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No. 106

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
September 12, 2000.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

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

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 352

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Herbert H. Bateman, late a Representative from the Commonwealth of Virginia.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Representative.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

### LIVABLE COMMUNITIES

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

Mr. BLUMENAUER. Mr. Speaker, as the American public weighs the personalities, the politics, the policies, and the passions of this election year, there is one area where their differences could not be more clear, the commitment to livable communities and a cleaner environment. In the long run, there may be no area where the decisions are more significant.

The forces of environmental degradation will not be easy to reverse. Cleaning up our waterways and dealing with the consequences of unplanned growth and sprawl may take decades. Reversing global warming may take thousands of years. We have no time to waste.

Luckily for the American public, AL GORE and JOE LIEBERMAN have the very highest rating from the people whose job it is to advocate for and monitor congressional performance on the environment.

One does not have to be merely concerned about the stated environmental policies and positions of a Bush/Cheney administration, like drilling in the Arctic Wilderness Reserve or reversing monument status protections for some of our national treasures.

The Republican ticket also has an environmental record. Dick Cheney, in his 12 years in this Chamber, compiled one of the worst environmental voting records. Governor Bush, after two terms leading the State of Texas, has failed to lead his State from the bottom ranks in air and water quality. His voluntary approach for polluting industries out of compliance with air quality standards has resulted in only 30 of 461 companies stepping forward, raising

questions about both his judgment and his commitment to the environment.

Indeed, sad as his performance has been, it is the lack of perception and passion that I find most disturbing. He seems unaware of the Texas environmental problems. Where is his outrage and his concern that, under his leadership, Houston has become the city in the country with the worst air quality? This environmental indifference, if combined with that of the Republican leadership in this Congress, could be disastrous.

The Clinton/Gore administration has been perhaps the most environmentally sensitive in history, but progress has been slowed not just by the complexity of today's environmental problems but by highly organized special interests and, sadly, by a Republican-controlled Congress that has been one of the least sensitive in history.

For example, since the Gingrich revolution, the EPA has been under continuous assault and a series of destructive riders have made the budget process an ordeal every single year for the environment.

Bipartisan alliances to protect the environment should be the rule, and we have seen them on this floor. I salute the work of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) with TEA-21, keeping the framework in place, of the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) on CARA, with the gentleman from Nebraska (Mr. BEREUTER) working with me on flood insurance reform. But these, sadly, have been the rare exception.

The leader of the other body not only proclaims brownfields reform to be off-limits but actually puts this incredible pledge in writing. In the House, the majority leader and the majority whip have an environmental voting record of zero from the League of Conservation Voters.

□ 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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We should also consider the hidden environmental issue of this election, that of judicial appointments. The third branch of government, the judiciary, has at times played a key role in protecting the environment by requiring the enforcement of environmental laws, preventing overreaching by public and private parties. Governor Bush has voiced enthusiasm for judges in the mold of Scalia and Thomas. Judicial appointments along these lines could not only hamstring an administration for years but could cripple environmental enforcement for a generation.

There are some who suggest there is no difference between the Republicans and the Democrats in this election. When it comes to the environment, the reality is stark. The Democrats have a positive record of support and accomplishment, of sympathy and passion for the environment. The Republican ticket offers indifferent voting record, cursory performance in office, and advocacy of dangerous, even reckless, environmental policies.

Our air, the water, the landscape, our precious natural resources do not have the time to survive benign neglect, malicious indifference, let alone active assault.

There is a huge difference, perhaps more than any other issue, that of the environment. The stakes for the environment could not be higher, and the public should give it the attention that it deserves.

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DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ACT OF 2000

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, in all deference to my colleague from Oregon, the zero rating that he cited for Secretary Cheney in his voting while in Congress was from a group that is really very socialistic and makes its decisions based upon emotion and not upon science. Governor Bush is dedicated to making decisions on the basis of science and economics and not just emotions when it comes to our environment.

So I ask my colleague to review the record of Governor Bush and look carefully at the votes of Secretary Cheney with that in mind.

Mr. Speaker, I came down here this afternoon to speak about a bill, H.R. 5109, which is a bipartisan bill. It is called the Veterans' Affairs Health Care Personnel Act of 2000.

I chair the Subcommittee on Health and Veterans' Affairs, and we passed this bill. Tomorrow we are going to have a full markup. I want to bring this bill to the attention of my colleagues because I think all of them will want to cosponsor this.

About 10 years ago, the professional nursing corps at the Department of

Veterans Affairs' was in a crisis. VA was losing critical, even irreplaceable, assets from its clinical base. The Nation's hospitals in general were suffering acute shortages of trained nurses, and indeed the VA itself was viewed as a major recruitment source by these hospitals. Because of the nature of the payroll system for Federal employees, it is sort of a ponderous civil service system. VA was powerless to react in a highly competitive, volatile arena. The quality of care was in danger.

In the 101st Congress, we went ahead and tried to correct that, but we did not quite complete the job. So we had a hearing in the subcommittee earlier this year on the status of VA's work with special focus on the pay situation of VA nurses.

Mr. Speaker, what we found was very disappointing. In fact, we learned that many VA nurses had not received any increases in pay since our 1990 legislation 10 years ago. While those initial pay increases were in many cases substantial, in the course of time, other VA employee groups had caught up because of the annual comparability raises available to every Federal employee. So the nurses of the VA found themselves in a situation that they were not competitive, they were at a disadvantage, and some were leaving to go to the private sector. And this is again creating a crisis.

We in the Veterans' Affairs cannot afford to lose these specialized individuals. Therefore, in addition to the guaranteed national pay raises for nurses that was put in our bill, the subcommittee has crafted necessary adjustments to the locality survey mechanism, which is a special formula that is set up to take care of nurses and their pay increases to ensure that data are available when needed and to specify that certain steps be taken when they were necessary that lead to these appropriate salary increases for their nurses.

Mr. Speaker, this bill also addresses recommendations of the VA's Quadrennial Pay Report concerning VA dentists. Now, this is another area where we are losing specialized people. We want to bring their pay up to contemporary balance with compensation of hospital-based dentists in the private sector, or we are going to lose all the dentists in the VA system. This is the first change in 10 years in VA dentists special pay.

Our bill also addresses a very important area dealing with Vietnam veterans. At the instigation of the gentleman from Illinois (Mr. EVANS), who is the ranking minority member of the full committee, he brought up the idea of reauthorizing the landmark 1988 study of posttraumatic stress disorder in Vietnam veterans. Our bill would reauthorize this study. I look forward to working with the gentleman from Illinois (Mr. EVANS) on passage of this bill.

The bill also requires the VA to record military service history when

VA veterans come in to talk to physicians about their health care history. This will aid any veteran who subsequently files a claim of disability, especially given our newfound acquisition of knowledge with the Gulf War Syndrome, and that military combat causes stress, exposures may be associated with pesticides and other things, and all this might lead to disease later in life.

So I want to commend the Vietnam Veterans of America for bringing this proposal to me. It is a valuable contribution to this bill.

Finally, I want to talk about another very innovative idea that is crafted in this bill with the help of the gentleman from Florida (Mr. WELDON). His proposal will set up a pilot program involving not more than four VA clinic service areas. Within these areas, enrolled veterans in need of uncomplicated hospital admissions would be referred to community hospitals rather than being sent to VA Hospitals.

So if there are far distances from these hospitals, they will be able to go to a local hospital. We found out that this saves 15 percent in cost savings.

So, Mr. Speaker, I urge all of my colleagues to support my bill, and I look forward to its passage on the House floor.

Our bill is bipartisan and major provisions of it are already endorsed by several organizations, including Vietnam Veterans of America, the Nursing Organization of Veterans Affairs and the American Dental Association, and the largest federal union, the American Federation of Government Employees (AFGE), among others.

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IN RECOGNITION OF DR. DIANA S. NATALICIO, PRESIDENT OF UNIVERSITY OF TEXAS AT EL PASO

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

Mr. REYES. Mr. Speaker, I rise today to recognize Dr. Diana S. Natalicio, an outstanding individual and role model in both the Hispanic and academic community.

Dr. Natalicio is currently president of the University of Texas at El Paso, otherwise known as UTEP, a position that she has held since 1988. She received her bachelor's degree in Spanish from St. Louis University; her master's degree in Portuguese; and a doctorate in linguistics was awarded by the University of Texas at Austin.

In 1961, she was a Fulbright Scholar in Rio de Janeiro, Brazil; and in 1964, she was a visiting scholar in Lisbon, Portugal. After serving as a research associate at the Center for Communication Research at the University of Texas at Austin, Dr. Natalicio joined the faculty of UTEP in 1971 as a part-time assistant professor. She quickly rose to the rank of associate professor and then professor.

In addition to her teaching responsibilities in the Department of Linguistics and Modern Languages, she has

served UTEP in numerous administrative capacities, including chairman of Modern Languages, associate dean and dean of Liberal Arts, vice president for Academic Affairs, interim president, and finally as president in today's capacity.

Dr. Natalicio has served on numerous boards and commissions, appointed to those boards and commissions by President Clinton, former President Bush, and Governor Bush as well. Some of them are the National Science Board, NASA Advisory Council, the Fund for the Improvement of Postsecondary Education, the "America Reads Challenge" Steering Committee, the Advisory Commission on Educational Excellence and many, many others that are important in her role as president of a dynamic university.

Dr. Natalicio has received countless awards and honors, which include the Harold W. McGraw, Jr. Prize in Education, the Outstanding Contribution to Education Award by the Hispanic and Business Alliance for Education, the Humanitarian Award from the League of United Latin American Citizens, and the distinguished Professional Women's Award.

□ 1245

In 1999, Mr. Speaker, Dr. Natalicio was inducted into the Texas Women's Hall of Fame. She has also written numerous books, articles and reviews in the field of applied linguistics.

Under Dr. Natalicio's leadership, UTEP has become the largest Hispanic majority university in the Nation. Its budget has increased from \$64 million in 1988 to over \$146 million today, and its doctoral programs have grown from 1 to 8 programs and it is still growing.

In the last decade, Dr. Natalicio has been an effective and increasingly influential individual in raising the visibility and the funding of the University of Texas at El Paso.

Dr. Natalicio began visiting Washington, D.C. some 10 years ago in an attempt to solicit Federal research dollars. At the time, Dr. Natalicio today reflects, they did not even know who UTEP was. I had to go and create an identity for the institution in Washington, D.C.

UTEP's Federal research grants have increased to \$53 million last year from \$3.5 million in 1987. The university spent some \$27.8 million in 1999 moving up to fifth place among the State's 35 public academic universities in actual expenditures for Federal money.

Dr. Natalicio has constantly pushed UTEP towards becoming a Tier 1 research university. In May of 1997, under the leadership of Dr. Natalicio, UTEP embarked on an unprecedented fundraising effort called the Legacy Campaign, an initiative which, to date, has raised some \$50 million in new endowments, tripling the university's total endowment from \$25 million to over \$75 million today.

Within one year, Dr. Natalicio has announced that the university's Leg-

acy Campaign has raised \$45 million, 95 percent of its goal. This generous financial commitment has resulted in the creation of more than 200 new endowments, including 80 newly endowed scholarships; 26 new professorships and chairs; and 48 new departmental excellence funds.

Dr. Natalicio's efforts to expand UTEP's Development and Alumni Affairs office has resulted in a steady increase in annual giving to the university. Dr. Natalicio further is proud of the accomplishments and can be traced to the courageous decisions and an appreciation for the contributions of others. She has been an instrumental force in transforming UTEP from a regional institution to an international university whose vision is outward and whose growth and phenomenal success in garnering additional funds for new programs are the envy of other universities. She is responsible for developing, during radically changing times, an atmosphere in which students, faculty, and staff are stimulated, inspired, and challenged.

#### VOTE AGAINST WELFARE FOR LARGE MULTINATIONAL CORPORATIONS

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

Mr. STARK. Mr. Speaker, later today we will have an opportunity to vote on H.R. 4986, the FSC replacement bill. That is a foreign sales tax credit that was inaugurated by President Nixon in which the Washington Times recently, in an editorial, referred to it as one of the largest bipartisan and unanimous blunders passed by the House of Representatives.

