistment bonus and special pay reform, are essential. We have the best Air Force in the world—no country comes close. Yet we have trouble holding on to the best pilots because we simply do not take care of them.

We frequently ask our men and women in the military to leave their families, fight for our national security, and even die for our freedom and liberty. Yet, we do not provide our service personnel with the pay or equipment it takes to get the job done right. It is appalling that even one of these families must seek welfare just to put food on the table and buy clothes for their children. I honestly believe that the authorization we have before us today will go a long way in correcting this problem.

I urge my colleagues to support this conference report, which will prove a boon to the dedicated soldiers in our armed services.

#### SIDNEY PEERLESS, M.D., TO RECEIVE AMERICAN JEWISH COMMITTEE HONOR

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. PORTMAN. Mr. Speaker, the American Jewish Committee's Cincinnati Chapter will

soon give special recognition to one of my most distinguished constituents and a good friend, Sidney Peerless, M.D. On October 9, Dr. Peerless will be presented with the prestigious Community Service Award.

Dr. Peerless, an otolaryngologist and plastic surgeon, is well known and respected as a physician. He has directed the otolaryngology department at both Providence and Jewish Hospitals, and he was president of the medical staff at Jewish Hospital. Dr. Peerless is a clinical professor at the University of Cincinnati, and was recently honored by the University for his contributions to teaching.

A committed community leader, Dr. Peerless has been a member of the boards of the Jewish National Fund; Bonds for Israel; the Cincinnati Zoo; Children's Hospital; Shaare Zedek Hospital; and Jewish Hospital. Dr. Peerless has received numerous awards, including the Cincinnati Academy of Medicine's Daniel Drake Award for service to the Cincinnati community and to patients, and an honorary Doctor of Humane Letters degree from Hebrew Union College.

Dr. Peerless was born in Cincinnati and graduated from the University of Cincinnati. He has five children and fourteen grandchildren.

All of us in the Cincinnati area congratulate Dr. Peerless on receiving this prestigious and well deserved award, and we commend him for his lifelong dedication to his patients and his community.

#### IN HONOR OF AMERICAN MUSLIM ALLIANCE ON THE OCCASION OF THE 4TH ANNUAL AMA NATIONAL CONVENTION

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. KUCINICH. Mr. Speaker, I rise to congratulate the leadership of the American Muslim Alliance (AMA) and all the convention participants on the occasion of the Fourth Annual AMA National Convention being held in Orlando, Florida.

Political participation in the electoral process is important for every American. I commend the participants of AMA for its activity in gaining knowledge and making the necessary contacts for full involvement in the American political process.

I commend the AMA for its ability to rise above basic participation to motivating American Muslims to become active participants in public office. AMA local and national organizers, through leadership training sessions held in several states, have set the groundwork for American Muslims themselves to run for elected positions. By encouraging Muslims to run for public office, the AMA has brought political participation among the Muslim community to a higher level.

It is evident that AMA has played a crucial role in training and educating American Muslims nationwide about the political process. My colleagues, please join me in honoring AMA and its convention participants for this conference that will hopefully motivate more Muslims to consider a future in public service.

SALUTE TO TERRY AND CAROLE  
YORK**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Terry and Carole York, who are being honored this year by the Boys & Girls Club of San Fernando Valley as the recipients of their Golden Hands Award. Terry and Carole have, for decades, given unstintingly of their time, talents and resources to worthy organizations throughout the San Fernando Valley. Their dedication and sense of compassion, especially where children are concerned, know no bounds and their altruism and community spirit serves as a shining example.

The Yorks have been among the strongest boosters of the Boys & Girls Club of San Fernando Valley for over 25 years. During that time their support has enabled the club to assist hundreds of youth from underprivileged backgrounds get a fresh start with their lives.

Terry and Carole have also been strong supporters of the City of Hope, American Cancer Society, March of Dimes, and a myriad of other civic, charitable, and humanitarian causes. On her own, Carole has worked as a volunteer with Penny Lane, a home for girls in need, and has been involved with Olive View Medical Center.

While contributing tirelessly to their community, the Yorks have raised a close and devoted family of four. Carole paints, gardens and loves to spoil her two grandchildren. Terry is a successful and distinguished businessman. Within 5 years, he moved from file clerk to general manager and part owner of an auto dealership. Today there are 10 franchises in the Terry York Automotive Group. His best sale, he loves to say, was to his future wife, over 30 years ago.

I ask my colleagues to join me in saluting Terry and Carole York, who have made a positive difference in the lives of so many. I wish the best to both of them, their children, Todd, Natalie, Tom, and Tiffany, and their two grandchildren, Logan and Weston.

REFLECTING ON THE 150 NEW  
YEARS OF THE SAN FRANCISCO  
JEWISH COMMUNITY**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. LANTOS. Mr. Speaker, in recent days, Jews around the world have celebrated the High Holy Days of Rosh Hashanah and Yom Kippur. As these religious holidays have been commemorated, the Jewish community of San Francisco has marked a particular milestone—the 150th anniversary of the Jewish community of San Francisco. The contributions that its members have made to the civic, charitable, and economic well-being of the Bay Area are truly extraordinary, and the history of Jewish life in San Francisco merits both our attention and our admiration.

Mr. Speaker, 150 years ago, during the brief interval between the Mexican-American War and the Civil War, pioneers and risk-takers

from around the world descended upon San Francisco. These individuals represented every imaginable race and ethnic origin, united only by their desire to find gold in their mining pans and win an instant fortune. Some 100,000 fortune-seeking "Forty Niners" arrived in the Bay Area in the year after President James K. Polk announced the discovery of gold at Sutter's Fort in his State of the Union address in December 1848.

Among the multitude drawn to San Francisco was a small number of Jews, some from the eastern states of our country and other from as far away as Poland, Prussia, and Bavaria. They joined the dynamic melting pot of people with a great diversity of backgrounds and views, and helped to create the uniquely diverse cultural life that flourishes in San Francisco to this day.

In recognition of the critical contributions of the Jewish community to the City of San Francisco and to the entire Bay Area, I would like to place in the RECORD a September 10, 1999, article by Don Lattin of the San Francisco Chronicle which details the birth of Jewish life in the Bay Area 150 years ago. This article is part of a series of articles that have appeared over the past year in connection with the sesquicentennial of the discovery of gold in California and the events connected with California's accession to the Union in 1850 as the 31st state.

[From the San Francisco Chronicle, Sept. 10, 1999]

## SAN FRANCISCO JEWS' 150 NEW YEARS

(By Don Lattin)

San Francisco's Gold Rush brought adventure seekers and fortune hunters from around the world, and the "Israelites," as they were called at the time, were no exception.

One-hundred fifty years ago this month, 30 pioneer Jews from Poland, Prussia, Bavaria and the Eastern United States gathered in Lewis Franklin's tent store on Jackson Street to commemorate Rosh Hashanah, the Jewish New Year.

Franklin, 29, had come to the booming town from Baltimore. In a prophecy that would come to pass for many Gold Rush immigrants, he read from the Book of Ecclesiastes: "These shining baubles may lure the million," he read, "but they will take unto themselves wings, and flee from thee, leaving thou as naked as when thou were first created."

Those communal prayers, the first public Jewish worship service known to have been held in the West, led to the founding of San Francisco's two leading Reform movement synagogues, Congregation Emanu-El and Congregation Sherith Israel.

Less than 2 years after that first citywide Rosh Hashanah, in April 1851, ethnic disputes and class differences had spawned rival houses of worship, with the more traditional Poles establishing Sherith Israel and the more liberal Germans founding Emanu-El.

"German Jews came from refined society. It was the height of European culture," said Rabbi Stephen Pearce, the current spiritual leader of Emanu-El. "German Jews were more liberal and among the leading citizens of the city, people like Levi Strauss."

This month, as both congregations begin a year-long series of mostly separate anniversary events, echoes of that Gold Rush rivalry remain. Differences in leadership styles and a recent price war over membership dues have replaced ethnicity and ancient arguments over Jewish ritual as the bones of contention.

But Rabbi Martin Weiner, who has led Sherith Israel for 27 years, prefers to play down the differences and avoid discussing whatever rivalry remains.

"Every synagogue had slightly different traditions, but those divisions have faded," he said. "Both have served the community well."

This Sunday, on the second day of Rosh Hashanah, Weiner and Cantor Martin Feldman, a Sherith Israel fixture since 1960, will lead a traditional Rosh Hashanah service in the shadow of the TransAmerica Building. That is only a block from where the city's first Yom Kippur service was held, on Sept. 26, 1849, ending the city's first services for the High Holy Days.

Actors in period costumes will be featured this Sunday, along with the traditional sounding of the shofar, or ram's horn.

As it did for many of San Francisco's first religious congregations, fires and earthquakes kept the pioneer Jewish community on the move.

Sherith Israel's first quarters, at Merchants Court on Washington Street between Montgomery and Sansome streets, was destroyed by the great fire of 1851, as was the congregation's next home on Kearny Street.

The cornerstone of the congregation's present building at California and Webster streets was laid on Feb. 22, 1904. The interior of the landmark edifice, designed by Albert Pissus, retains an old world flavor with magnificent mahogany woodwork.

Members of Congregation Emanu-El have worshiped beneath their graceful dome at Lake and Arguello streets since 1926, when they abandoned and razed their twin-towered synagogue on Sutter Street. That edifice, on the side of Nob Hill above Union Square, had towered over the cityscape since 1866, even after it lost its two onion-shaped domes in the great 1906 earthquake.