In the early seventies, I opposed the FSC bill, or the foreign sales tax credit, and was successful at least in denying that tax credit to weapons manufacturers, on the theory that all weapons sold to foreign countries had to be approved by the Defense Department and the Secretary of State and basically were sold by our government to other governments, and there was no reason to give a subsidy, which is what this FSC thing is, to weapons manufacturers in the United States.

The Senate saw fit to reduce that to a 50 percent limitation and that has been the law for some 20 years. Recently, without any hearings and without any discussion, almost in the dead of night, the 50 percent limitation to defense contractors was removed. The World Trade Organization has filed a lawsuit against the United States saying that this foreign sales tax credit is a hidden subsidy, and they are right. It is a subsidy. It is being changed now in language in this bill that will come up under suspension, but the old saying, it is a duck if it quacks like a duck and it waddles like a duck. In this case, it

quacks like a subsidy and it gives money back to companies out of the taxpayers' pocket to subsidize sales overseas.

What is perhaps most egregious at this time is that we are now cutting taxes to and for U.S. pharmaceutical companies to get the U.S. pharmaceutical companies to sell cheaper drugs to foreigners while at the same time selling them at higher prices here at home to our seniors. That is what will be done if my colleagues vote for 4986, and they should vote no.

The pharmaceutical industry does not need another corporate subsidy at the expense of the American taxpayer. Why give an incentive for the pharmaceutical companies when they sell their products to other developed nations for less than we can buy them here? I offered an amendment to say that pharmaceutical companies could not have this subsidy if they were selling their drugs for 5 percent more in this country than they sell in Canada and Mexico. That, unfortunately, was defeated.

We have shown, or studies have shown, that the American seniors are without drug coverage, pay almost twice as much for their pharmaceutical drugs as do our neighbors in Canada and Mexico. Why on Earth we should be giving companies like Merck, already one of the most profitable drug companies in the world, with more than twice the profits of, say, engineering and the construction industry, why we should give them an additional subsidy to continue to sell drugs for less money in Canada and Mexico and Germany and Japan than they do to the seniors in my district in Fremont, California, escapes me.

I hope that my colleagues will see the nonsense in this bill. It is being run through. We will not even see a report. They have held the report up so nobody can read that. There were a few of us on the committee who signed dissenting views. It is a bad bill. It does nothing but take money from the average senior, the average purchaser of pharmaceutical drugs, and give it to the richest companies in this country.

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

Mr. STARK. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, if I understand what the gentleman is saying, we, of course, are well aware that America's seniors, indeed uninsured people in America of all ages, a young family that has a sick child that does not have insurance, these individuals across America, millions of them, are paying the highest price for drugs of anyplace in the entire world, and an American pharmaceutical company under this bill can continue to do that, to charge them the highest prices in the world and export the same drug to another country, whether it is Canada, Europe, wherever.

Mr. STARK. Precisely. My Zucor, which got my cholesterol down from

220 to 160, great stuff, 1,200 bucks a year for Zucor. Fortunately, Blue Cross pays some of that for me. I could buy the same drug in Canada for \$600. And I am giving this company a subsidy so they can sell it for less in Canada and I have to pay more for it here? I cannot figure that out.

Mr. DOGGETT. That is the vote we will be taking today, whether to reward these companies that charge Americans more money than anywhere else in the world, reward them by giving them a tax subsidy?

Mr. STARK. That is what it seems to me, and that seems like a dumb idea, and I hope the gentleman and my colleagues will vote no.

#### WE SHOULD NOT SUBSIDIZE AN INDUSTRY THAT OVERCHARGES AMERICAN CONSUMERS

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

Mr. DOGGETT. Mr. Speaker, because of my commitment to expanding international trade, I voted in favor of H.R. 4986 in committee. I must say that I was forced to cast that vote under very strange circumstances, with very limited information about the full content of this bill because of the way it was brought up. Because of the secrecy surrounding this bill and the deceit surrounding it, I am reconsidering that vote and will expand on the concerns that I just expressed in the discussion with my colleague, the gentleman from California (Mr. STARK). On pharmaceuticals, I question why it could possibly be right to subsidize an industry that overcharges American customers and sells the very same product made in America in other parts of the world for less. Why should there be a subsidy designed to encourage lower prices for seniors in other parts of the world for American pharmaceuticals than right here at home? The high cost of prescription drugs represents an injury to American consumers, but it really does add insult to injury to reward pharmaceutical companies with a tax break with reference to those foreign sales in addition to the gouging of the American consumer.

It is very important for our colleagues to understand that H.R. 4986, which will be coming up for a vote later today, was considered under the most extraordinary and unusual circumstances before the Committee on Ways and Means. There was no public hearing. There was no report that has yet been published. There was even an attempt to limit the ability of the members of the committee to ask questions to any resource witnesses about the nature of this bill. The lead official for the administration on this, Secretary Eizenstat, was rushed out of the committee before he could answer a single question about the bill. Highly

unusual that an administration official would be unwilling to publicly answer questions about a bill that will cost American taxpayers \$4 billion to \$6 billion each year. Apparently the entire process for putting this bill together was to gather in a room outside of public purview those people who would benefit, like the pharmaceutical industry, from the tax break and work with them to figure out how they could get the most tax break without any input from anyone other than those who stood to gain from the tax subsidy.

It is particularly ironic that we would be taking this bill up today, because we have just had released this morning a new study concerning the very highly addictive quality of nicotine; that it takes a child a very short period of time of being exposed to a cigarette before they become addicted to nicotine. Yet one of the principal beneficiaries of this piece of legislation are the giant tobacco companies. They are involved in a worldwide effort to spread the plague of death and disease associated with tobacco use. We have learned today that tobacco is even more addictive than previously known for children.

Phillip Morris, for example, runs these ads all the time, they are spending millions of dollars to tell us how they do not put their logos on clothing; they do not sponsor youth-oriented activities; they do not try to attract children to smoke in the United States. While such claims are very questionable even here at home, none of them apply abroad. Phillip Morris is directly targeting the world's children, as are other tobacco companies.

Under this piece of legislation, the American taxpayer will be an unwilling accomplice of this attempt to addict children around the world. The tobacco industry, if this bill is passed, will get at least \$100 million every year in special tax breaks for the purpose of allowing it to go around and do the same thing to children in other parts of the world, particularly in the developing countries, that it has done to our children. Nor does the American tobacco industry need a special tax break in order to enjoy a competitive advantage. Big tobacco companies have already gained extensive experience as they abused American children, as they successfully addicted millions of American children who grew up to die of emphysema and lung cancer and heart problems as a result of their exposure to tobacco.

Big tobacco has the tremendous marketing expertise, paid for with millions of lives in this country, to apply to Eastern Europe, to Asia, to Africa, to South America, to addict the children in that part of the world. And, as I indicated, they have specifically refused to apply any of the very modest limitations on marketing to children that they now apply in this country to their efforts to addict children around the world.

Why should we reward this malicious industry with \$100 million a year tax

cut? That is what the members of this Congress will have to answer this afternoon when this bill comes up.

#### 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 59 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 by the Speaker pro tempore (Mr. QUINN) at 2 p.m.

#### PRAYER

Sister Catherine Moran, O.P., New Community Corporation, Newark, New Jersey, offered the following prayer:

Lord God,

As Members of the House of Representatives meet today, give this Nation the strength and wisdom to follow Your way.

By Your gentle prodding, Lord, help those elected to public office to act on the promises made to those who rely on them.

By loosening the bonds that have held Your people in the past, may this body give service to all.

In deliberating and making decisions, may the poor and the oppressed never be forgotten.

With Your guidance, Lord, may Your servants be instrumental in fashioning a better tomorrow for all.

We ask Your blessing on the work of this Congress and we thank You for Your presence among us.

Amen.

#### THE JOURNAL

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

Mr. PAYNE 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.

#### WELCOME AND CONGRATULATIONS TO SISTER CATHERINE MORAN

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

Mr. PAYNE. Mr. Speaker, on this historic occasion it is with great pride that I welcome the guest chaplain to the United States House of Representatives, the first Roman Catholic nun, and the first nonordained woman to offer the opening prayer, Sister Catherine Moran. Sister Catherine Moran is well known and widely admired in my hometown of Newark, New Jersey, where she lives and has made a great difference in our community with her over-15 years of service to the New Community Corporation and earlier as an assistant superintendent for secondary schools in the Newark Archdiocese.

A dynamic and forward-thinking leader with a passion for social justice, Sister Catherine works diligently to improve the quality of life in our community for all people. The New Community Corporation, which was founded by my good friend, Monsignor William Linder, has a tremendous record of success in restoring vibrancy to the city of Newark through a number of innovative economic development projects and community-based programs. I am pleased to have the opportunity to offer our heart-felt thanks to Sister Catherine for bringing such energy, creativity, and resourcefulness to our community.

Mr. Speaker, as a graduate of Seton Hall University in South Orange, New Jersey, I think it should be noted that Sister Catherine Moran is carrying on a legacy of another strong woman of faith whom my alma mater is named after, Mother Elizabeth Ann Seton, the first saint who was born in the United States of America. I know my colleagues here in the United States House of Representatives join me in honoring Sister Catherine and congratulating her on this very special day.

The SPEAKER pro tempore. The Chair and the House joins the gentleman from New Jersey (Mr. PAYNE) in welcoming Sister Catherine to this historic event today. Sister, thank you.

#### BIBLE OF THE REVOLUTION

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

Mr. PITTS. Mr. Speaker, on this day in history, September 12, 1782, 218 years ago, Congress made a significant decision reported in the records of Congress. The American Revolution had just concluded, and America was no longer bound by the British law making it illegal to print a Bible in the English language.

A plan was therefore presented for Congress to approve the printing of a Bible that would be "a neat edition of the Holy Scriptures for the use of schools." Congress approved the plan and on this day in 1782 our Founding Fathers issued the endorsement printed in the front of the "Bible of the Rev-

olution," now considered one of the rarest books in the world, and I saw one recently.

That endorsement declares: "The United States in Congress assembled recommend this edition of the Bible to the inhabitants of the United States." One historian observed that "this Congress of the States assumed all the rights and performed all the duties of a Bible Society long before such an institution existed."

This act by Congress on this day in 1782 shows that our Founding Fathers believed that it was appropriate for Congress to encourage religion and even the use of a Bible, a lesson many today would like us to forget.

#### INVESTIGATE THE CHINESE FIASCO

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

Mr. TRAFICANT. Mr. Speaker, Charles LaBella, Louis Freeh, David Shippers, even Justice Department officials who wish to remain anonymous all recommended an independent counsel investigation into this Chinese fiasco: the buying and spying of our secrets and literally making illegal campaign contributions to the Democrat National Committee, possibly threatening our national security.

Poll after poll shows that Americans overwhelmingly want an investigation; and on every occasion, Janet Reno said no. Janet Reno said no five times. In fact, Janet Reno said no every single time.

Mr. Speaker, Janet Reno has betrayed America and Congress has allowed it. Beam me up. I yield back the fact that Congress should demand through legislation an independent investigation of this Attorney General and this Chinese fiasco.

#### NO CONTROLLING LEGAL AUTHORITY

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

Mr. BALLENGER. Mr. Speaker, Vice President GORE made a promise to the AFL-CIO that he would keep Federal contracts from companies the unions did not like. This "blacklist" would be created under the proposed rules the administration released late last month and would allow unions to punish companies by holding hostage the yearly pool of \$200 billion in Federal contracts.

Mr. GORE's "blacklisting" regulations kick in far too easily. Under the proposed rule, all it takes for a contractor to be denied a contract is one adverse decision by an administrative law judge.

Mr. Speaker, when the Vice President got caught making questionable phone calls for campaign cash, his defense was that there was not any controlling legal authority. Well, Mr. Vice

President, administrative law judges' decisions are not "controlling legal authority" either. Their decisions are often overturned by agencies and by the Federal courts. In fact, a court recently overruled an ALJ and the board held that a company could lawfully fire a worker who sabotaged a company's repair work.

If Mr. GORE is going to try to punish honest companies and their hard-working employees, let him at least do it upon "controlling legal authority."

#### TAX BREAK FOR MULTINATIONAL CORPORATIONS

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

Mr. DEFAZIO. Mr. Speaker, finally, today, Congress is going to push through a tax break that the President will rush to sign, not veto. Is it education credits, child care credits? No. A compromise on the marriage penalty or estate tax relief? No. How about how the other side loves to talk about tax breaks for small business. Will it go to small business? No. It is a tax break designed only for the largest multinational corporations operating in the United States. It will not produce a single American job, but it will cost American taxpayers \$5 billion to \$6 billion.

Over the next decade, \$750 million to GE, \$686 million to Boeing. It will double the tax break for arms exporters. It will give a generous tax break to tobacco exporters, and it will give a tax break to the pharmaceutical companies to sell even more of their drugs at prices lower than that that they offer to U.S. citizens subsidized by the U.S. taxpayers.

Mr. Speaker, this is outrageous. It will also go to foreign companies operating in the U.S.: BP, BASF, Daimler-Benz. Why are we rushing a \$5 billion tax break to these companies when Americans are still waiting?

#### RIGHTING A WRONG AND HELPING OUR FAMILIES

(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, this week Congress will have a unique opportunity of righting a wrong and helping American families, all with just one vote. This week, we will vote to override President Clinton's veto of the Marriage Penalty Relief Act.

In an era of unprecedented tax surpluses, our Federal Government continues to force married couples to pay, on average, \$1,400 more in taxes than two single people earning the same salaries. It seems obvious to me and to the people of the State of Nevada that this tax discrimination is simply wrong and must be corrected, and now we will have the opportunity to correct this wrong.

Eliminating the marriage penalty will also help lessen the biggest concern facing American families today, and that is financial security. I want to give the working families of Nevada the opportunity to save more of their hard-earned money for their retirement, their children's education, and their families' future. I urge my colleagues to join me in supporting the hard-working American family and eliminate the unfair marriage penalty. It is time to give our families a break.

**ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE**

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

Any record votes on postponed questions will be taken after debate is concluded on all motions to suspend the rules, but not before 6 p.m. today.

**SCHOOL SAFETY HOTLINE ACT OF  
2000**

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5123) to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines.

The Clerk read as follows:

H.R. 5123

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

**SECTION 1. FINDINGS.**

The Congress finds that—

(1) an estimated 255,000 violent incidents occurred in 1999 on school property, at an official school function, or while traveling to and from school;

(2) for the complete school year July 1, 1997, through June 30, 1998, there were 58 school-associated violent deaths that resulted from 46 incidents; 46 of these violent deaths were homicides, 11 were suicides, and 1 teenager was killed by a law enforcement officer in the course of duty;

(3) although fewer school-associated violent deaths have occurred in recent years, the total number of multiple victim homicide events has increased;

(4) in 1997, 5 percent of all 12th graders reported that they had been purposefully injured, while they were at school, with a weapon such as a knife, gun, or club during the prior 12 months, and 14 percent reported that they had been injured on purpose without a weapon;

(5) on average, each year from 1993 to 1997, there were 131,400 violent crimes against teachers at schools, as reported by teachers from both public and private schools, which translates into a rate of 31 violent crimes for every 1,000 teachers;

(6) tools should be created for, and provided to, students, teachers, parents, and administrators across the country so that they have the ability to provide the information necessary to law enforcement authorities to take action before other tragedies occur; and

(7) school safety hotlines allow students, parents, and school personnel the opportunity to report threats of school violence to law enforcement authorities, thus reducing incidents of youth violence.

**SEC. 2. NOTIFICATION.**

Not later than 1 year after the date of the enactment of this Act, the Secretary of Education shall provide written notification to the States and State educational agencies of the ability of States or State educational agencies, as appropriate, to use State administrative funds provided under title IV and title VI of the Elementary and Secondary Education Act of 1965 to implement programs related to the establishment and operation of a toll-free telephone hotline that students, parents, and school personnel use to report suspicious, violent, or threatening behavior related to schools or school functions to law enforcement authorities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

**GENERAL LEAVE**

Mr. TANCREDO. 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. 5123.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5123, the School Safety Hotline Act of 2000, which would require the Secretary of Education to notify State education agencies so that they can use funding under the Elementary and Secondary Education Act to establish school safety hotlines.

One of the effects of the recent rash of violence in our Nation's schools is that many of our students no longer feel safe. Recent studies and polls have confirmed this, showing that the number of students who fear violence in their school is at a record level. We cannot expect the educational process to continue unencumbered when teachers and students are as concerned with their safety as they are with teaching and learning.

School safety hotlines allow students, teachers, parents, and school personnel the opportunity to report threats or acts of violence to authorities. They give everyone back some of the security that they deserve, allowing them to concentrate on teaching and learning, the very reasons for which they are in school.

□ 1415

According to the report "The School Shooter: A Threat Assessment Perspective" released by the Federal Bureau of Investigation last week, one of the most important aspects of identifying potential violent adolescents is detecting that point at which they begin to talk about the event they are planning,

when a student intentionally or unintentionally reveals clues to feelings, thoughts, fantasies, attitudes, or intentions that may signal an impending violent act.

Not too long ago we had the opportunity to hear from members of the Secret Service who came into our office and made us aware of the fact that they had been working on a profile similar to this, or a document similar to this, and looking at the number of people who have been involved with either threats against personnel or threats against elected officials or people who have carried out those threats, and then looking at what they found were similar characteristics among the people who had been involved with school shootings and school violence.

One of the things they told us, there were several common elements, but the one that struck my attention at the time was the fact that all of these people tell somebody; that none of them have acted alone, in a vacuum, without ever letting anyone know of their intentions.

If that is the case, in fact that happens and these people are inclined toward that and do in fact tell others, then something like the school safety hotline, the need for it is quite evident.

In the aftermath of the tragedies around the country, I worked in cooperation with the Colorado Bureau of Investigation, the Colorado Department of Education, U.S. West, now Qwest, AT&T, and local sheriffs departments throughout the State to establish the Colorado school safety hotline. We were able to pool the resources of State agencies and private companies to provide this needed resource for the State which provides parents, students, and teachers with a valuable tool in our efforts to make schools safe.

We were able to come together as elected leaders, administrators, neighbors, friends, and families to search for ways to restore that sense of safety and security to our schools. Now if someone learns of a potential threat to a fellow student, a teacher, or a school facility, they have an opportunity to provide this information to law enforcement and school authorities who will follow up on their tip, and they can do so anonymously.

All reports to the hotline are kept strictly confidential. Here is how it works, and here is how it has worked in Colorado. The Colorado Bureau of Investigation answers the school safety hotline 24 hours a day, 7 days a week. This is enormously important. We have talked to other people and other school districts that have implemented these, but they are not really always available and accessible to a live person on the other end. Sometimes they go into a recording. That leaves a great deal of liability for the agency involved.

This hotline, the one we have in Colorado, operates, as I say, 24 hours a day, 7 days a week. It goes to a live person. Then the sheriff's department

in the county where the school is located is identified and is provided with the information, if that is necessary.

The local sheriff's department then works with local law enforcement agencies to take appropriate action and follow up on tips phoned into the hotline.

Of course, one of the most important aspects of the hotline is getting the word out to everyone in our schools and communities. To this end, the Colorado Department of Education provides each school with posters and makes sure all students and parents are aware of the hotline. AT&T-Qwest provides the public service announcements to highlight the school safety hotline to students, and they do so through the cooperation of TCI cable.

On the hardware side, Qwest has provided the telephone service for the hotline, including the telephones, the phone service, and installation, and provides the maintenance. As of September 5, the Colorado school safety hotline has taken over 600 calls, including 80 that were in the nature of a threat.

Establishing hotlines will hopefully help prevent future tragedy, and are just one of the many actions we can take to help make our schools safer. This will not be a cure, but it is another tool for all of us to use. We all know that the roots of school violence lie much deeper, but we should do everything at our disposal to prevent individual acts from happening.

The Colorado school safety hotline has been a success, and we need to make sure that every school district in America knows they already have some of the resources they need to start their own hotline.

H.R. 5123, the School Safety Hotline Act of 2000, was devised to help States throughout the nation do just that. While I wholeheartedly advocate the public-private partnerships in developing the hotline, which has been extremely successful in my district, with the passage of this legislation, funding will not be an issue whether to take steps to help protect our schools and communities.

It is my hope that tools like the school safety hotline will help restore a sense of security to students, teachers, and their families who undertake this learning mission each day. Once again, I thank the Speaker and the gentleman from Pennsylvania (Mr. GOODLING) for moving this bill. I urge my colleagues to support H.R. 5123.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers legislation that will direct the Secretary of Education to notify the States that Federal money is available to set up school safety hotlines so teachers, students, and parents will be able to report threats of school violence to law enforcement.

Many States already know these funds are available for school hotlines. Some House Members may question whether or not this legislation is really necessary.

As a member of the Committee on Education and the Workforce with my colleague, the gentleman from Colorado, I am committed to reducing classroom sizes, ensuring after-school programs, and increasing student achievement and test scores. We can accomplish none of these things unless we have safe schools first.

Had the 106th Congress really addressed school violence, then this legislation would be an appropriate amendment in major gun safety legislation. I regret that Congress has accomplished next to nothing to enact commonsense gun safety legislation.

Have we closed the gun show loophole that permits criminals to get guns easily? No. Have we required gun manufacturers to install safety locks on all new guns? No. Have we banned high-capacity ammunition clips on assault weapons? No. Do we even allow the Department of Education to collect specific information on gun violence in our schools? No.

In my home State of New York, I have worked closely with Governor George Pataki and our State lawmakers so we were able to enact strong, commonsense gun safety legislation this summer. I am proud our State now has a law that closes the gun show loophole and requires child safety locks on guns.

We need national commonsense gun legislation. This way we know all our schools will certainly be as safe as they can be.

The House leadership and the gun lobby have maintained their ironclad alliance to block the consideration of this commonsense gun legislation. I urge the American people to send a message to the House leadership to reject the gun lobby and enact real gun safety legislation before we adjourn for the year.

Mr. Speaker, the new school year has just begun. We need to give parents greater assurance that their children will be safe while they are attending school. I will support H.R. 5123, but the truth is, the Congress must do more. We can close the gun show loophole. We can require child safety locks. We can ban high-capacity ammunition clips. We can collect information on gun violence in our schools.

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

Mr. PASCRELL. Mr. Speaker, I thank the gentlewoman for yielding time to me on this important issue, and I commend her for her continued fight on this most critical problem.

We all remember with horror the tragedy that occurred in April of 1999 at Littleton, Colorado. It left a country speechless, parents childless, and Congress clueless. We will likely never know the motivations behind these two young killers.

One fact remains glaringly clear, Mr. Speaker: They were able to obtain the firearms they needed without any questions asked. A friend of the two purchased the guns from a gun show the previous autumn. Days after the killing she said, "I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check."

In the days, months, and now a year following Columbine, I have joined my colleagues in the Congress from both sides of the aisle to put an end to the gun show loophole. While successful to that end, the majority leadership still refuses to address other proposed legislation dealing with gun safety issues, so I am pleased and I am honored to stand with the gentleman from Colorado (Mr. TANCREDO) and his legislation. It is on the suspension calendar today, and I salute the gentleman from Colorado. It is timely, in fact, because millions of children and teenagers are returning to classrooms across the Nation to go back to school this month.

As stated in H.R. 5123, an estimated 225,000 violent incidents occurred in 1999 on school property, at an official school function, or while traveling to and from school. That is not acceptable and it should not be to anybody, regardless of which side of the aisle they sit on. Students and teachers ought not to leave their houses in the morning worried about whether or not they will make it home that evening.