Congregation Emanu-El began its 150th anniversary celebration last month with an architectural exhibit, running through January 2, entitled "Emanu-El—Image on the Skyline, Impact on the City." It brings together photographs, maps, drawings and blueprints to tell the tale of San Francisco's largest and most prosperous synagogue.

In 1854, Julius Eckman was hired as the first rabbi to preside over Emanu-El's original house of worship, a neogothic synagogue built on Broadway for \$35,000. A scholarly graduate of the University of Berlin, Eckman lasted only a year at the Reform-minded congregation.

Many of Congregation Emanu-El's early members were Gold Rush merchants, including some who went on to establish great fortunes, like the Levi Strauss clothing empire. Jesse Seligman, the son of a poor Bavarian farmer, founded a dry goods business in San Francisco in 1859, using that as a springboard into international investment banking.

Another Bavarian Jew who prospered as a Gold Rush merchant, 25-year-old August Helbing, arrived here from New Orleans in 1849. He founded the Eureka Benevolent Society, which is celebrating its 150th anniversary in its current incarnation, Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties.

In founding the charity, Helbing sought to care for "the Israelites landing here, broken in health or destitute in means."

Indeed, the Gold Rush is full of stories about people going from rags to riches, and back to rags. In their book, "Pioneer Jews—A New Life in the Far West," Harriet and Fred Rochlin tell the story of Morris Shloss, who docked in San Francisco on September 25, 1849, amid the first High Holy Day services.

Shloss, a 20-year-old Polish merchant, made his first sale right on the dock. In New

York, he had paid \$3 for a large wooden box to carry his wagon with him to San Francisco. Keeping the wagon, he sold the box for \$100 to a cobbler who wanted to use it as a workshop and bedroom.

The enterprising Shloss used that money to buy stationery, reselling it at a makeshift stand for a handsome profit. He worked at night as a fiddler at the El Dorado, a gambling hall at Washington and Kearny, getting an ounce of gold, worth \$16, for each three-hour gig. He soon managed to rent a tiny store next to the El Dorado for \$400, where he bought trunks from miners eager to lighten their loads before heading up the gold fields.

In just two months, he had earned between \$5,000 and \$6,000. Then, on Christmas Eve, he lost it all when a fire in an adjacent hotel leveled his store.

Destitute, he sailed off to follow another purported Gold Rush outside Eureka, which turned out to be a hoax. He survived for four months on clams and crackers until a schooner brought him back to San Francisco. He started two more businesses in 1852 and 1853, both of which were destroyed by fire. His brother was killed in a shipwreck after coming out to help him. Nevertheless, Shloss started another business and soon made enough money to bring his fiancée to San Francisco.

Most of the city's pioneer Jews, the Rochlins wrote, "bore the imprint of centuries of European oppression: pogroms, expulsions, segregations, exploitative taxes and barred occupations."

But in the wide-open West, they "Americanized and regionalized with speed, energy and élan."

"Most Jews who responded to the glittering promises of the far western frontier and rose to its awesome obstacles were intrepid, resourceful and individualistic," the Rochlins write. "For the most part, they were also literate, sober and drive to prove themselves."

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HONORING TOMAS REYES FOR HIS  
DEDICATED SERVICE TO THE  
COMMUNITY

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Ms. DeLAURO. Mr. Speaker, it is with great pride that I rise today to join the New Haven Hispanic community to thank my dear friend, Tomas Reyes, for his commitment and dedication to our community. I regret that I am unable to join the friends, family, and community members who will gather this evening at Casa Otonal's annual celebration to pay tribute to Tomas for his many years of service to the City of New Haven.

An icon in the city for nearly two decades, Tomas Reyes recently announced his retirement as President of New Haven's Board of Aldermen. As Alderman of the 4th Ward, Tomas spent his 18 year tenure making sure the City of New Haven was able to meet the many challenges that have faced our city. Under his membership and direction of the Board, programs such as Headstart, Latino Youth Development, Inc., New Haven Family Alliance, Youth Fair Chance, and the Hill Development Corporation were implemented to meet the changing needs of our residents. Tomas was an avid and vocal supporter of city funding for these programs because they pro-

vide much needed services to our city's neediest families.

Tomas once said that he wanted to be actively involved in politics in order to change his neighborhood. He challenged himself to meet a variety of needs, and he succeeded. Tomas has served the City of New Haven with integrity and has improved the quality of life for many.

As the only Latino elected to the Board of Aldermen in 1981, his initial efforts were focused on strengthening representation of the Hispanic community and encouraging the Latino community to become involved in city politics. His strong character and enthusiasm have motivated New Haven's Hispanic community to be both active and vocal. Tomas has long been involved with young people in our community and continues to support many programs and projects designed to assist the children of less fortunate families. As co-founder of Latino Youth Development, Inc., he created a venue for inner-city kids to develop the skills necessary to be successful in today's technological society.

I am fortunate enough to call Tomas a close friend not only in the political arena but personally as well. He has been a long-time colleague of my mother, Louisa, on the Board of Aldermen, and a dear friend to us both. His energy and conviction have been a source of inspiration—not only to myself but to the entire community.

It is with great pleasure that I rise today and join the New Haven Hispanic community to honor my very good friend, Tomas Reyes for his many years of dedicated service and his continued commitment to the improvement of our community. I know that Tomas and his wife Norma will continue to make great contributions to our community. I would like to express my sincerest congratulations and heartfelt thanks for all that he has given to the residents of New Haven.

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IN HONOR OF THE LATE BOB  
MCMENEMY

**HON. PETER DEUTSCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the memory of Robert J. McMenemy, who passed away last week at the age of 59 in Plantation, FL. I am saddened by this tragic loss: South Florida has lost a truly great community leader.

For the past 35 years, Bob McMenemy was a strong presence at labor meetings, political club events, and civic activities throughout Broward County, FL. He was a fixture at Democratic campaign rallies, candidate fundraisers, and political dinners, known among politicians and elected officials as someone who could quickly motivate others to participate in the political process. Demonstrating his large influence on South Florida politics, Bob was the labor committee chairman and a vice chairman of the county Democratic Party, as well as former vice president and president of the Plantation Democratic Club.

Though very active in politics, Bob was perhaps best known for his leadership in South Florida's union. He was a passionate advocate for better pay for workers on public projects,

and significantly strengthened the labor movement in Broward County. He was a leader of the International Union of Operating Engineers Local 675, representing the workers who drove construction cranes and other heavy equipment. Bob also served as the political action chairman and legislative director before becoming the union's president. In honor of his extraordinary dedication and work, the Broward AFL-CIO presented Bob with the "Labor Leader of the Year" award. This award was truly deserved, representing all that Bob stood for.

It is important to note that Bob McMenemy did not simply focus all of his attention on political and labor issues. Throughout the course of his life, Bob was especially devoted to social issues as well. He was specifically known for his involvement in assisting people who suffered from drug and alcohol addictions. Bob served as the director of the Broward AFL-CIO's member assistance program, chairman of the Broward Alcohol and Drug Abuse Advisory Board, and a board member of the House of Hope and Stepping Stones treatment programs. He strongly believed that people with drug and alcohol problems deserved a chance to recover, and he worked tirelessly to assist them in this important fight.

On a more personal level, Bob McMenemy, with his deep Irish roots, invested his time in the Emerald Society, a group that promotes Irish heritage. He was, in fact, honored by the society at one of the annual St. Patrick's Day breakfasts in Fort Lauderdale. Most importantly, however, Bob McMenemy was a devoted husband, father, and son, who is survived by his wife, his two daughters, and his mother. No matter what calling one obeys in life, I can think of nothing more important than one's relationship with their family.

Mr. Speaker, while Bob McMenemy's passing is a tremendous loss for the South Florida community, I can say without hesitation that his memory lives on through the work of the many organizations to which he dedicated his life. We will dearly miss Bob, but for the thousands of lives he touched, we thank and praise him for his hard work, his leadership, and his compassion for others.

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IN HONOR OF SHILOH BAPTIST  
CHURCH IN CELEBRATING 150  
YEARS OF SERVICE AND WORSHIP  
IN CLEVELAND

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Shiloh Baptist Church in celebration of 150 years of service and worship in Cleveland.

Shiloh Baptist Church is the first African American Baptist Church in the city of Cleveland. Since its founding in 1849 Shiloh Baptist Church has developed and maintained a unique link to the city of Cleveland. During the time when Cleveland was a small rural community, a merchant by the name of Michael Gregory owned a dwelling storefront that became a meeting place for the settlers. It was there that seeds for the need of a church were planted and soon after Shiloh Baptist Church was the magnificent blossom. Through the

years, Shiloh's development was insured by the dedication and care of several ministers, deacons, and members. Today, under the pastorate of Rev. Alfred M. Walker, more than 1,300 new members have joined Shiloh Baptist Church. Leading under the theme "Exalting Jesus, the Christ", Rev. Walker has adopted the main task of: "Recognizing Evil and doing something about it; and seeking to know the Truth and be willing to speak and act in its defense".

Considered to be the Mother Church in Cleveland, Shiloh Baptist Church has been responsible for the organization of many other churches in the surrounding area. Through Shiloh's maternal link with the Cleveland community the congregation has continued to grow. Shiloh Baptist Church has managed to nourish and nurture the community for 150 years through its various organizations and activities. This great church offers the people of the community a chance to work together with the church in grand synopsis form which has produced men and women who have made many significant contributions to the economic and social development of the city and the state.

I am pleased to congratulate Shiloh Baptist Church on the 150th anniversary in addition to its being designated a historical landmark by the Heritage Society of Cleveland and the Cleveland Restoration Society. It is an honour to recognize the Shiloh Baptist Church on the floor of the U.S. House of Representatives.