H.R. 5123 adds one more safety measure to ensuring that school violence is stopped. To those who say there are enough laws on the books already, I say, they are misinformed. It requires the Secretary of Education to notify States that administrative funds may be used to establish the tollfree hotline in schools, as the good gentleman from Colorado pointed out. Parents, students, and school personnel wanting to report suspicious or violent acts could use this hotline.

I applaud the author of this commonsense legislation. It does not take one gun away from one person in the United States of America. It is common sense, and I applaud the gentleman for that. This is a step in the right direction.

I am encouraged that we are debating this today, because it gives me hope. Remember the song, Core Ingrata. Give me the slightest sign of hope. That is what they are doing today. This measure requires, as a measure that I had introduced not too long ago concerning smart guns, that every handgun manufactured and sold in America must incorporate technology to allow operation only by its owner. What in God's name is so demonic about that?

I urge the majority leadership to consider bringing up reasonable gun legislation: a 3-day waiting period for gun show purchases, the elimination of high-capacity ammunition clips, and requiring child safety locks on every handgun. We have Federal law on aspirins, child seats, cigarette lighters. We are afraid to do it with weapons.



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

Mr. Speaker, I recognized when I brought this measure forward that would provide an opportunity for our friends on the other side to discuss a variety of other issues not really attendant to this particular problem, not attendant to this particular bill.

We can spend all of our time, and I know that, in debate on the myriad of issues that have been hashed and rehashed on this floor, debated, discussed, or raked over, but in fact we are talking about something here that is a very practical step that can be taken tomorrow.

It does not need the overwhelming support of the Congress from a financial standpoint, it just simply needs to be passed into law and allowed to be implemented by the Secretary of Education, and we will have done something significant. It is meaningful. These are not just whimsical attempts to try to deal with this problem. Over 600 calls have come in in 1 year, a little over 1 year. Eighty of those calls were of a threatening nature.

□ 1430

We do not know, because the system does not require a feedback, as to what kind of action was finally taken after the CBA sends the information to the local agency. But, anecdotally, we have heard that there have been three to four arrests that have been made as a result of the hotline; and, therefore, we can only speculate as to the possibility as to the number of people whose lives have either been saved or at least kept out of harm's way as a result of this. So we can do this. We should think positively about the steps we can take in this regard.

I urge us to focus our attention on this issue and not on the many other things that I know are deep and deeply felt. I totally understand my colleagues who do get emotional about this issue. It is definitely an emotional issue. Perhaps the gentleman from New Jersey (Mr. PASCARELL) and I share more than just an inclination of that because, being both Italians here, one can understand how we can both get emotional about this.

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

Mrs. McCARTHY of New York. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER), my colleague on the Committee on Education and the Workforce.

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

Mr. ROEMER. Mr. Speaker, I would, first of all, like to thank the gentleman from New York for the time that she has given me to speak on such an important topic and commend her for her strong leadership on the committee that we serve on together.

I would like to extend a bipartisan hand to my colleague on the other side of the aisle who also serves on the

Committee on Education and the Workforce for his common sense, his bipartisanship, and his responsiveness to a need in America, which is important to establish a safety hotline for our parents and our schools.

But just as we need this safety hotline because of violence programs in our schools, we also need more. We need a lifeline to many of our students in our schools across this great country who do not have a chance to get a good education.

Just as we have brought this bipartisan and responsive and common sense legislation to the floor tonight, it is a very small step, a drop in the bucket towards solving some of the education problems in America, we need to do more.

The gentleman from Florida (Mr. DAVIS) and I have a bill to try innovative and bold and new ways to respond to the need in this country to bring more teachers into the teaching profession. Where is that bill today? This would bring people into the teaching profession at 40 or 50 years old in technology and math and science areas when too many of our teachers are overwhelmed with problems in the schools; and they are teaching, with a physical education degree, physics. They are not certified in the area. So we need to do more.

We need to do more in Head Start, making our Head Start programs more responsive to the needs of learning children earlier and at earlier ages. We need more resources for those children. Where is that bill today?

We need to do more to help some of our working families in the middle class and low income to afford the cost of college or community school. But we do not have that bill today.

We do not have the Elementary and Secondary Education Act on the floor today, although that will probably expire soon. We need more charter schools and public choice in America today. Where is that bill today?

Now, I am all for establishing a hotline to help our parents and our children and help establish safer schools, but what about the lifeline? In America today, across the country, from Colorado to Indiana to New York, education is the most important and pressing concern on the minds of our parents. Yet, oftentimes we cannot muster the needed, the required bipartisanship and common sense and responsiveness to bring some of these other bills to the floor.

I hope we do it before this session ends. I hope we can work on charter schools and public choice. I hope we can work on new ideas to bring new teachers into the profession. I hope we can work on better quality ideas for our parents to be involved in our schools and for local control. I hope that we can work on the ideas of, sometimes in our cities, schools that are literally falling down on the heads of our children.

Let us work together in this Congress on these ideas and not just on the idea,

although it is a good one, of outlines for our parents, for safe schools.

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

Mr. Speaker, if we are going to get into all of the things that have not been on the floor that are not on the floor, it is, I guess, important for us to talk about what has happened so far.

April 29, 1999, the Educational Flexibility Act, H.R. 800, was signed into law; May 4, 1999, IDEA Full Funding resolution passed the House; July 10, the Teacher Empowerment Act. October 12, Dollars to the Classroom resolution passed the House; October 21, Student's Results Act. October 21, the Academic Achievement Act (Straight A's) passed the House. February 29, Literacy Involves Families Together Act passed the committee. April 13, the committee completed consideration of Education Options Act. May 3, IDEA Full Funding bill passed the House.

There have been actions taken. Again, speaking about these things in a vacuum makes it appear as though this is the only thing that we are doing. It is certainly not the case with education.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentlewoman from New York once again for her kindness and generosity. I just respond to the gentleman from Colorado (Mr. TANCREDO) by saying this: The first bill that he mentioned, the Education Flexibility Act, was a bill that I authored with the gentleman from Delaware (Mr. CASTLE), a Republican; and we worked across the aisle to pass that bill. It was signed into law by the President. It was one of the few that the gentleman from Colorado mentioned that has been signed into law.

It is one thing to be able to say we passed this in this body, it is another thing to be able to say we mustered the bipartisanship in the Senate or we were able to persuade or convince the President to be with us on the issue; and generally he is with us on many of these education issues.

The gentleman from Colorado mentioned a host of resolutions that do not have the force of law. The gentleman mentioned the TEA act, the Teacher Empowerment Act, that tries to provide more opportunities for our teachers to get into the teaching profession in new ways. I supported that piece of legislation. That is not law. ESCA, no where to be found today. Elementary and Secondary Education Act that is so vital where, we worked very well together for about a third of that act in a bipartisan way, and then bipartisanship somehow mysteriously fell apart.

So we have a long way to go. My point to the gentleman from Colorado (Mr. TANCREDO) is, one, to congratulate him for a bipartisan piece of legislation today, and, secondly, and I think he would admit, we need to do more.

The challenges in America today were succinctly put forward by Thomas



Jefferson a long time ago when he said "I like the dreams of the future better than the history of the past." The dreams for the future for our children are a great education and not leaving children behind. Too many of these children are being left behind.

We need local control of our schools. We need more public school choice and more charter schools. We need more new and innovative ways to bring teachers into the profession and give them the resources to have great schools.

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

Mr. Speaker, I thank the gentleman from Indiana (Mr. ROEMER) for his comments, his very, I think, observant comments. I believe that much of what he brings to our attention is worthy of our attention. There is so much that we can do here and so much for which we have responsibility.

There is this other body, the other body we all know, we all have concerns and complaints about how it operates, or sometimes it apparently does not, but the fact is that is where most of this legislation resides. We can take, I think, pride in what we have done here. There is only so much we can do until the other body makes their decisions and moves along.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 7½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MCCARTHY) for yielding me this time. I especially want to thank her for her consistent and dedicated leadership on gun safety; leadership that has not faltered, as I am sad to say this Congress has.

I want to congratulate the gentleman from Colorado (Mr. TANCREDO), who knows firsthand what gun violence can mean to a State and to a jurisdiction, for the bipartisan leadership he has given on the bill that is before us today.

It is a useful bill. It is useful if nothing more as an advertisement for districts to know that this money exists. It is useful as a reminder to the Department of Education, if the Secretary has not already done it, to send out notices that these funds are available. It is useful to help prevent further gun violence.

But if I may say so, if we are truly serious about preventing gun violence, we will look at more than threats for gun violence. There would be fewer threats if there were fewer guns.

The gentleman from Colorado (Mr. TANCREDO) mentioned the kind of emotion that he knew his bill would call forth on the floor. Well, particularly for those of us from high gun violence jurisdictions, what kind of Members would we be this late in the session if we had no passion for this issue?

I can tell my colleagues this, the representatives of the Million Moms came

to see me recently. Last week they went to the press in desperation. The mothers who appeared with pictures of their dead children. Yes, we are angry, Mr. Speaker. They were angry, many of them, to the point of tears. School was opening throughout the region and throughout the country. They could not believe that the 106th Congress had made no progress on gun safety since the Columbine youth massacre more than a year ago. They were incredulous, and they mean for us to be incredulous.

They were dismayed that the leadership could be sitting on gun safety legislation as their children were about to go back to school. They could not believe that we would consider going home without taking this bill out of conference and passing it now. That is what they wanted me to come to the floor to say this afternoon. I would be here in a 5-minute speech if not for this legislation.

My colleagues are going to hear, not only from me and the gentlewoman from New York (Mrs. MCCARTHY), they are going to hear from many of us until this bill is passed and especially during this session.

The moms cannot believe that, after families pulled off the largest gun safety demonstration in American history, this House, this Senate has not yet heard them. I can tell my colleagues this, they have not gone away. They have not only not gone away, look in the districts of my colleagues. They are in their district now organizing.

They are making gun safety a potent election issue, which it did not have to be, because there is bipartisan support for the minimum gun safety legislation that is locked up in a self-imposed moratorium in conference committee as I speak.

I can tell my colleagues one thing. It is dangerous to treat moms like children with short attention spans. They are in for the long haul. They are not going to forget. They did not forget when they came, and they are not going to forget in November.

As Congress came back, the families felt no safer, even though it was reported during that very week that crime was down 10 percent in the country over last year. We hear one hand clapping. I do not hear the moms clapping. We are down 34 percent since 1993. Do my colleagues know why they do not hear their clapping is because they do not feel any safer.

Now, I do not know if passing the gun legislation locked up by the majority will make them be any safer, I know they will feel safer. It is the shadow of Columbine, I will say to the gentleman from Colorado (Mr. TANCREDO), that is hanging over the heads of parents and children in every State of the Union, in the District of Columbia, and the insular areas.

Imagine waking up just before Congress reconvenes and reading in the Washington Post that the FBI was preparing a guidebook on how to detect

children who might go on a shooting spree.

□ 1445

I want to know how to detect the guns and get the guns out of the hands of children who might be inclined to go on a shooting spree.

Congress better watch out, we are way behind the moms. We are still at the level of high-capacity ammunition, safety locks on guns, and the gun show loophole. They have sailed ahead to licensing and registration one gun a month. But if we were to do just what is before us now, I think they would feel that they and we had accomplished much.

I know this much: they have got long memories and their memories are not sustained by the statistics that show about 80,000 children killed in gun violence since 1979. They are not sustained by the statistics from the District of Columbia that show that there were 700 children killed by gun violence in my district.

Do my colleagues know why I am emotional? Seven hundred children in this city of half a million.

I know some of my colleagues will say, Yeah, you have got legislation that bans guns, Eleanor, so what good is it? I will tell them what good it is. Not one of those guns came from the District of Columbia. Every one of them was brought in from jurisdictions that allow guns to be sold with loopholes and without safety locks.

This is one country. This is all of our country. Guns travel across borders the same way that children do. And until there is a national gun law, there is no gun law and there is no safety for any child anywhere in America.

We do not measure them by statistics. We measure them by the way I do, by Harris "Pappy" Bates, who went on Easter Monday to the National Zoo, set up by this body, and got shot in the head. I am pleased to report that somehow he has survived.

We measure it by Andre Watts and Natasha Marsh of Wilson High School, who were buried in their graduation gowns.

Many of us stand with Mothers Across America. I say to my colleagues, I come to my colleagues with their message: we go home without gun safety legislation at our peril.

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

Mr. Speaker, it was inevitable, I am sure, regardless of how many attempts to try and focus on this particular piece of legislation, a positive step that we are taking, it was inevitable that we would begin to once again hear the kind of rhetoric just propounded on the floor of the House. It is inevitable but disconcerting.

Certainly those of us from my State, certainly I need no one to remind me what happened, where it happened, and how it happened. And I will tell my colleagues this also: we can talk forever

about gun violence, and there are absolutely legitimate issues for us to debate on this floor and through legislative bodies throughout the United States, but to tie every single issue every single time they have an opportunity to tie Columbine to it, to use that name over and over again, they do so and they do so, I believe, in a way that is not respectful of the event and of the feelings and emotions of the people in my community because it is exploiting that horrific event.

The gun show, let us talk about exactly what did happen. And I do hope that, in fact, the people of this Nation do have long memories. I will be more than willing to help them remember exactly what happened on this floor when we debated the part of the bill dealing with gun safety that we call the juvenile justice bill and we, in fact, included a provision to close the gun show loophole; and we included a ban on importation of high-capacity clips, and we included a juvenile Brady bill saying that if any juvenile gets convicted of a violent crime that they can never own a gun, and we included a mandatory sale of gun locks; and we included making it illegal for a juvenile to possess an assault weapon.

Those were there. The bill went down, and it went down with 191 Democrat noses and about 81 or 82 Republican noses, and it went down because there was a desire to have rhetoric for the rest of this session about guns as opposed to a solution.

This that I propose today is part of a solution. It is not the cure. It is not the silver lining that we can look for in this ominous picture. But it does give us hope, and it is designed to give children and parents hope.

There is nothing more discouraging in the last several months than having to recognize the fact that there were kids all over this country actually afraid to go to school. Even if nothing had happened in their particular school, nothing of a violent nature, they were still afraid because of everything they had seen on the television, everything they had heard from the media about the potential for violence.

I kept thinking to myself, what can I do, what is one thing I can do about this; and it was this hotline, the school safety hotline. It is not everything we should do. I agree with my colleagues, there is more. But, please, let us at least be positive enough to move in the direction that we know we all want to move here; and that is to provide a safe learning environment for every single child in America and to do so without the sort of incredibly divisive and, I think, inappropriate rhetoric, especially in reference to Columbine.

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and pass the bill, H.R. 5123.

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.

#### ATLANTIC COASTAL FISHERIES ACT OF 2000

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4840) to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act, as amended.

The Clerk read as follows:

H.R. 4840

*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 "Atlantic Coastal Fisheries Act of 2000".*

#### SEC. 2. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

#### "SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated \$10,000,000 for each of fiscal years 2001 through 2005.

"(b) COOPERATIVE STATISTICS PROGRAM.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission's cooperative statistics program.

#### "(c) REPORTS.—

"(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this title, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use of the assistance.

"(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the States under this title. Each biennial report shall evaluate the success of such assistance in implementing this title."

#### (b) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Such Act is amended—

(A) in section 802(3) (16 U.S.C. 5101(3)) by striking "such resources in" and inserting "such resources is"; and

(B) by striking section 812 and the second section 811.

(2) AMENDMENTS TO REPEAL NOT AFFECTED.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.

(3) SHORT TITLE REFERENCES.—Such Act is further amended by striking "Magnuson Fishery" each place it appears and inserting "Magnuson-Stevens Fishery".

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).

#### 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. 4840.

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

There was no objection.

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

Mr. Speaker, H.R. 4840 reauthorizes the Atlantic Coastal Fisheries Management Act through fiscal year 2005. This bill will extend the successful Federal-State fishery management partnership with the Atlantic States Marine Fisheries Commission.

The commission, Mr. Speaker, is made up of representatives from each of the Atlantic coastal States. Under the Act, the Federal Government can implement a moratorium on fishing in State waters if States do not comply with the plans written by the commission.

The commission's greatest success is notable in the recovery of the Atlantic striped bass, Mr. Speaker. The striped bass suffered a population crash in the late 1970s for a number of reasons, including over-fishing. Today, for fishermen in the mid-Atlantic region, including those in Ocean County, New Jersey, which is part of the district I am privileged to represent and all along Long Beach Island, this comeback has resulted in the greatest fishing on the East Coast.

Mr. Speaker, as a matter of fact, just a short time ago, last week, I had a nice group of folks join me on a 10-mile beach walk; and as we walked up the beach on Long Beach Island, there were surf fishermen after surf fishermen in quest of the Atlantic striped bass and, I might add, with some success.

This legislation simply authorizes \$10 million a year to carry out the Atlantic coastal fisheries program to enable this striped bass program and others to move forward.

The bill also allows appropriated funds to be used to carry out a fisheries statistics program which supports Atlantic coastal States fishery management plans.

I believe this legislation is non-controversial, and I would urge everyone to vote aye.

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 certainly want to compliment my good friend, the gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Fisheries, for his authorship of this legislation. I also want to thank the full committee chairman and the gentleman from California (Mr. MILLER) for their support of this important legislation.

Mr. Speaker, Atlantic coastal fishery resources that migrate or are widely

distributed among the coast are of substantial commercial, recreational, environmental importance and economic benefit to the Atlantic States and our Nation.

Unfortunately, proper management of these species is often hampered by the fact that no single government entity has exclusive authority over them. Because of this, harvest and management of the Atlantic coastal resources has historically been subject to disparate, inconsistent, and intermittent State and Federal regulations.

To help address this complication, Congress passed the Atlantic Coastal Fisheries Cooperative Management Act since 1993.

Since its inception, Mr. Speaker, this law has been an effective mechanism for supporting and encouraging the development, implementation, and enforcement of effective interstate conservation and management measures for the Atlantic coastal fishery resources.

I fully support the reauthorization of the Atlantic Coastal Fisheries Cooperative Management Act. I urge my colleagues to support this important legislation.

Mr. Speaker, I thank the gentleman for his authorship of this legislation.

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

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

Mr. Speaker, I have no further speakers; but I would just like to say in conclusion, I would like to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his cooperation. It makes one feel very good to have the kind of bipartisan cooperation that we have had on this and many other bills in our subcommittee. So I thank the gentleman for his cooperation.

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

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

Mr. Speaker, in my capacity as the ranking Democrat of the Subcommittee on Fisheries and Oceans and Wildlife and Refuge, I also want to certainly compliment my good friend, the chairman of our subcommittee, for his leadership and for the cooperative way that we have worked closely for the past 2 years since my membership in that capacity in this subcommittee. Again, I thank my good friend for working together and cooperatively on this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 4840, 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.

#### EXPLORATION OF THE SEAS ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2090) to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program, as amended.

The Clerk read as follows:

H.R. 2090

*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 "Exploration of the Seas Act".*

#### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) *During the past 100 years, scientists working with marine fossils, both underwater and high in the mountains, have traced the origins of life on Earth to the sea, beginning approximately 3 billion years ago. Today, life on our planet remains dependent on the vitality of the sea.*

(2) *More than two-thirds of the Earth's surface is covered by water, with oceans and inland seas accounting for almost 140 million square miles.*

(3) *The United Nations forecasts a worldwide population of 8.9 billion by the year 2050, a 50 percent increase from 5.9 billion in 1999. As this trend in population growth continues, increasing demands will be placed on ocean and coastal resources, not only as a result of population growth in coastal regions, but also from the need to harvest increasing amounts of marine life as a source of food to satisfy world protein requirements, and from the mining of energy-producing materials from offshore resource deposits.*

(4) *The ocean remains one of the Earth's last unexplored frontiers. It has stirred our imaginations over the millennia, led to the discovery of new lands, immense mineral deposits, and reservoirs of other resources, and produced startling scientific findings. Recognizing the importance of the marine environment, the need for scientific exploration to expand our knowledge of the world's oceans is crucial if we are to ensure that the marine environment will be managed sustainably.*

(5) *The seas possess enormous economic and environmental importance. Some ocean resources, such as fisheries and minerals, are well recognized. Oil use has increased dramatically in recent times, and the sea bed holds large deposits of largely undiscovered reserves. Other ocean resources offer promise for the future. In addition to fossil fuels, the ocean floor contains deposits of gravel, sand, manganese crusts and nodules, tin, gold, and diamonds. Marine mineral resources are extensive, yet poorly understood.*

(6) *The oceans also offer rich untapped potential for medications. Marine plants and animals possess inestimable potential in the treatment of human illnesses. Coral reefs, sometimes described as the rain forests of the sea, contain uncommon chemicals that may be used to fight diseases for which scientists have not yet found a cure, such as cancer, acquired immunodeficiency syndrome (AIDS), and diabetes. While the number of new chemical compounds that can be derived from land based plants and*

*microbial fermentation is limited, scientists have only just begun to explore the sea's vast molecular potential.*

(7) *In spite of the development of new technologies, comparatively little of the ocean has been studied. The leadership role of the United States has been eroded by a gradual decrease in funding support, even while public opinion surveys indicate that ocean exploration is at least as important as space exploration.*

(8) *The National Academy of Sciences has the means by which to study and make determinations regarding the adoption and establishment of a coordinated oceanography program for the exploration of the seas, in which the National Oceanic and Atmospheric Administration could participate in a role similar to that of the National Aeronautics and Space Administration with regard to the International Space Station.*

#### SEC. 3. COORDINATED OCEANOGRAPHIC PROGRAM ADVISORY PANEL.

(a) *IN GENERAL.*—Not later than 60 days after the date of enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall contract with the National Academy of Sciences to establish the Coordinated Oceanography Program Advisory Panel (in this Act referred to as the "Panel"), comprised of experts in ocean studies, including individuals with academic experience in oceanography, marine biology, marine geology, ichthyology, and ocean related economics.

(b) *CHAIRPERSON AND VICE CHAIRPERSON.*—The Panel shall elect a chairperson and a vice-chairperson.

(c) *TERMINATION.*—The Panel shall cease to exist 30 days after submitting its final report and recommendations pursuant to section 4.

#### SEC. 4. REPORT AND RECOMMENDATIONS.

(a) *IN GENERAL.*—No later than 18 months after its establishment, the Panel shall report to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the feasibility and social value of a coordinated oceanography program. In preparing its report, the Panel shall examine existing oceanographic efforts and the level of coordination or cooperation between and among participating countries and institutions.

(b) *INTERNATIONAL WORKSHOP.*—To assist in making its feasibility determination under subsection (a), the Panel shall convene an international workshop with participation from interested nations and a broad range of persons representing scientists, engineers, policy makers, regulators, industry, and other interested parties.

(c) *FINAL REPORT.*—The Panel shall include in its final report recommendations for a national oceans exploration strategy, which will—

(1) *define objectives and priorities, and note important scientific, historic, and cultural sites;*

(2) *promote collaboration among research organizations;*

(3) *examine the potential for new ocean exploration technologies;*

(4) *describe those areas of study in which national or international oceanographic cooperation is currently being undertaken;*

(5) *identify areas of study in which knowledge of the oceans is inadequate;*

(6) *ensure coordination with the National Oceanic and Atmospheric Administration's Marine Protected Area Center;*

(7) *ensure that newly discovered organisms with medicinal or commercial potential are identified for possible research and development; and*

(8) *identify countries and organizations that would be likely to participate in a coordinated oceanography program.*

(d) *IMPLEMENTATION.*—If the Panel determines that a coordinated oceanography program is feasible and has significant value for advancing mankind's knowledge of the ocean, the Panel shall include in its final report recommendations

for implementing such program, including recommendations regarding—

(1) the institutional arrangements, treaties, or laws necessary to implement a coordinated oceanography program;

(2) the methods and incentives needed to secure cooperation and commitments from participating nations to ensure that the benefit that each nation that is a party to any international agreement establishing a coordinated oceanography program receives is contingent upon meeting the nation's obligations (financial and otherwise) under such an agreement;

(3) the costs associated with establishing a coordinated oceanography program;

(4) the types of undersea vehicles, ships, observing systems, or other equipment that would be necessary to operate a coordinated oceanography program; and

(5) how utilization of aboriginal observational data and other historical information may be best incorporated into a coordinated oceanography program.