#### RECOGNITION OF THE RETIREMENT OF FRANK GARRISON

##### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. BONIOR. Mr. Speaker, today I rise to honor a good friend of mine, Michigan State AFL-CIO President Frank Garrison upon his retirement. Frank Garrison has been standing up for working men and women for over 40 years—beginning with his membership in Saginaw Steering Gear Plant UAW Local 699, and ending as the Michigan State AFL-CIO's second longest serving president. Every day during that forty years, the working families in Michigan have had a champion in Frank Garrison. The legislative and political battles Frank has fought in Lansing have had a direct impact on the standard of living for the working people in our state.

Upon returning from two years in the U.S. Army in 1955, he immediately became active in his local. He held posts ranging from alternate committeeman to financial secretary before being appointed in 1972 as the UAW international representative assigned to the Education Department and the Michigan CAP program. In January 1976, he joined the UAW-CAP legislative office as a lobbyist. Less than a year later, he became the Legislative Director for the UAW in Lansing.

In 1982, Frank was appointed Executive Director of the Michigan UAW-CAP for four years, until being elected president of the AFL-CIO on December 12, 1986. Since his election Frank has been active in the Democratic Party as a member of the Democratic National Committee Executive Board, and President Clinton's National Commission for

Employment Policy. He has served on several Governor's Councils and, in 1993, received an honorary Doctorate of Law degree from Michigan State University. Frank sits on more boards and councils than the CONGRESSIONAL RECORD has room to list.

Frank Garrison has dedicated his life to the betterment of the working men and women of the state of Michigan. I don't know anyone who has earned the right to a little time off and a few more Michigan State University football games as much as Frank Garrison. We all know, however, that Frank's passion for politics and his dedication to working families will not let retirement take him from the causes he believes in and has fought for all his life.

Please join me in honoring the career of one of Michigan's working heroes as Frank Garrison completes his final term as Michigan State AFL-CIO President. Frank, we wish you all the best.

#### TRIBUTE TO THE 1999 RETIREES OF THE STERLING HEIGHTS FIRE FIGHTERS UNION

##### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. LEVIN. Mr. Speaker, I rise to honor Battalion Chief Dennis Foster and Battalion Chief Dale Monnier who will be honored on their retirement from the Sterling Heights Fire Fighters Union at their Annual Dinner/Dance on September 24, 1999.

It is my privilege to recognize these two firefighters for their outstanding contributions to public service. Beginning their service in 1974, Battalion Chiefs Foster and Monnier continually sought to further their knowledge and experience in the field of public safety, always committed to providing their community with the best service.

Their participation in community events have made these gentlemen an integral part of their city, and their acts of heroism have made Sterling Heights a safer and better place to live.

Mr. Speaker, I ask my colleagues to join with me, the citizens of Sterling Heights and the Fire Department in recognizing these outstanding firefighters for the dedication and accomplishments they have provided to the people's welfare in Sterling Heights. I wish them good health and happiness in their future endeavors.

#### TRIBUTE TO DR. BENJAMIN BARNES GRAVES OF HUNTSVILLE, AL

##### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to an intellectual treasure of my district, Dr. Benjamin Graves of Huntsville, AL. Dr. Graves has excelled in all facets of academia. As a student, he cultivated a love of learning through his time at the University of Mississippi, Harvard University, University of

Chicago and Louisiana State University. His 50-year career in industry and education includes professorships at Louisiana State University, University of Virginia, University of Mississippi, Pennsylvania State University, University of Alabama at Huntsville and University of North Carolina at Charlotte. He served as president of Millsaps College from 1964-1969 and the University of Alabama at Huntsville from 1969-1978. His distinguished reputation as an academian is supported by the presentation of approximately 300 of Dr. Graves' papers to various audiences over 15 states in the course of the last 20 years.

In honor of Dr. Graves' extraordinary service to the Huntsville community, he will be awarded the 1999 James Record Humanitarian Award by the Arthritis Foundation on September 21st. The description of the award "given to a citizen devoted to promotion of human welfare as well as the advancement of social and cultural reform" illustrates the essence of this man.

Dr. Graves served his country in the U.S. Navy first on active duty from 1942-46 and then in the reserve from 1946-1955. On active duty during World War II, he served as a supply officer aboard three naval ships in the Atlantic and Pacific theaters. I believe this CONGRESSIONAL RECORD tribute is fitting for one who has given so much for both the defense of his nation and for the betterment of countless students across the Southeast.

His love of learning is infectious. Dr. Graves carried his intimate and unparalleled knowledge of higher education to other countries when he was selected by the American Association of State Colleges and Universities to be a part of a study team to China and Taiwan. In addition to his exceptional professional contributions to our area, Dr. Graves has given of himself, establishing scholarships at both Millsaps and UAH and serving in his church, First United Methodist of Huntsville as a lecturer and administrative board member.

Throughout his life, Dr. Graves has set a great example of how one person can make a huge difference in his community. I want to congratulate him on his well-deserved honor as the 1999 James Record Humanitarian Award and I want to commend him for his tireless efforts for the students of North Alabama.

#### U.S. DISTRICT COURT FINDS PATTERN OF RACKETEERING BY PALESTINIANS AGAINST U.S. FIRM IN GAZA

##### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. TRAFICANT. Mr. Speaker, in 1995 the United States and the Palestinian Liberation Organization (PLO) signed the Gaza-Jericho Agreement to encourage American investment in Gaza and the West Bank, as a follow-on to the Oslo Peace Accord between Israel and the PLO. Bucheit International Limited, a 90-year-old, family-owned business based in Youngstown, OH, agreed to be the model company for U.S. investment in Gaza under the Builders for Peace program.

After investing \$4.4 million in the area, however, Bucheit has experienced a myriad of problems, including: transportation and standards barriers, a mismanaged regulatory system, and unethical, if not illegal, activity, which

have resulted in Bucheit's default on a \$1.1 million loan from the Overseas Private Investment Corporation (OPIC) loan. Furthermore, Bucheit International has experienced numerous unethical and questionable activities in its dealings with Cairo Amman Bank of Gaza. For example, Bucheit has discovered that corporate accounts were opened without proper corporate documentation; corporate checks denominated in dollars were endorsed and cashed by individuals, without first being deposited into the corporate account; canceled checks were not returned; corporate funds in excess of \$100,000 were used to guarantee an overdraft facility of a private individual, without knowledge or approval by the corporation; and a letter of guarantee was written by a bank without notifying Bucheit, in violation of Bucheit management's strict instructions. In addition, Bucheit's plant and equipment were stolen and continue to be operated illegally. Moreover, the Palestinian Authority (PA) has pocketed Bucheit's value-added-tax (VAT) reimbursement from Israel as well as kept the income tax deducted from Bucheit's payments. Without access to its funds or equipment, Bucheit is currently in default of the \$1.1 million OPIC loan.

Recently, Bucheit filed a civil RICO (Racketeering, Influence and Corrupt Organizations) complaint against the Cairo Amman Bank in Gaza for misappropriating loan proceeds advanced to Bucheit from OPIC. On August 17, 1999, U.S. District Judge Kathleen McDonald O'Malley found that the Cairo Amman Bank engaged in a pattern of racketeering activity that caused the failure of Bucheit's precast concrete plant in Gaza. Specifically, the court ruled that there existed an "enterprise" made up of the Bank, Bank employees, an influential Bank customer and other persons, and the Bank knowingly participated, directly and indirectly, in the conduct of the affairs of the "enterprise" through a pattern of wire fraud. Judge O'Malley awarded Bucheit roughly \$15 million in damages. Included in that amount is the \$1.4 million due OPIC.

I find it troubling that the House-Senate conferees on the Foreign Operations Appropriations for Fiscal Year (FY) 2000 are considering the addition of \$400 million for the Palestinian Authority, while an American investor and the United States government have been blatantly ripped off. To date, the Palestinian Authority has neither authorized an official, internal investigation into the existing "enterprise," nor has it meted out proper punishment to the individuals involved.

As a result, I have requested that the House-Senate Conferees on the Foreign Operations Appropriations for FY 2000 withhold the \$15,206,403 owed Bucheit International, which includes a \$1,436,837 loan repayment for OPIC, from the \$400 million appropriation for the Palestinian Authority.

Unpunished, the guilty parties will continue with their illegal and unethical behavior to the injury of future American investors, the U.S. government and the Palestinian people. To create jobs, growth and higher income, a nation must convince its own citizens as well as foreigners that they can safely invest: fair tax laws and fair enforcement, independent courts enforcing the law consistently and upholding contract rights, strong banks that safeguard savings, and vigilance against hidden ties between government and business interests that are inappropiate.

CONFERENCE REPORT ON S. 1059,  
NATIONAL DEFENSE AUTHORIZATION  
ACT FOR FISCAL YEAR 2000

**HON. JOHN M. SPRATT, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. SPRATT. Mr. Speaker, I want to elaborate on the remarks I made on September 15, 1999, regarding certain provisions of S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

As I noted during floor debate, I strongly support the vast majority of this bill, particularly the pay and retirement provisions. But this good bill is marred by some of the text that sets up a National Nuclear Security Administration (NNSA) as a semi-autonomous agency within the Department of Energy (DOE). I have reservations about the way these provisions were inserted in the bill—with little discussion among the Members of the Conference Committee—and I have reservations about the substance of some of these provisions.