#### SEC. 5. OBTAINING DATA.

Subject to national security restrictions, the Panel may obtain from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the chairperson of the Panel, the head of any department or agency shall furnish that information at no cost to the Panel.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of carrying out this Act, and to remain available until expended, \$1,500,000.

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).

#### 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. 2090.

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

There was no objection.

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

Mr. Speaker, H.R. 2090 requires the Secretary of Commerce to contract with the National Academy of Sciences to establish a Coordinated Oceanographic Program Advisory Panel. The Panel will submit a report to Congress on the feasibility and social value of a coordinated international oceanography program.

Recent technical advances have given us the ability to fully explore the world's oceans.

□ 1500

As an example, in the district that I am privileged to represent, a project in Tuckerton, New Jersey, called the Long-term Ecological Observatory, better known to us at home as FEO-15, measures ocean processes along the New Jersey coast and in Little Egg Harbor and Barnegat Bay. This legislation will enhance programs just like FEO-15 for their success.

While there have been many tremendous advances in oceanography tech-

nology over the past 15 years, the United States does not have yet a comprehensive plan for determining what data needs to be collected or for integrating that data into a usable system.

This bill, H.R. 2090, is a positive step in moving this technology forward in an efficient way; and I urge support of the exploration. And I might say at this point, Mr. Speaker, that I congratulate the gentleman from Pennsylvania (Mr. GREENWOOD) for leading us to the floor with this very important piece of 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 again compliment and thank my good friend, the chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans for his management of this legislation, and I do commend the gentleman from Pennsylvania (Mr. GREENWOOD) as the chief author of this legislation, H.R. 2090.

Mr. Speaker, the world's oceans are critical to human health, as well as the vitality of our entire planet. The establishment of an advisory panel to examine the feasibility and value of a coordinated domestic and international oceanography program makes good sense.

With this in mind, I do support the principles and the provisions behind the passage of the Exploration of the Seas Act. I just have a little concern about the relevance and the need of the legislation, given the fact that earlier this year we did pass the Oceans Act of 2000 which was passed by the Congress and subsequently signed by the President on August 7 of this year.

This law already establishes a commission to evaluate and make recommendations on oceans policy. And I just thought that maybe there may be a little duplication here, but on the other hand I think on anything relevant to the situation affecting the oceans policies, where over the years we really have not given really any real substantive examination of this very, very important issue, perhaps the gentleman's legislation will add on to what we are sincerely trying to bring about this real coordinated effort with all the agencies involved between the White House and especially with the Congress so we can really look at a national oceans policy having the participation and coordination of all relevant Federal agencies that should be a participant in this effort. I just wanted to express that concern.

I urge my colleagues to pass this legislation.

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

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

Mr. Speaker, I appreciate very much the support of my friend from Amer-

ican Samoa (Mr. FALEOMAVAEGA). I would just like to comment, relative to his concerns on duplication, obviously the Oceans Act that we passed here a short time ago is a very important act because it essentially provides for an opportunity to take a look at how United States ocean policy is developed and carried out. Obviously, the Stratton Commission that was created in the late 1960s and reported to the Congress in 1969 provided an opportunity for us to make some changes and establish a great organization known as the National Oceanic and Atmospheric Administration.

This bill differs in two ways. Number one, it is international in scope, which gives us the opportunity to cooperate with, exchange information with, extract cooperative efforts from our friends around the world who are also engaged in various types of oceanography studies and the development of technology. I think that many of our friends around the world recognize, as we do, that there is a need for better ocean stewardship, and to the extent that we can cooperate with them through programs like the one that we are creating or moving to create here today will be, I think, a great advantage.

Secondly, the Oceans Act takes a broad look at United States ocean policy, domestic policy. This act is a very narrow focus on technology, and so I think that is an important distinction and one that mitigates for the important passage of this bill.

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

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SAXTON) not only for yielding to me but for all of his help in moving this bill through the subcommittee, as well as the minority ranking member.

Mr. Speaker, today I rise in strong support of the Exploration of the Seas Act, H.R. 2090, which is a necessary step if mankind is ever to realize the untapped potential of the world's oceans.

The Exploration of the Seas Act accomplishes this goal by directing the Secretary of Commerce to contract with the National Academy of Sciences to establish a coordinated oceanographic program advisory panel comprised of experts in ocean studies, which will create a blueprint of how to implement an international undersea exploration effort.

A visitor to our solar system asked to name the third planet from the sun would most certainly not name it Earth as early land-bound humans did, but rather Oceania for the dominating character of its seas. Seventy-five percent of our planet's surface and 95 percent of its biosphere is ocean.

Life began in the sea, which is now the home of somewhere between 10 and 100 million spectacularly diverse species. Ninety-seven percent of the planet's water is in its oceans. The oceans

are the engines for our terrestrial weather patterns, the highway for international trade. Fifteen percent of the protein consumed by humans comes from the sea.

Beneath the ocean floor lies unimaginable quantities of oil, gas, coal, and minerals. Marine plants and animals possess inestimable biotechnological potential in the treatment of human illness. Coral reefs, sometimes described as the rain forest of the sea, contain uncommon chemicals that may be used to fight diseases for which scientists have not yet found a cure, such as cancer, AIDS and diabetes.

While the number of new chemical compounds that can be derived from land-based plants and microbial fermentation is limited, scientists have only just begun to explore the sea's vast molecular potential.

The oceans are our source, our sustenance and the key to our future survival. But the capacity of the seas to absorb our waste and fulfill our desires is not without limit. Twenty percent of the world's coral reefs have been destroyed, 20 percent and counting. Oceans are the dumping grounds for municipal trash, sewage and even nuclear waste. More than two-thirds of the world's marine fish stocks have been fished beyond their maximum productivity.

If our children's children are to inherit the ocean's bounty, we must come to understand and manage it far better than we do today; and I am confident the Exploration of the Seas Act will assist in achieving that goal.

I urge support of H.R. 2090. Mr. Speaker, we spend billions of dollars in outer space and NASA programs. I support that. I think it is fascinating that the Russians and Americans have achieved such amazing goals in our space station, but by contrast we spend pennies on explorations of our oceans. And yet our survival as a species depends on our oceans. This legislation will begin the process by which I hope the nations of the world, the great nations of the world, can combine our efforts and begin to devote the kind of attention that we need to devote to our oceans for our own survival and for the betterment of our species.

I again thank the chairman of the subcommittee and the ranking member for all of their support.

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

Mr. Speaker, while the gentleman was speaking, I thought back of all the efforts that we have been involved in together, Members of both parties, in trying to address one of the issues that the gentleman from Pennsylvania (Mr. GREENWOOD) just spoke of that namely the ocean is not the kind of expanse that can absorb our wastes for time unlimited. And during the time that we have been in the Congress, we have stopped ocean sludge dumping. We have been successful in passing the act to make sure that people do not dump medical waste in the ocean, which was

so important to my district and the beaches that I know the gentleman visits in the summertime.

We have been successful in making sure that chemical dumping is taken care of in ways outside the ocean.

There is one burning issue off the coast of New Jersey that the gentleman and I love very much, that is the shore that we love very much, and that is that this administration is currently issuing permits to dump contaminated dredge spoils off Sandy Hook. And these are the kinds of non-thinking, bad ideas that we need to avoid. The dumping of dredge spoils with contaminants such as mercury and lead and PCBs and other things that are poisonous to the human body and to the creatures that live in the ocean is something that we need to pay a lot more of attention to.

So while we have had some successes, we have a long way to go. And this bill creating an awareness and a study, a further study of technologies about what we can do and what we should not do and what we cannot do to the ocean environment, is extremely important.

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

Mr. SAXTON. I yield to the gentleman from Pennsylvania.

Mr. GREENWOOD. Mr. Speaker, once again, I appreciate that.

As the gentleman pointed out, the United States Congress has done a great deal, particularly with the leadership of the gentleman from New Jersey (Mr. SAXTON), in reducing the pollution that the United States adds to the oceans in reducing the over exploitation in which we engage. But the rest of the world continues in many parts, whether it is in India, or in China, in Asia. The Russians have a very long way to go, and that is why I think this international cooperation is what is really needed both to explore the oceans and to protect them for the future generations. And I thank the gentleman again for all of his support.

Mr. SAXTON. Mr. Speaker, I again commend the gentleman for bringing this very good and important legislation to the floor.

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

Mr. Speaker, again I want to compliment and thank my good friend, the gentleman from Pennsylvania (Mr. GREENWOOD), for his comments, especially as the author of this legislation, and thank also the chairman of our subcommittee for managing the bill now before the floor.

I want to note also so many things relative to oceans policy of our Nation. I think our Nation is one of the few nations, if we look at the geography alone, are from the Atlantic coastal States, the State of Florida in particular, the Gulf States and then the entire Pacific coast. Probably no other nation, in my opinion, has had this direct exposure to the problems, whether it be the Atlantic Ocean, the Gulf

Stream, the areas relative to the Pacific area where ocean policy needs to be really firmly established as far as our Nation is concerned. And I thank the gentleman for bringing this legislation, hopefully, as a means of complementing what we are trying to do with other pieces of legislation.

I recall I recently attended a Conference on Marine Debris; the billions of dollars in costs for some of the things that I had listened to represented from some 20 nations in the Pacific region, and one of the things that I noticed quite well was their response in looking up to the leaders of our Nation to take the leadership in this effort because of the fact that we do have the resources and, hopefully, that we will commit such resources to assist in this effort.

I do not know if our colleagues are aware that every year we have to import over \$9 billion worth of fish from other countries. My question is: Why are we not producing enough of our own domestic consumption demand of fish in the States and in our own domestic consumption needs?

The situation of ornamental fish, it is about a \$6 billion industry. The point is that with the economics of all of this dealing with fisheries, I do think we do need to establish that policy. I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for this legislation and my good friend, the gentleman from New Jersey (Mr. SAXTON). I do urge my colleagues to support this legislation.

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, in closing, let me just say that the gentleman's help is very much appreciated. We need to understand issues like ocean dumping and this bill provides the forum in which we can look at the technology so that we can better understand. I thought we understood because we stopped dumping ocean sludge, sewage sludge in the ocean. We stopped dumping chemicals in the ocean, but we still have this burning problem of dumping contaminated dredge spoils in the ocean. It is a practice which is unwarranted, and this bill, hopefully, will provide an opportunity for the administration to understand that this is bad policy.

Mr. FARR of California. Mr. Speaker, I am pleased to be a cosponsor of H.R. 2090, The Exploration of the Seas Act. This bill requires the Commerce Department to contract with the National Academy of Sciences (NAS) to establish an advisory panel to study the feasibility and social value of creating a coordinated international oceanographic exploration and study program.

For too long crucial policy decisions regarding the development and use of our oceans and coastal regions have been made with too little information. Two years ago, at my initiation, President Clinton convened the first ever National Ocean Conference in Monterey, California. The purpose of the White House conference was to bring national attention on the need to protect and preserve our

oceans—which cover 71 percent of the Earth's surface and are key to the life support system for all creatures on our planet.

Following the National Ocean Conference, I introduced the Oceans Act with several of my colleagues. This bipartisan bill, which was signed into law by the President on August 8, 2000, will create a national Oceans Commission to bring together ocean and coastal experts, policy makers, environmental groups, and industry representatives to take a comprehensive look at our nation's ocean and coastal policies. In constant dollars, Federal expenditures for ocean activities are about one-third of what they were thirty years ago, when Congress convened a similar commission that led to the creation of the National Oceanic and Atmospheric Administration.