I will not speak on the conference process at length, but I cannot dismiss it because I cannot remember the Congress acting on such an important matter with so little information and so little discussion among the Members of the conference committee. Neither the House nor the Senate Defense Authorization bill contained language requiring a comprehensive restructuring of the Department of Energy, yet we ended up with about 50 pages worth of text. We did have former Senator Warren Rudman testify before the committee prior to conference, but we did not take testimony from the Energy Department itself, or from the senior statesmen of the labs and nuclear weapons complex, men like Johnny Foster or Harold Agnew. The legislation that the conference committee ultimately produced was not vetted in any meaningful manner among the Members, the Administration, or outside experts. This is not a good process for an important piece of national security legislation.

My first and foremost concern on the substance of the legislation is that we have blurred the lines of accountability when it comes to preventing and ferreting out future espionage at our nuclear labs and weapons complex. I think one thing we can all agree on is that counter-intelligence requires a clear line of command and accountability. A clear chain of command was at the heart of Presidential Decision Directive (PDD) 61, which the Cox Committee unanimously recommended be implemented. This legislation contradicts PDD 61 by setting up two different counterintelligence offices with overlapping responsibilities, and no clear direction on how the offices are supposed to interface with each other. As a member of the Cox Committee, I find it disturbing and ironic that the restructuring provisions fail in what should have been its top priority: setting up clear lines of command and accountability on counterintelligence.

My second and more general concern is that the Secretary's ability to conduct oversight of the complex could be seriously hampered by this legislation. We already know that the price of no oversight is a legacy of contaminated sites that will cost hundreds of billions to clean up. Revelations about contamination of

workers at Paducah show that we cannot disregard the health and safety concerns for workers in the nuclear weapons complex and the communities that surround these sites. The history of the last few decades tells us that the nuclear weapon sites and activities of the Department of Energy require more sunshine, more scrutiny, and more oversight, not less. Any Secretary of Energy must have strong oversight authority, and I fear that this legislation detracts from rather than adding to the Secretary's oversight powers.

Having criticized these provisions, let me say that I do not think they were drafted with bad intent. But they were drafted hastily, without adequate hearings, with no vetting among outside authorities, without the benefit of constructive criticism that comes in the mark-up process, and without any discussion among members of the conference committee.

A good example of the type of confusion that arises from these hastily-drafted provisions is the work of the Energy Department's non-weapons facilities—the science labs. The science labs perform a great deal of work for almost every element designated as part of the new National Nuclear Security Administration. This is especially true for the current Offices of Non-Proliferation and National Security (NN), Fissile Materials Disposition, Naval Reactors, and the Office of Intelligence. The language of the conference report, though, raises the question of whether the current cooperation between the science labs and weapons facilities will be allowed to continue, or be prohibited by the language separating the weapons labs from the rest of the DOE complex.

For the Office of Non-Proliferation and National Security for example, the science labs provide a significant portion of the technologies and expertise for such programs as Materials, Protection, Control and Accountability (MPC&A), a program I helped establish. This is also true for the Nuclear Cities Initiative, in which a science lab (Pacific Northwest National Laboratory, or PNNL) co-chairs the U.S. effort in one of the first three Russian nuclear cities selected. That arrangement is especially fruitful because PNNL is the only U.S. lab with real-life experience making the transition from a closed U.S. "nuclear city," Hanford, which produced key nuclear materials for the WWII-era nuclear weapons, to a non-weapons community in which such scientific expertise is put to more peaceful use.

The science labs play a major role in providing technical expertise and collaboration for the Initiatives to Prevent Proliferation (IPP) program, attempting to develop self-sustaining, U.S. and Russian scientific collaborations that are mutually beneficial. The science labs provide valuable technologies and expertise of the NN efforts in Safeguards and Transparency regarding Russian nuclear warheads. Science lab personnel, in fact, chair important working groups in that effort, and have developed technologies that will be used in identifying and securing Russian warhead materials.

The science labs are vital parts of all of DOE's efforts to build lab-to-lab relationships and programs that enhance U.S. national security by applying American eyes and know-how to the potentially dangerous situations in the weapons of mass destruction (WMD) complex of the former Soviet Union. The science labs also play a critical role in the NM arms control programs, providing vital technologies

for verifying compliance with arms control agreements (reductions, dismantlement, production, testing, safeguard and storage, etc.) and detecting the attempted proliferation of WMD materials. Such technologies are proving useful in terms of all WMD materials—chemical, biological and radiological.

Science labs also make major contributions to the efforts of the Office of Fissile Materials Disposition (MD). A science lab leads the U.S. effort in the International Nuclear Safety Program. Of course, the science labs will continue to contribute a great deal to the DOE offices outside the NNSA, on matters, for example, of energy, the environment and nuclear cleanup. Also, like the weapons labs, have the authority and expertise to “work for others,” and often perform important work for other agencies such as the Department of Defense, Justice, State, and the Central Intelligence Agency.

The science labs’ contribution to the offices that are scheduled to be in the NNSA is clear, and I do not believe the conferees had any intention of scuttling these contributions by implying that the science labs could not work for NNSA offices. However, the language contained in the conference report is not clear on this question. Title XXXII concentrates solely on the three nuclear weapons laboratories and production facilities, and while it makes specific provision for those weapons labs to perform work for other agencies and for DOE offices outside the new, semi-autonomous administration, it is silent on the role of the non-weapons labs. Such ambiguity breeds confusion and illustrates the flaws in the process of drafting the DOE reorganization title and inserting it into the conference agreement. I served on the conference committee and I was involved in negotiating some of the conference report. I do not think that it was the intention of the conferees for this legislation to impede the continuation of these services in any way.

CONGRATULATIONS TO THE AMERICAN COLLEGE OF RADIOLOGY ON ITS FIRST 75 YEARS

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. STARK. Mr. Speaker, among the greatest advances of medicine in this century has been the development and professionalization of radiology. Therefore, I rise today to congratulate the American College of Radiology and its 31,000 members on its 75th anniversary.

While the numbers of diagnostic radiologists, radiation oncologists and medical physicists comprising the college have changed dramatically, the ACR’s main objective has not. Through the years, working with Members of Congress, key Federal, State, and local agencies and a wide variety of health care and consumer organizations, the college has worked tirelessly to improve the quality of patient care.

The American College of Radiology has met this objective through numerous programs. Beginning with mammography, ACR has initiated several national accreditation programs designed to assure high quality performance from both health care professionals and imag-

ing equipment. In addition to mammography, accreditation programs are in place for ultrasound, radiation oncology, stereotactic needle breast biopsy, magnetic resonance imaging, ultrasound-guided breast biopsy.

ACR’s groundbreaking mammography accreditation program, which began as a voluntary effort in 1987, now has become a nationally mandated program. In part, as a result of this program and other breast cancer early detection promotion efforts, the National Cancer Institute has recorded, for the past few years, the first declines in mortality from breast cancer.

In addition to accreditation, the ACR has improved the quality of care through its Performance Standards™, Appropriateness Criteria™, life-saving research through clinical trials and medical continuing education programs for members.

The performance standards are principles for delivering high quality radiological care. They are revised and expanded every year. The standards cover a wide variety of procedures. The Appropriateness Criteria™ ensure that the most appropriate examination is done in the most appropriate setting at the most appropriate time. More than 500 medical experts have assisted in developing these criteria.

The college also offers numerous continuing education seminars each year.

ACR manages the federally funded Radiation Therapy Oncology Group (RTOG). This organization carries out multidisciplinary cancer trials nationwide. RTOG has gathered numerous medical facilities in providing state-of-the-art treatment for a wide variety of cancers.

As a complement to RTOG, the college also operates the Radiological Diagnostic Oncology Group (RDOG). This program evaluates current and emerging imaging technologies used in the management of patients with malignant disease. NCI funds RDOG so that the group may provide a timely approach for the cost-effective use of new technologies.

Even before the ACR initiated its quality improvement and research programs, radiologists were deeply involved in working to improve patient care. World War I, for example, presented a great need and a great opportunity for radiology. One of the founders of the college, Dr. Edwin Ernst, recalls how using a table built by German prisoners, and a rolling floor fluoroscopic gas tube, he pinpointed the location of bullet fragments. And radiologists in general played a major role in treating and diagnosing patients in those rugged field hospitals.

Later, in the 1920’s the International Radiological Congress helped to standardize measurement. The ACR also worked to secure financing of the x-ray equipment at the Bureau of Standards.

It was also in the 1920’s that the American College of Radiology was born as two dozen radiologists gathered for the first time officially to transact the business of the college: to plan ways to improve their profession’s expertise.

When the United States entered World War II, radiologists mobilized to serve their country. The college volunteered to handle radiology manpower issues for the Army. The growth and development of radiology after World War paralleled post-war growth of the Nation.

In the early 1950’s, three dedicated members of the college—Drs. Eddie Ernst, Wally Wasson and Ben Orndoff—began to cajole, badger and convince their fellow radiologists

into preserving the history of their profession. In 1955 they gathered for the first time as the Gas Tube Gang. The gas tube was the symbol of the early imaging technology.

Through their efforts the college’s archive’s was created and today it is filled with gas tubes, other early radiological devices, mementos from Dr. Roentgen, Madame Curie and other pioneers, and pages and pages of rich history of the ACR and the field of radiology.

So it is with all of this history in mind and the great contributions the ACR has made to the practice of medicine that I wish the American College of Radiology well on its 75th and continued success in the years to come.

PERSONAL EXPLANATION

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. ETHERIDGE. Mr. Speaker, on Thursday, September 16, Hurricane Floyd slammed into North Carolina, bringing heavy winds and torrential rains to my state, including my Second Congressional District. I have been helping my constituents who are struggling to overcome this devastating disaster, and as a result, I was absent from the Chamber for roll-call vote No. 425 and rollcall vote No. 426. Had I been present, I would have voted “yes” on No. 425 and “no” on No. 426.