This summer I co-chaired the Oceans Policy Conference, to move beyond crisis management to a policy that balances conservation and development, with the guiding principles of sustainability. It is vital that the United States take the leadership in ensuring that the oceans are protected so that the ocean benefits we enjoy today will be available for future generations. Sound science and careful exploration will lay the groundwork for sustainable use of existing ocean resources and future untapped reserves.

The bill before us today, the Exploration of the Seas Act, builds on the foundation laid by my previous initiatives and those of other Members to raise global awareness of the importance of our oceans. For example, gas hydrates found in seabed floor deposits may be the energy source of the future to replace traditional fossil fuels. Half of the pharmaceuticals under development to treat cancer are derived from marine species. These two examples alone adequately illustrate that now is the time to explore the poorly understood resources of the oceans, so we may be prepared to wisely manage them in the future.

We know more about the surface of the moon than the bottom of the oceans. H.R. 2090 remedies this situation by making an important step towards discovering the unknown treasures hidden below the surface of the ocean.

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

The SPEAKER pro tempore (Mr. QUINN). 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. 2090, 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.

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#### RED RIVER NATIONAL WILDLIFE REFUGE ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4318) to establish the Red River National Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 4318

*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 "Red River National Wildlife Refuge Act".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) The area of Louisiana known as the Red River Valley, located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches, and De Soto Parishes, is of critical importance to over 350 species of birds (including migratory and resident waterfowl, shore birds, and neotropical migratory birds), aquatic life, and a wide array of other species associated with river basin ecosystems.

(2) The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

(3) The Red River Valley is part of a major continental migration corridor for migratory birds funneling through the mid continent from as far north as the Arctic Circle and as far south as South America.

(4) There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State, or private wildlife sanctuaries along the Red River north of Alexandria, Louisiana.

(5) Completion of the lock and dam system associated with the Red River Waterway project up to Shreveport, Louisiana, has enhanced opportunities for management of fish and wildlife.

(6) The Red River Valley offers extraordinary recreational, research, and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers, and nature photographers.

(7) The Red River Valley is an internationally significant environmental resource that has been neglected and requires active restoration and management to protect and enhance the value of the region as a habitat for fish and wildlife.

#### SEC. 3. ESTABLISHMENT AND PURPOSES OF REFUGE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish the Red River National Wildlife Refuge, consisting of approximately 50,000 acres of Federal lands, waters, and interests therein within the boundaries depicted upon the map entitled "Red River National Wildlife Refuge—Selection Area", dated September 5, 2000.

(2) BOUNDARY REVISIONS.—The Secretary shall make such minor revisions of the boundaries of the Refuge as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(3) AVAILABILITY OF MAP.—The Secretary shall keep the map referred to in paragraph (1) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) PURPOSES.—The purposes of the Refuge are the following:

(1) To provide for the restoration and conservation of native plants and animal communities on suitable sites in the Red River basin, including restoration of extirpated species.

(2) To provide habitat for migratory birds.

(3) To provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife.

(c) EFFECTIVE DATE.—The establishment of the Refuge under paragraph (1) of subsection (a) shall take effect on the date the Sec-

retary publishes, in the Federal Register and publications of local circulation in the vicinity of the area within the boundaries referred to in that paragraph, a notice that sufficient property has been acquired by the United States within those boundaries to constitute an area that can be efficiently managed as a National Wildlife Refuge.

#### SEC. 4. ADMINISTRATION OF REFUGE.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 5 in accordance with—

(1) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k et seq.; commonly known as the Refuge Recreation Act);

(2) the purposes of the Refuge set forth in section 3(b); and

(3) the management plan issued under subsection (b).

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of the establishment of the Refuge, the Secretary shall issue a management plan for the Refuge.

(2) CONTENTS.—The management plan shall include provisions that provide for the following:

(A) Planning and design of trails and access points.

(B) Planning of wildlife and habitat restoration, including reforestation.

(C) Permanent exhibits and facilities and regular educational programs throughout the Refuge.

(D) Ensuring that compatible hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority general public uses of the Refuge, in accordance with section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4)).

(3) PUBLIC PARTICIPATION.—

(A) IN GENERAL.—The Secretary shall provide an opportunity for public participation in developing the management plan.

(B) LOCAL VIEWS.—The Secretary shall give special consideration to views by local public and private entities and individuals in developing the management plan.

(C) WILDLIFE INTERPRETATION AND EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall construct, administer, and maintain, at an appropriate site within the Refuge, a wildlife interpretation and education center.

(2) PURPOSES.—The center shall be designed and operated—

(A) to promote environmental education; and

(B) to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

(d) ASSISTANCE TO RED RIVER WATERWAY COMMISSION.—The Secretary shall provide to the Red River Waterway Commission—

(1) technical assistance in monitoring water quality, noxious plants, and exotic organisms, and in preventing siltation of prime fisheries habitat; and

(2) where appropriate and available, fish for stocking.

#### SEC. 5. ACQUISITION OF LANDS, WATERS, AND INTERESTS THEREIN.

(a) IN GENERAL.—The Secretary may acquire up to 50,000 acres of lands, waters, or interests therein within the boundaries of the Refuge described in section 3(a)(1).

(b) INCLUSION IN REFUGE.—Any lands, waters, or interests acquired by the Secretary under this section shall be part of the Refuge.



**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this Act.

**SEC. 7. DEFINITIONS.**

For purposes of this Act:

(1) REFUGE.—The term "Refuge" means the Red River National Wildlife Refuge established under section 3.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

The SPEAKER pro tempore (Mr. QUINN). 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).

**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 exclude extraneous material therein on H.R. 4318, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 4318 was introduced by our colleague, the gentleman from Louisiana (Mr. MCCRERY). It will establish the Red River National Wildlife Refuge in Louisiana.

The Red River Valley is part of a historic migratory corridor that is used by over 350 different species of birds. These species include migratory waterfowl, shorebirds, and neotropical migratory songbirds.

It is part of the Mid-Continent Flyway region that stretches as far north as the Arctic Circle and as far south as Tierra del Fuego, South America.

Under the terms of the bill, the Secretary of Interior is provided with the authority to acquire up to 50,000 acres of land, water and other interests for inclusion in the refuge.

I fully expect that all private land acquired by the Red River Refuge will be purchased from willing sellers.

Mr. Speaker, I compliment the gentleman from Louisiana (Mr. MCCRERY) for his tireless leadership on behalf of this legislation. The gentleman has worked extremely closely with local, State, and Federal officials to make the Red River National Wildlife Refuge a reality. I obviously urge an aye vote on 4318.

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 want to compliment and thank my good friend from New Jersey (Mr. SAXTON) for his management of this legislation.

Mr. Speaker, I am pleased with the cooperation and progress that has been

made to improve the provisions of H.R. 4318 since it was ordered reported favorably by the Committee on Resources in July of this year.

It is my understanding, Mr. Speaker, that the final maps depicting the proposed acquisition boundaries for this new refuge have been agreed to by the bill's sponsor, my good friend, the gentleman from Louisiana (Mr. MCCRERY), and by the Fish and Wildlife Service. I support these boundaries; and with this last remaining issue resolved, I am comfortable with moving this bill forward with passage today.

This legislation, Mr. Speaker, will help restore and protect in perpetuity, valuable wetlands and wildlife habitats along the Red River in northern Louisiana. This bill is supported by the administration and has strong bipartisan support on both sides of the aisle on the Committee on Resources.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. MCCRERY. Mr. Speaker, I would like to express my strong support for H.R. 4318, the Red River National Wildlife Refuge Act. This measure, which I introduced, establishes the Red River National Wildlife Refuge in Caddo, Bossier, Red River, Natchitoches, and DeSoto Parishes in the Fourth Congressional District of Louisiana.

At present, there are 20 national wildlife refuges in the State of Louisiana which host over 1.4 million visitors annually. However, not a single national wildlife refuge exists in Northwest Louisiana to meet a demonstrated environmental need in the Red River Alluvial Valley.

The Red River Alluvial Valley is an internationally significant environmental resource that has been neglected and requires active restoration and management to protect and enhance the value of the region as habitat for fish and wildlife.

The Red River Valley is part of a major continental migration corridor for migratory birds funneling through North America from as far north as the Arctic Circle to as far south as Tierra del Fuego in South America. This valley is of critical environmental importance to over 350 species of birds (including migratory and resident waterfowl, shore birds, and neotropical migratory birds), aquatic life, and a wide array of other species associated with river basin ecosystems.

However, since the 1820s, the Red River Valley has been almost totally cleared of its forest cover, primarily due to agricultural production. The recent completion of the Red River Waterway project in Louisiana and the land-use changes away from agricultural production in the area have enhanced opportunities for environmental restoration and management of fish and wildlife in the Red River Valley.

H.R. 4318 authorizes the acquisition of up to 50,000 acres of land, waters, or interests therein in Caddo, Bossier, Red River, DeSoto, and Natchitoches Parishes for inclusion in the Red River National Wildlife Refuge. The refuge is envisioned to take the form of several large tracts of refuge lands comprising several thousand acres apiece, managed as a system to restore and preserve fish and wildlife habitat.

The Red River National Wildlife Refuge, authorized in this Act, represents the federal

share of a unique federal, state, local and private partnership being proposed by local conservationists, including Paul and Skipper Dickson and other members of the Friends of the Red River Refuges, to restore and manage approximately ten percent of the 800,000-acre Red River Alluvial Valley in Louisiana. Funding for land acquisition would come from the Migratory Bird Fund and the Land and Water Conservation Fund.

H.R. 4318 calls for significant local public involvement in the delineation of refuge boundaries and the formulation of a refuge management plan. The bill also encourages public use of refuge lands and environmental outreach programs and facilities, including the authorization of wildlife interpretation and education center associated with the refuge.

I would like to thank House Resources Committee Chairman DON YOUNG, Fisheries Conservation, Wildlife and Oceans Subcommittee Chairman JIM SAXTON, and the other members of the Resources Committee for their support for this proposal. I urge members of the House to vote in favor of this legislation so we may undertake this important conservation and restoration project as soon as possible.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 4318, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill H.R. 4318, as amended, was passed.

A motion to reconsider was laid on the table.

#### CORINTH BATTLEFIELD PRESERVATION ACT OF 1999

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1117) to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

The Clerk read as follows:

S. 1117

*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 "Corinth Battlefield Preservation Act of 1999".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—  
(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;  
(ii) private organizations; and  
(iii) individuals;

(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for



coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and  
(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and  
(B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

(A) the State of Mississippi;  
(B) the State of Tennessee;  
(C) the city of Corinth, Mississippi;  
(D) other public entities; and  
(E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites area in and around the city of Corinth that—

(A) are consistent with the themes of the Siege and Battle of Corinth;

(B) meet the criteria for designation as a unit of the National Park System; and

(C) are considered appropriate for inclusion in the Unit.

### SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term “Map” means the map entitled “Park Boundary-Corinth Unit”, numbered 304/80,007, and dated October 1998.

(2) PARK.—The term “Park” means the Shiloh National Military Park.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) UNIT.—The term “Unit” means the Corinth Unit of Shiloh National Military Park established under section 4.

### SEC. 4. ESTABLISHMENT OF UNIT.

(a) IN GENERAL.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UNIT.—The Unit shall be comprised of—

(1) the tract consisting of approximately 20 acres generally depicted as “Battery Robinett Boundary” on the Map; and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

### SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) the State of Mississippi (including a political subdivision of the State);

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as “Friends of the Siege and Battle of Corinth”.

### SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) DUTIES.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f-5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;  
(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;  
(B) historical societies;  
(C) State and local agencies; and  
(D) nonprofit organizations.

(2) TECHNICAL ASSISTANCE.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;  
(D) a nonprofit organization; and

(E) a private property owner.

(d) RESOURCES OUTSIDE THE UNIT.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

### SEC. 7. AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and

(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a nonprofit organization; or

(D) a private person.