IN RECOGNITION OF AGUSTÍN RIVERA

**HON. NYDIA M. VELÁZQUEZ**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to recognize the efforts of an extraordinary member of my community. For the past decade, Agustín Rivera has demonstrated time and again his commitment and his vision for his community.

Mr. Rivera was a founding member of Música Against Drugs, a Puerto Rican and Latino, client-driven, community-based agency created to serve the needs of individual and families affected by the HIV/AIDS and drug addiction epidemics in the Brooklyn, New York communities of Williamsburg, Greenpoint and Bushwick. Mr. Rivera’s skills, talent, and energy helped the late Manny Maldonado, the founder of Música, establish a program to fulfill a desperately acute need. For several years they, like too many who were on the vanguard battling the pandemic of AIDS, worked very hard with very little money.

After three years of volunteer organizing, Música received its first public grant. This gave Mr. Rivera the opportunity to become stipend/outreach worker and, later, Outreach Coordinator. He then became the first program director of an innovative nutritional program, La Cocina del Pueblo, which provides nutritional services to people with HIV/AIDS. Subsequently, he became the Volunteer and Outreach Coordinator and, most recently, the Director of the Community Prevention Project.

Even while giving his all—and then some—to Música, Mr. Rivera found the time for some

other impressive accomplishments as well. He was a founding member of the Williamsburg, Greenpoint, Bushwick HIV CARE Network. Last and hardly least, he is married to Marilyn Echevarría, and has an 11-year-old son, Austin.

Robert F. Kennedy once said, "It is from the numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal or acts to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

Mr. Speaker, Mr. Rivera has gained the respect of all who have had the privilege of knowing him, and all who have been blessed by experiencing his dedication and compassion. He has saved lives, and he has made lives better, all by his example that life is to be lived. He is a ripple of hope, and this world is a better place for his being in it.

#### NORTH KOREA SANCTIONS

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. HALL of Ohio. Mr. Speaker, on Friday, President Clinton announced his decision to lift some sanctions against North Korea. This is an historic move that comes at a time of real opportunity in United States-North Korea relations, one that does as much to ensure a lasting peace in Korea as any diplomatic initiative taken in the past 50 years.

In the past 3 years, I have spent considerable time on the challenges that North Korea represents. I have made five visits there to see first-hand the famine that has claimed 2 million lives, according to most experts. I have met countless times with aid workers, with Korea-Americans, with experts on North Korea, and with officials from U.N. organizations and other nations. I have struggled to understand why North Korea acts as it does, and, like many of our colleagues, I have worried about the threat North Korea's military poses to the 37,000 American service men and women stationed in South Korea.

Mr. Speaker, my experiences convince me that President Clinton's action stands a better chance than any other alternative in helping the people of North Korea, and in safeguarding peace on the Korean Peninsula.

In the long run, I expect it will bring more freedom and less poverty—as we have seen happen in other communist states that open up to market forces. In the short term, this initiative will help maintain peace on the Korean Peninsula—a peace that South Korea's people and our troops depend upon. And, by removing an obstacle to President Kim Dae Jung's bold and innovative initiative to improve relations with North Korea, it lends support to efforts to encourage "the Hermit Kingdom" to become a responsible member of the international community.

Since I first began visiting North Korea in 1996, its leaders have said they want trade—not aid. I have rarely seen any people who work as hard as Koreans, and I am confident that North Korea's people can work their way

out of the terrible difficulties of recent years and end their reliance on international aid.

Friday's action was a bold step by President Clinton, but it was not the first in U.S. DPRK relations:

Under President Reagan that we first began serious efforts to improve relations with North Korea. His administration's "Modest Initiative" envisioned a gradual increase in contacts; unfortunately, that did not succeed.

A similar effort during President Bush's tenure also failed.

In 1994, the Agreed Framework again attempted to pave the way for better relations, while freezing nuclear production. Without that agreement, which has come under considerable criticism by Congress, North Korea probably would have dozens of nuclear weapons today. But while it succeeded in freezing nuclear production, the 1994 deal also foundered without achieving its other diplomatic goals.

This latest action is the culmination of countless hours of work by a talented group of diplomats headed by Ambassador Charles Kartman. It won needed attention with the assistance of Dr. William Perry and his insightful team. But what may make the outcome of this initiative different from its predecessors' is the dramatic change in North Korea's circumstances, and the actions of the unsung Americans who responded to the humanitarian crisis that resulted.

Mr. Speaker, I have visited many famine-stricken countries. When their crisis ends, some of them throw out the leaders who presided over the famine; some of them don't. But one thing that witnesses to a famine have in common is this: they remember. They remember who helped them in their time of need; they remember who found excuses to do too little as their loved ones suffered and died.

Sadly, North Koreans now know first-hand the sorrows of famine. But they also know that America was there with our food and our aid workers, doing what we could to help ease the suffering of those most vulnerable in any famine. No one better exemplifies their dedication and willingness to make extraordinary efforts than Ells Culver, of Mercy Corps International. Ells and his colleagues are among the real heroes of efforts to better understand North Korea, and to create a lasting peace on the Korean Peninsula.

With their continued efforts, and the talents of our diplomats, we have an historic opportunity within our grasp. It is essential that this first step not be the last one. It makes sense for the President to maintain some sanctions, and I know our colleagues will need to see results before they can support lifting other sanctions. But 1999 ought to be the last time we allow a situation on the Korean Peninsula to reach a crisis point before we at least try to defuse it.

To secure the promise of this bold move, I hope the President will move quickly on other recommendations made by the Perry report, including the nomination of a senior-level envoy and the normalization of diplomatic relations. An American presence in North Korea will help ensure our policy stops careening from crisis to crisis, and it will provide Americans with consular protection.

Mr. Speaker, I hope that Congress will give this initiative a chance. We all heard South Korea's president when he addressed a joint meeting of Congress earlier this year, and

when I met with him a few weeks ago he again urged the United States to do what the President did last week.

Throughout South Korea's history, the U.S. Congress has played an important role in ensuring its national security and assisting it achieve democracy. Now is the time for Washington to again support Seoul as it charts a new course in relations with its neighbor. The President cannot play this supporting role alone, nor can he succeed in improving United States-North Korea relations without congressional support.

I appreciate the concerns that some of our colleagues have expressed about North Korea. I believe that congressional insistence on a review of U.S. policy safeguarded our national security and probably helped to avert a new crisis with North Korea. But I also know that now is the time for Congress to respect the recommendations of former Defense Secretary Bill Perry, and the many requests of our ally in Seoul.

This is an historic opportunity for peace. The cold war that still lingers in this last corner of the world is not yet over, but the end is within our grasp. I urge my colleagues to lend whatever momentum we can to this initiative, and to the efforts of the many good people working to improve the situation for the ordinary people in North Korea. With luck, and the continuing efforts of the many people who share my concerns about their well-being, they will be the biggest beneficiary of this new policy. And they will remember this turning point.

#### A TRIBUTE TO GRADY OWENS

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of one of the most remarkable individuals my 20th Congressional District of New York has ever produced. Grady Owens was one of those quiet individuals who never made headlines nor stirred controversy, and yet made a deep impact on the quality of our lives, most especially on those dear to him.

Grady Owens first came to Orange County, NY, as a young man in 1947. His uncle was the owner of the King's Lodge in Otisville, which was renamed the Betty Shabazz Retreat Center in 1998. King's Lodge was a well respected business which especially catered to people of color. Grady eventually came to be the third generation owner of the Lodge, at which he hosted some of the most famous and respected people of our time, including the beloved husband and wife acting team Ossie Davis and Ruby Dee, and the renowned poet, Maya Angelou.

Grady became well known throughout our region as a person who would always go out of his way to say hello, to inquire about the health of the people he encountered, and to render his opinions on the issues of the day. Columnist Barbara Bedell, in reporting on Grady's passing in the Times Herald Record, noted that: "when he'd go to the post office for mail or run an errand around Middletown, you'd think he was running for office. Everyone knew him and he'd spend time conversing with each and every person as though he had all the time in the world."

Grady left Orange County for eight years, from 1961 to 1969, as a U.S. Marine, and was stationed in the deep south. During those years, he was refused a bus ticket because he refused to stand in the line reserved for "colored" people. In another incident, a bottle of ketchup was poured onto his head at a lunch counter which was not yet integrated. Despite these humiliating experiences, Grady refused to bear malice against those who practiced such hate. He heeded Rev. Dr. Martin Luther King, Jr.'s advice that the only way to conquer hate is through love, and that in fact hate is more harmful to the hater than the hated.

I had the privilege of membership in the Middletown (NY) Chapter of the NAACP during the years Grady was its president. He often recounted his own sad experiences with racism—always with regret rather than vengeance—and urged us to work to make certain that our children and future generations would not have to ever again bear such indignities.

Grady was married for over 30 years to the former Judy Joyiens of Queens. Judy reminisced that he was the kind of man that, when they were married, his former girl friends attended the ceremony.

Grady, who was only 61 years old when we lost him earlier this week, had lived the last 6 years of his life with a transplanted liver. Regrettably, his long struggle to regain his health did not succeed, but he remained an active and highly visible member of our community right up until the past few weeks.

In addition to his affiliation with our NAACP chapter, Grady was a member of the Lion's Club, the Board of Directors of the Horton Medical Center, and was active on the advisory board of Orange County Community College (of which he was a graduate), and served on the editorial board of the Times Herald Record.

Grady also attended Mt. St. Mary College in Newburgh, NY.

In addition to his wife, Judith, Grady is survived by his five children: Diane Fulston of Atlanta, GA; Robin Anderson of Middletown, NY; Keith L. Taylor of the Bronx; Erin Beth Owens, also of the Bronx; and Grady Dennis Owens, Jr., of Monroe, NY.

Grady leaves behind three sisters, one brother, three grand-children, and many aunts, uncles, nieces and nephews. While no words can help ease the grief that his large, loving family is experiencing, hopefully the knowledge that many of us in what Grady considered his "extended family" share their deep sense of loss, and the realization that we have truly lost a remarkable individual will be of some consolation.

Mr. Speaker, I urge our colleagues to join in extending our deepest sympathies to all of Grady Owen's many loved ones, with our sincerest regrets that this man who set a fine example for all of us in the 20th century will not be joining with us as we enter the new millennium.

TRIBUTE TO KIYOSHI PATRICK  
OKURA

**HON. ROBERT T. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. MATSUI. Mr. Speaker, I rise today to honor Kiyoshi Patrick Okura on the occasion

of his 88th birthday and the 10-year anniversary of the Okura Mental Health Leadership Foundation. It is my great pleasure to count Pat as a personal friend, as well as one of the most esteemed members of the Japanese-American community.

Mr. Speaker, Pat Okura is not one to rest on the accolades of his exceptional list of accomplishments and contributions. In fact, even at age 88, he continues to contribute enormously to those around him. But I would like to take time now, in honor of the celebration of himself and his successes, to commend his constant efforts to improve all the communities he has lived in, and his willingness to serve the public.

Pat's leadership in the Asian American community, both local and national, has led to incredible gains in Asian American participation in Government. As the National President of the Japanese American Citizens League, Pat expanded the JACL's tradition of political engagement and brought the organization his message of empowerment. There are very few leaders who impress upon the younger members of a community the importance of engaging the political world as well as Pat. But when he shares his experiences as a Japanese American, his heartfelt encouragement and strength inspires youth with a remarkable motivation.

Pat's dedication to his country and his community shows through in his more than 50-years of work for government and service organizations. Perhaps even more dramatic than his career and volunteer work, however, was Pat's firm commitment to this nation and his personal ideals when he was threatened with slander, racism, and ignorance.

Early in his career, Pat distinguished himself as the first Japanese American to work for the City of Los Angeles' Civil Service Department. The leadership Pat displayed in his job was used against him, however, during the hysteria following the outbreak of the War in the Pacific. Despite his U.S. citizenship and years of working in public service, a writer from the Los Angeles Times falsely accused Pat of plotting espionage against the United States. Eventually Pat, his wife, their families, and thousands of other Japanese Americans, spent 9 months living in horse stables as internees at Santa Anita racetrack before being taken into internment camps.

In spite of the injustices thrust upon he and his family during the War, Pat continued to demonstrate his steadfast desire to help other people, becoming a psychologist at Father Flanagan's Boys Homes in Boys Town, Nebraska—a position he held for seventeen years.

Years later, Pat focused his leadership and compassion on winning reparations for the Japanese Americans arrested during World War II. Pat's efforts combined with other leaders in Asian American community and on all levels of government to win reparations and an apology to more than 120,000 Japanese Americans.

Ten years ago, Pat and his wife Lily founded the Okura Mental Health Leadership Foundation. During the past decade, the Foundation has raised awareness for the very specific mental health issues in the Asian American community. Each year, the Foundation brings Asian Americans to Washington, D.C., to meet

with health professionals and learn how to work with federal and state agencies to improve the health of their patients and community.

Mr. Speaker, this Sunday at the Ft. Myer's Army Base Officer's Club in Arlington, Virginia, there will be a very special event in Pat's honor. Pat and Lily will be joined by many of the dozens of young men and women who have benefited from their time as Okura Fellows, as well as many other well-wishers, to celebrate Pat's 88th birthday and commemorate his many accomplishments. As a friend of Pat's it gives me great joy to add to their voices in commending him on his tireless efforts and his well-earned successes. He has been a true leader for so many generations and communities who will always owe their heartfelt gratitude for his life's work.

A TRIBUTE TO MORTON COLLEGE  
FOR THEIR SEVENTY-FIFTH AN-  
NIVERSARY

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a distinguished community college located in my district, Morton College. Morton College, the second oldest community college in Illinois, recently celebrated their seventy-fifth anniversary.

Morton College is a pioneer in the community college concept. Morton College serves various communities in my district, including Lyons, Berwyn, Cicero, McCook, and Stickney, Illinois. It was the people of these communities who in 1924 took note of the national movement towards junior colleges and established Morton College. It was originally housed on the third of floor of Morton High School in Cicero and came close to closing on various occasions, but was saved by the community residents. Since its creation, Morton College has grown from its enrollment of 76 students to 5,000 students.

Morton College has shown its gratitude to the community by providing working-class students with an affordable, home-based access to a university degree. The school's nighttime, weekend, and summer courses allow students to have part-time and full-time jobs and is especially convenient for new immigrants, working parents, and those wishing to go "back to school." Morton College's mission statement begins: "As a comprehensive Community College, recognized by the Illinois Community College Board, Morton College has the mission to cultivate a dynamic learning environment for its students and the community \* \* \*" Morton College has continuously met and exceeded this high standard of excellence.

Mr. Speaker, I am proud to celebrate Morton College's fine educational achievements and wish them continued success in the future. Please join me in recognizing and congratulating them on their seventy-five years of dedicated service.

CELEBRATING THE APPOINTMENT OF LYNNE UNDERDOWN AS THE NEW CHIEF PATROL AGENT FOR THE MIAMI BORDER PATROL SECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE

**HON. CARRIE P. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 21, 1999*

Mrs. MEEK of Florida. Mr. Speaker, I rise to congratulate Lynne Underdown on her appointment as the new Chief Patrol Agent for the Miami Border Patrol Sector and also to commend INS Commissioner Doris Meissner on Ms. Underdown's groundbreaking appointment.

Ms. Underdown will serve as one of 23 Chief Patrol Agents nationwide in the U.S. Border Patrol, the largest uniformed federal law enforcement organization. Ms. Underdown will be the first female chief in the 75 year history of the Border Patrol, the uniformed enforcement arm of the Immigration and Naturalization Service with more than 8,000 officers charged with protecting our Nation's borders.

I would like to share with my Colleagues the attached News Release from the Immigration and Naturalization Service announcing Ms. Underdown's appointment and detailing her wide-ranging professional experience.

Mr. Speaker, the Border Patrol performs a critical mission—to facilitate legal immigration and commerce and prevent illegal traffic in people and contraband, while ensuring the safety of those living in border communities. In Miami, our frequent and unhappy experience with immigrant smuggling makes it particularly essential that the Border Patrol and all immigration-related agencies discharge their responsibilities professionally and with sensitivity for the people involved.

I am sure that Ms. Underdown's wide-ranging background and experience with detention

and deportation issues will serve her well in her new position. Hopefully, her appointment also will promote the development of additional professional opportunities for women in all branches of law enforcement.

NEWS RELEASE, SEPTEMBER 21, 1999

INS NAMES NEW CHIEF PATROL AGENT FOR MIAMI SECTOR

WASHINGTON—Immigration and Naturalization Service (INS) Commissioner Doris Meissner today named Lynne Underdown, currently the Director of INS in New Orleans, as the new Chief Patrol Agent for the Miami Border Patrol Sector. Underdown will be the first female chief in the 75-year history of the U.S. Border Patrol, the uniformed enforcement arm of INS charged with protecting the nation's borders.

"Lynne Underdown brings 19 years of distinguished service to the job. Her appointment underscores my continuing commitment to appoint the best-qualified applicants to key positions throughout the agency. It is a special pleasure that for Miami the result is our first female chief," said Meissner.

The Miami Sector has 55 Border Patrol Agents and 36 support staff stationed in Florida. In addition, the sector has jurisdiction over North Carolina, South Carolina and Georgia.

"I have great respect for the hard working and dedicated agents for the Miami Sector. They have accomplished a great deal when faced with extraordinary challenges. It will be my privilege to represent them," said Underdown.

Underdown began her career with INS in 1980 as a Border Patrol agent in San Diego. While in San Diego, she served as a field agent and also worked as Field Training Officer, Sector Training Officer and Recruiting Officer.

In 1987, Underdown was promoted to Supervisory Border Patrol Agent in Yuma Sector, where she was supervisor of the Criminal Alien (BORCAP) unit. She also supervised Employer Sanctions, the K-9 Tactical Unit and all Sector recruiting activities.

In 1990, Underdown transferred to the El Paso Sector, where she was stationed in Carlsbad, New Mexico and continued her

work with the Criminal Alien unit and employer sanctions. She also handled outreach activities with the community and local employers.

In 1992, Underdown was promoted to Assistant District Director for Detention and Deportation in the New Orleans District. She was responsible for supervising one of the largest and most complex detention and deportation operations in the country, covering a five-state jurisdiction and the Oakdale Federal Correctional Institution for criminal aliens. She was promoted to District Director in New Orleans in June 1998.

Born and raised in Chicago, Underdown has a brother on the Chicago police force and another brother who works for the Cook County Sheriff's Department. Her father was a 30-year veteran of the Chicago Police Department. "I come from a law enforcement family and I am proud to carry on that tradition," said Underdown. She currently resides in New Orleans with her two children and her husband, who is Chief Patrol Agent of the New Orleans Border Patrol Sector.

Underdown will serve as one of 23 Chief Patrol Agents nationwide in the largest uniformed federal law enforcement organization. The U.S. Border Patrol was officially established on May 28, 1924 by an act of Congress passed in response to increasing illegal immigration. The initial force of 450 officers was given the responsibility of combating illegal entries and the growing business of alien smuggling. The Border Patrol now numbers more than 8,000 well-trained and well-equipped officers.

While the Border Patrol has changed dramatically since its inception 75 years ago, its primary mission remains unchanged—to detect and prevent the unlawful entry of aliens into the United States and to apprehend those persons found in the United States in violation of immigration laws. Together with other INS officers, the Border Patrol helps maintain borders that work—facilitating the flow of legal immigration and goods while preventing the illegal traffic of people and contraband and ensuring the safety of all those living in border communities.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S11075–S11187*

**Measures Introduced:** Nine bills were introduced, as follows: S. 1602–1610. **Pages S11130–31**

**Bankruptcy Reform—Cloture Vote:** By 53 yeas to 45 nays, 1 responding present (Vote No. 280), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on S. 625, to amend title 11, United States Code. **Page S11096**

**Nomination—Cloture Vote:** By 55 yeas to 44 nays (Vote No. 281), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination of Brian Theodore Stewart, to be United States District Judge for the District of Utah. **Pages S11096–98**

**Nomination—Motion to Proceed:** By 45 yeas to 54 nays (Vote No. 282), Senate rejected the motion to proceed to the nomination of Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit. **Page S11099**

**Nomination—Motion to Proceed:** By 45 yeas to 53 nays (Vote No. 283), Senate rejected the motion to proceed to the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit. **Pages S11100–02**

**National Defense Authorization—Conference Report:** Senate began consideration of the conference report on S. 1059, to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces. **Pages S11103–25**

A unanimous-consent agreement was reached providing for further consideration of the conference report on Wednesday, September 22, 1999, with a vote on adoption to occur thereon at 9:45 a.m.

**Page S11187**

**VA–HUD Appropriations—Agreement:** A unanimous-consent agreement was reached providing for

the consideration of the proposed VA–HUD Appropriations bill on Wednesday, September 22, 1999.

**Page S11187**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaties:

Tax Convention with Italy (Treaty Doc. No. 106–11);

Tax Convention with Denmark (Treaty Doc. No. 106–12);

Protocol Amending the Tax Convention with Germany (Treaty Doc. No. 106–13).

The treaties were 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 were ordered to be printed. **Pages S11186–87**

**Messages From the President:** Senate received the following message from the President of the United States:

A message from the President of the United States transmitting, a report entitled “Continuation of Emergency with Respect to UNITA”; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–58). **Pages S11127–28**

**Messages From the President:** **Pages S11127–28**

**Messages From the House:** **Page S11128**

**Measures Placed on Calendar:** **Page S11128**

**Communications:** **Pages S11128–30**

**Statements on Introduced Bills:** **Pages S11131–36**

**Additional Cosponsors:** **Pages S11136–38**

**Amendments Submitted:** **Pages S11138–71**

**Notices of Hearings:** **Page S11171**

**Authority for Committees:** **Page S11171**

**Additional Statements:** **Pages S11171–76**

**Text of H.R. 2084, as Previously Passed:** **Pages S11176–86**

**Record Votes:** Four record votes were taken today. (Total—283) **Pages S11096–97, S11099–S11100**

**Adjournment:** Senate convened at 2:15 p.m., and adjourned at 9:02 p.m., until 9:30 a.m., on Wednesday, September 22, 1999. (For Senate’s program, see

the remarks of the Acting Majority Leader in today's Record on page S11187.)

## Committee Meetings

(Committees not listed did not meet)

### U.S. TERRORISM POLICY

*Committee on Appropriations:* Subcommittee on Commerce, Justice, State, and the Judiciary concluded hearings on United States policy on terrorism in light of the FALN members clemency, after receiving testimony from Neil J. Gallagher, Assistant Director for National Security, Federal Bureau of Investigation, and Patrick Fitzgerald, Chief of the Organized Crime and Terrorism Unit, U.S. Attorney for the Southern District of New York, both of the Department of Justice.

### HYBRID PENSIONS PLANS

*Committee on Health, Education, Labor, and Pensions:* Committee held hearings to examine the growth of hybrid pension plans and their advantages and disadvantages over traditional defined benefit pension plans, receiving testimony from Senator Leahy; Representatives Hinchey and Sanders; J. Mark Iwry, Benefits Tax Counsel, and Stuart L. Brown, Chief Counsel, Internal Revenue Service, both of the Department of the Treasury; Bill Syverson, Colchester, Vermont, and J. Thomas Bouchard, Armonk, New York, both of the IBM Corporation; Janet Krueger, Rochester, Minnesota, on behalf of the IBM Employee Benefits Action Coalition; Robert G. Chambers, Montgomery, McCracken, Walker and Rhoads, Philadelphia, Pennsylvania, on behalf of the Association of Private Pension and Welfare Plans; Ron Gebhardtshauer, American Academy of Actuaries, Karen W. Ferguson, Pension Rights Center, Morton Bahr, Communications Workers of America, Lawrence Z. Lorber, Sonnenschein, Nath and Rosenthal,

all of Washington, D.C.; and John F. Woyke, Towers Perrin, Valhalla, New York.

Hearings recessed subject to call.

### SCHOOL SYSTEMS Y2K READINESS

*Special Committee on the Year 2000 Technology Problem:* Committee concluded hearings to explore Y2K readiness among public school systems, colleges and universities, and the college financial aid system, after receiving testimony from Marshall S. Smith, Acting Deputy Secretary of Education; Richard R. Boyd, and Terryl J. Hedrich, both of the Los Angeles Unified School District, Los Angeles, California; Richard D. Koeller, Chicago Public Schools, Chicago, Illinois; K. David Weidner, American Association of School Administrators, Arlington, Virginia; George Chin, City University of New York, New York, on behalf of the National Association of Student Financial Aid Administrators; Paul Kobulnicky, University of Connecticut, Storrs; and William E. Lewis, Arizona State University, Phoenix.

### COUNTER-INSURGENCY VS. COUNTER-NARCOTICS

*United States Senate Caucus on International Narcotics Control:* Committee concluded hearings on counter-insurgency vs. counter-narcotics issues in regards to Colombia and U.S. efforts to stop drug production and transiting, after receiving testimony from Rand Beers, Assistant Secretary of State for the Bureau for International Narcotics and Law Enforcement Affairs; Brian E. Sheridan, Assistant Secretary for Special Operations and Low Intensity Conflict, and Gen. Charles E. Wilhelm, USMC, Commander in Chief, United States Southern Command, both of the Department of Defense; and Bernard Aronson, ACON Investments, former Assistant Secretary of State for Inter-American Affairs, and Michael Shifter, Inter-American Dialogue, both of Washington, D.C.

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# House of Representatives

## Chamber Action

**Bills Introduced:** 25 public bills, H.R. 2883–2907; 1 private bill, H.R. 2908; and 1 resolution, H.J. Res. 297, were introduced. Pages H8467–68

**Reports Filed:** Reports were filed today as follows:

H. Res. 295, providing for consideration of H.R. 1875, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions; and

H. Res. 296, providing for consideration of H.R. 1487, to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906 (H. Rept. 106–327). Page H8467

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designated Representative Petri to act as Speaker pro tempore for today. Page H8387

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Rev. David N. Morrell of Houston, Texas. Page H8390

**Recess:** The House recessed at 12:56 p.m. and reconvened at 2:00 p.m. Page H8390

**Presidential Messages:** Read the following messages from the President:

**Cyberspace Electronic Security:** Message wherein he transmitted his proposed legislation entitled the Cyberspace Electronic Security—Act referred to the Committees on Judiciary and Government Reform and ordered printed (H. Doc. 106–123); and Pages H8390–91

**National Emergency Re Angola:** Message wherein he transmitted his report concerning the national emergency with respect to Angola—referred to the Committee on International Relations and ordered printed (H. Doc. 106–127). Page H8432

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**National Historic Preservation Fund Authorization Extension:** H.R. 834, amended, to extend the authorization for the National Historic Preservation Fund; Pages H8408–09

**National Marine Sanctuaries Enhancement Act of 1999:** H.R. 1243, amended, to reauthorize the National Marine Sanctuaries Act. Agreed to amend the title; Pages H8409–16

**Land Conveyance of Certain National Forest Lands to Elko, Nevada:** H.R. 1231, amended, to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery; Pages H8420–21

**Terry Peak Land Transfer Act of 1999:** H.R. 2079, to provide for the conveyance of certain National Forest System lands in the State of South Dakota; Pages H8421–22

**Torture Victims Relief Act:** H.R. 2367, amended, to reauthorize a comprehensive program of support for victims of torture; Pages H8424–27

**Consent of Congress to the Missouri-Nebraska Boundary Compact:** H.J. Res. 54, granting the consent of Congress to the Missouri-Nebraska Boundary Compact; Pages H8427–29

**Consent of Congress to the Boundary Change Between Georgia and South Carolina:** H.J. Res. 62, to grant the consent of Congress to the boundary change between Georgia and South Carolina; Pages H8429–31

**Veterans' Millennium Health Care Act:** H.R. 2116, amended, to amend title 38, United States Code, to establish a program of extended care serv-

ices for veterans and to make other improvements in health care programs of the Department of Veterans Affairs (passed by a yeas and nays vote of 369 yeas to 46 nays Roll No. 427); Pages H8392–H8408, H8440

**Coastal Barrier Resources Reauthorization Act of 1999:** H.R. 1431, amended, to reauthorize and amend the Coastal Barrier Resources Act (passed by a yeas and nays vote of 309 yeas to 106 nays with one voting "present", Roll No. 428); and Pages H8406–20, H8440–41

**Saint Helena Island National Scenic Area Act:** H.R. 468, amended, to establish the Saint Helena Island National Scenic Area (passed by a yeas and nays vote of 410 yeas to 2 nays, Roll No. 429). Pages H8422–24, H8441–42

**Transportation and Related Agencies Appropriations:** The House disagreed to the Senate amendment to H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and agreed to a conference. Appointed as conferees: Representatives Wolf, DeLay, Regula, Rogers, Packard, Callahan, Tiahrt, Aderholt, Granger, Young of Florida, Sabo, Olver, Pastor, Kilpatrick, Serrano, Forbes, and Obey. Pages H8431–32

Agreed to the Sabo motion to instruct conferees to insist on maximum funding, within the scope of the conference, for the functions and operations of the Office of Motor Carriers. Pages H8431–32

**Consolidation of Milk Marketing Orders:** The House agreed to H. Res. 294, the rule providing for consideration of the bill H.R. 1402, to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders by voice vote. Pages H8433–40

**Motion to Instruct Conferees—Juvenile Justice Reform Act:** Representative Lofgren notified the House of her intention to offer a motion to instruct conferees on H.R. 1501, Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, on September 22. Page H8439

**Recess:** The House recessed at 4:43 p.m. and reconvened at 5:04 p.m. Page H8432

**Senate Messages:** Message received from the Senate appears on page H8387.

**Quorum Calls—Votes:** Three yeas and nays votes developed during the proceedings of the House today and appear on pages H8440, H8441, and H8441–42. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 9:45 p.m.

## Committee Meetings

### RUSSIAN MONEY LAUNDERING

*Committee on Banking and Financial Services:* Held a hearing on Russian Money Laundering. Testimony was heard from Lawrence H. Summers, Secretary of the Treasury; and public witnesses.

Hearings continue tomorrow.

### “CLEMENCY FOR THE FALN: A FLAWED DECISION?”

*Committee on Government Reform:* Held a hearing on “Clemency for the FALN: A Flawed Decision?” Testimony was heard from Representatives Fossella and Romero-Barceló; the following officials of the Department of Justice: Neil Gallagher, Assistant Director, National Security, FBI; Michael B. Cooksey, Assistant Director, Correctional Programs, Bureau of Prisons; and Jon Jennings, Acting Assistant Attorney General, Legislative Affairs; and public witnesses.

### OVERSIGHT—SURVEY AND MANAGE SPECIES ON THE NATIONAL FORESTS

*Committee on Resources:* Subcommittee on Forests and Forest Health held an oversight hearing on Survey and Manage Species on the National Forests. Testimony was heard from Jim Furnish, Deputy Chief, National Forest System, Forest Service, USDA; and public witnesses.

### NATIONAL MONUMENT NEPA COMPLIANCE ACT

*Committee on Rules:* Granted, by voice vote, an open rule providing one hour of general debate on H.R. 1487, National Monument NEPA Compliance Act, equally divided between the chairman and ranking minority member of the Committee on Resources. The rule makes in order the Committee on Resources amendment in the nature of a substitute as an original bill for purpose of amendment, which shall be open for amendment at any point. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Hansen and Vento.

### INTERSTATE CLASS ACTION JURISDICTION ACT

*Committee on Rules:* Granted, by voice vote, a modified open rule providing one hour of general debate on H.R. 1875, Interstate Class Action Jurisdiction

Act of 1999, equally divided between the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill be considered as an original bill for the purpose of amendment. The rule provides that the amendment in the nature of a substitute shall be open for amendment by section. The rule provides for the consideration of pro forma amendments and those amendments pre-printed in the Congressional Record, which may be offered only by the Member who caused it to be printed or his designee, and shall be considered as read. The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Conyers.

### MISCELLANEOUS MEASURES

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation approved for full Committee action the following: a concurrent resolution expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and re-engined aircraft; and the National Transportation Safety Board Amendments Act of 1999.

## Joint Meetings

### APPROPRIATIONS—AGRICULTURE

*Conferees* continued in evening session to resolve the differences between the Senate and House passed versions of H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000.

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### COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 22, 1999

*(Committee meetings are open unless otherwise indicated)*

*Senate Committee on Armed Services:* Subcommittee on Readiness and Management Support, to hold hearings to examine national security requirements and continued training operations at the Vieques Training Range, 10 a.m., SR-222.

*Committee on Energy and Natural Resources:* business meeting to consider pending calendar business, 9:30 a.m., SD-366.

*Committee on Governmental Affairs:* to hold hearings to examine the Department of Justice's handling of the Charlie Trie case, relating to the campaign finance investigation, 10 a.m., SD-628.

*Committee on Indian Affairs*: to hold hearings on S. 1587, to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control; and S. 1589, to amend the American Indian Trust Fund Management Reform Act of 1994, 9:30 a.m., SR-485.

*Select Committee on Intelligence*: to hold closed hearings on pending intelligence matters, 2 p.m., SH-219.

*Committee on Rules and Administration*: to hold hearings on S. Res. 172, to establish a special committee of the Senate to address the cultural crisis facing America, 9 a.m., SR-301.

## House

*Committee on Armed Services*, Subcommittee on Military Readiness, hearing on readiness implications concerning the Atlantic Fleet Training Center, Vieques, Puerto Rico, 1 p.m., 2118 Rayburn.

*Committee on Banking and Financial Services*, to continue hearings on Russian Money Laundering, 10 a.m., 2128 Rayburn.

*Committee on Commerce*, Subcommittee on Finance and Hazardous Materials, to continue hearings on legislation to Improve the Comprehensive Environmental Response, Compensation, and Liability Act, focusing on the following bills: H.R. 1300, Recycle America's Land Act of 1999; and H.R. 2580, Land Recycling Act of 1999, 10 a.m., 2123 Rayburn.

Subcommittee on Health and Environment, hearing on H.R. 2418, Organ Procurement and Transplantation Network Amendments of 1999, 2:30 p.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing on the Paducah Gaseous Diffusion Plant: An Assessment of Worker Safety and Environmental Contamination, 10 a.m., 2322 Rayburn.

*Committee on Government Reform*, Subcommittee on the Census, oversight hearing of the 2000 Census: Discussion of the Effects of Including Puerto Rico in the 2000 U.S. Population Totals, 10 a.m., 2203 Rayburn.

Subcommittee on Government Management, Information, and Technology, to markup the Statistical Efficiency Act of 1999, 2 p.m., 2154 Rayburn.

Subcommittee on National Security, Veterans Affairs and International Relations, hearing on Terrorism Preparedness: Medical First Response, 10 a.m., 2247 Rayburn.

*Committee on International Relations*, Subcommittee on International Economic Policy and Trade, hearing on Trade in the Americas: Progress, Challenges, and Prospect, 11:00 a.m., 2200 Rayburn.

*Committee on the Judiciary*, to markup the following measures: H. Con. Res. 124, expressing the sense of the Congress relating to recent allegations of espionage and illegal campaign financing that have brought into ques-

tion the loyalty and probity of Americans of Asian ancestry; H.R. 2005, Workplace Goods Job Growth and Competitiveness Act of 1999; H.R. 1791, Federal Law Enforcement Animal Protection Act of 1999; and H.R. 764, Child Abuse Prevention and Enforcement Act, 10 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, to mark up H.R. 881, Regulatory Fair Warning Act of 1999, 2 p.m., 2237 Rayburn.

*Committee on Resources*, to consider the following bills: H.R. 20, Upper Delaware Scenic and Recreational River Mongaup Visitor Center Act of 1999; S. 416, to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; H.R. 748, to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission; S. 944, to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma; H.R. 1615, Lamprey Wild and Scenic River Extension Act; H.R. 1665, to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation; H.R. 2140, to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; H.R. 2547, Chugach Alaska Natives Settlement Implementation Act of 1999; and H.R. 2841, to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, 11 a.m., 1324 Longworth.

*Committee on Rules*, to consider H.R. 2506, Health Research and Quality Act of 1999, 2 p.m., H-313, Capitol.

*Committee on Science*, Subcommittee on Technology and the Subcommittee on Basic Research, joint hearing on Overcoming Barriers to Utilization of Technology in the Classroom, 2 p.m., 2318 Rayburn.

*Committee on Small Business*, to markup H.R. 1497, Women's Business Centers Sustainability Act of 1999, 10:30 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Water Resources and Environment, hearing on TVA: Electricity Restructuring and General Oversight, 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs*, to markup the following measures: H.R. 1663, National Medal of Honor Memorial Act; and H.J. Res. 65, commending the World War II veterans who fought in the Battle of the Bulge, 10 a.m., 334 Cannon.

*Committee on Ways and Means*, Subcommittee on Health, hearing on Strengthening Medicare for Future Generations, 2 p.m., 1100 Longworth.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, September 22

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, September 22

## Senate Chamber

**Program for Wednesday:** Senate will resume consideration of the conference report on S. 1059, National Defense Authorization, with a vote on adoption to occur thereon at 9:45 a.m.; following which, Senate will begin consideration of the proposed VA-HUD Appropriations bill.

## House Chamber

**Program for Wednesday:** Consideration of H.R. 1402, Consolidation of Milk Marketing Orders (structured rule, one hour of general debate);  
Go to Conference on H.R. 1555, Intelligence Authorization Act for Fiscal Year 2000; and  
Motion to Instruct Conferees on H.R. 1501, Juvenile Justice Reform Act of 1999.

## Extensions of Remarks, as inserted in this issue

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