(b) CONTENTS OF STUDY.—The study shall—  
(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and

(B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;

(B) historical societies and commissions;

(C) civic groups; and

(D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts; and

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;

(B) development;

(C) interpretation;

(D) operation; and

(E) maintenance.

(c) REPORT.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including \$3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f-5(d)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, S. 1117 establishes the Corinth Unit of the Shiloh National Military Park in the vicinity of Corinth, Mississippi, in the State of Tennessee. Companion legislation, H.R. 2249, was introduced by the gentleman from Mississippi (Mr. WICKER). The purpose of S. 1117 is to protect and commemorate areas associated with the Civil War battle of Corinth. The

Corinth Unit consists of approximately 20 acres of land and is the future site of an interpretive center.

The Battle of Shiloh took place in April of 1862 and is considered to be one of the most important battles of the Civil War. Thousands of men died in the 2-day battle with the Union forces; and as a result of the Battle of Shiloh, Confederate troops were forced to withdraw southward.

The Union armies remained intact enough and to continue their southward advancement, eventually taking Vicksburg and Port Hudson in 1863. The Union advance essentially cut the South in half and many knew at this point it was solely a matter of time before the Union would prevail.

The Battle of Corinth played a large part in the overall battle of Shiloh. Because of this, S. 1117 would direct the Secretary of the Interior to manage and protect the resources associated with the Battle of Corinth by establishing the Corinth Unit as part of the Shiloh National Military Park.

This bill also provides for a resource study to be conducted by the Secretary to determine whether certain other additional properties are appropriate for inclusion in the newly established unit.

Mr. Speaker, I urge my colleagues to support S. 1117.

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 thank my good friend, the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands. I know the gentleman from Puerto Rico (Mr. ROMERO-BARCELO), my colleague and good friend, is on his way.

Mr. Speaker, as the ranking member of the Subcommittee on National Parks and Public Lands, I am just pinch-hitting for the gentleman from Puerto Rico.

Mr. Speaker, the area in and around the city of Corinth, Mississippi, near the Mississippi-Tennessee border, played a significant role in several early chapters of the American Civil War. Corinth was the crossroads of two rail-lines vital to Confederate supply efforts, and the city served as the front line of the western theater of battle.

The battle of Shiloh in April 1862 was launched after 44,000 Confederate troops had withdrawn to Corinth to regroup and to resupply forces.

Several weeks later, Union forces briefly laid siege to the city, finally overtaking Corinth and holding it for the rest of the war. The site of the Battle of Shiloh is a national military park but does not include the city of Corinth. However, in 1996, Congress authorized the establishment of an interpretive center for the Corinth campaign.

Mr. Speaker, S. 1117 offered by the majority leader from the other body, the gentleman from Mississippi, would build on that effort by establishing Corinth as an official unit of the Shiloh National Military Park. The new unit would consist of the 21-acre site selected for that interpretive center, plus any additional land, owned by a public or a nonprofit entity, which the Secretary determines to be suitable.

The legislation contains provisions for management of the new unit, future land acquisition, a special resource study of the area and authorizes an additional \$3 million for the construction of that interpretive center.

This legislation has the support of the administration and bipartisan support of both sides of the aisle in this committee.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. WICKER. Mr. Speaker, I rise in support of the Corinth Battlefield Preservation Act. This legislation authorizes \$3 million for the construction of the Corinth-Civil War Preservation and Interpretive Center and its inclusion into the Shiloh National Military Park. The bill gives Corinth its proper status as one of America's most pivotal and important Civil War sites. I would first like to thank my colleague from Utah, the distinguished Chairman of the Resources Subcommittee on National Parks and Public Lands, Mr. HANSEN, and the Ranking Member, Mr. ROMERO-BARCELO, for holding a hearing on this important legislation in April. The bill before us today is the companion to H.R. 2249, which I introduced.

As legendary Civil War historian Ed Bearss proclaimed, "The Battle of Corinth was the bloodiest battle in the State of Mississippi. Troops were brought from New Orleans, Mobile, Texas, and Arkansas because Corinth was such an important place. With the fall of Corinth, Perryville, Kentucky, and Antietam, Maryland, the Confederacy was lost." We owe it to our ancestors and to future generations to protect Corinth and the abundance of Civil War history in this small town.

Corinth, referred to as the "Vertebrae of the South," was the intersection of the Memphis & Charleston railroad and the Mobile & Ohio railroad which connected the Confederate States of America from the Mississippi River to the Atlantic Ocean and the Gulf of Mexico. Each side recognized its significance. In a telegram to Secretary of War Edwin Stanton in May of 1862, Union General W.H. Halleck expressed the importance of Corinth: "Richmond and Corinth are now the great strategical points of war, and our success at these points should be insured at all hazards," the telegram read.

Mr. Speaker, the Battle of Corinth also involved one of the first uses of "earthworks" as part of modern warfare. These trenches, which would later be used extensively in World Wars I and II, are considered to be among the largest and best-preserved fortification groups in the nation but are in danger of being lost forever.

Sites such as the Corinth battlefield are far too important to be known only through history books. We need places where Americans can come and see history right before their eyes. Although the Corinth Battlefield has been designated as a National Historic Landmark, it is still considered a "Civil War Landmark At

Risk" by the Civil War Site Advisory Commission.

For over one hundred years, the United States Congress has advanced the idea that our national interest is best served by preserving America's historic treasures, not only by ensuring the proper interpretation of important historic events, but also the places and properties where important military milestones occurred.

Mr. Speaker, this outstanding preservation effort would not be possible without the hard work and dedication of Mrs. Rosemary Williams and the Siege and Battle of Corinth Commission, along with the people of Corinth, and Alcorn County, Mississippi. This bipartisan bill is widely supported by local, state, regional, and national preservation organizations. We must take this necessary step to protect our heritage so that generations to come can gain an understanding of the struggles of our great nation. Events such as the Siege and Battle of Corinth have helped shape our American democracy and have transformed our diverse states and citizens into a united and prosperous nation, better prepared to meet the challenges and opportunities of the future.

I urge my colleagues to support the Corinth Battlefield Preservation Act.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1117.

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

A motion to reconsider was laid on the table.

#### BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4957) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

The Clerk read as follows:

H.R. 4957

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

#### SECTION 1. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

Section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking "2000" and inserting "2005".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4957 extends the legislative authority for the Black Patriots Foundation for another 5 years, to 2005, in order to establish a commemorative work on the Washington, D.C. mall. This commemorative work honors the black patriots who fought for American independence during the Revolutionary War.

In 1998, the Black Patriots Foundation was granted an extension for the authority to design and construct the memorial on the Washington D.C. Mall. When granted, the Black Patriots Foundation believed that the memorial would be finalized in just 2 years. Unfortunately, the foundation has not been successful in raising enough funds and has asked that it be granted an extension 5 more years until 2005.

Mr. Speaker, the Black Patriots Foundation has recently hired an exclusive director with extensive fundraising experience and has recommitted themselves to seeing this memorial to completion. Therefore, I believe it is the best course of action to reauthorize this foundation so that this very important part of our history can be experienced by all of those who will visit this deserving memorial.

Mr. Speaker, I urge my colleagues to support this.

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 thank the gentleman from Utah (Mr. HANSEN), my good friend, the chairman of the Subcommittee on National Parks and Public Lands for his management of this legislation. I want to personally commend the chief author of the sponsor of this legislation, the gentleman from New York, (Mr. RANGEL), my good friend.

Mr. Speaker, the 99th Congress approved legislation reauthorizing the Black Revolutionary War Patriots Foundation to establish a memorial on Federal land in Washington, D.C. The specific purpose of the proposed memorial is to honor the roughly 5,000 slaves and free men who fought against Britain during the American Revolution, although its broader theme is to honor all African Americans who have fought and died while serving in the U.S. military.

Mr. Speaker, the proposed site for the memorial is north of the Reflecting Pool on the Mall, between the Washington and Lincoln Memorials, an area where more than 100,000 people once gathered in that summer of 1963 to hear Dr. Martin Luther King's historic speech, "I have a Dream."

Mr. Speaker, from the outset, the project has complied with all aspects of Commemorative Works Act and has received all the approvals necessary to move forward. Unfortunately, the private efforts to raise an estimated \$9

million needed for the construction of the memorial have yet to reach their goal, and without congressional action, authorization for the project will expire this month.

Mr. Speaker, H.R. 4957, as I said earlier, which was sponsored by the gentleman from New York (Mr. RANGEL), my good friend, will amend the existing law to extend an authorization for the foundation until the year 2005. While previous extensions have been for 2 years only, it is our hope that this 5-year extension will provide sufficient time for this project to raise the funds necessary to move this project forward.

Again, I urge my colleagues to approve this legislation; and I urge my friends to support this bill.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 4957, legislation to extend the authority of the Black Patriots Foundation to establish a commemorative work on the national Mall.

I am delighted to be an original cosponsor of this legislation along with Mr. RANGEL, Mrs. JOHNSON and Mr. PAYNE, all of whom have worked so long and hard—and continue to do so—to make this memorial to the Black patriots of the Revolutionary War a reality.

My colleagues, this House has noticed an absence and therefore a very real need for commemoration in honor of people who helped to birth this Nation, people who actually gave the supreme sacrifice during this Nation's defining moment.

As Harriett Beecher Stowe wrote about the black men and women who served in the Revolutionary War, it was not for their own land they fought, nor even for the land which had adopted them, but for a land that had enslaved them and whose laws, even in freedom, more often oppressed than protected. Bravery under such circumstances has a peculiar beauty and merit.

The fact is, Mr. Speaker, men and women of all colors have been involved in every aspect of this country from its founding days. We are full partners in the history, bloodshed and tears that have made this Nation great.

Unfortunately, not all of us know our Nation's history, where we came from and what makes us who we are today. H.R. 4957 and the work of the Black Revolutionary War Patriots Foundation will move us closer to that goal and to a lasting historical recognition on our national Mall of these brave men and women who fought for our freedoms. I am pleased to support this effort and encourage my colleagues to give this bill their strong support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 4957, the Black Patriots Foundation Extension, which would extend by five years, until 2005, the authority of the Black Revolutionary War Patriots Foundation to complete a memorial to the black men, women, and children who fought in the Revolutionary War.

It is fitting that the Black Patriots Foundation was created and charged with the responsibility of constructing a memorial on the National Mall to honor the approximately 5,000 known African Americans who fought for America's freedom during the Revolutionary War. Unfortunately, their important work will not have been completed by the expiration of the authority of the initiating legislation. There-

fore, it is important that H.R. 4957 be passed by the 106th Congress and signed into law by the president because the original 1986 legislation will expire in October 2000.

Most American school children learn of the bravery of, Crispus Attucks, the first African American man to die in the cause of this country's independence. However, very few school age children or adults in this country know any other names of stories of the thousands of African Americans who fought for this nation's independence at a time when they themselves were slaves. It is reported that many African American soldiers in the Revolutionary Army did not enlist, but were offered for service by their masters so that they themselves would not be required to serve in the cause for their nation's freedom. During the War for Independence if a man was drafted, he was allowed to buy his way out of the army or to send someone in his place, a mercenary. For the wealthy property owner, the cheapest mercenary available to them was a slave.

By the time the first battles of the war occurred at Lexington and Concord, there were ten African American soldiers. One of these brave Americans was named Prince Easterbrooks, who was said to be "the first to get into the fight." Later at the battle of Bunker Hill, Salem Poor, another African American soldier acted with such valor, fourteen officers who observed his actions in battle wrote to the legislature requesting special recognition of Poor for his heroism.

At first Washington was hesitant about enlisting blacks. But when he heard they had fought well at Bunker Hill, he changed his mind. This allowed the creation of the first all-black First Rhode Island Regiment composed of 33 freedmen and 92 slaves who were promised freedom if they served until the end of the war—distinguished itself in the Battle of Newport. Later, most were killed during a British attack.

The heroic actions of African American free citizens and slaves during the American Revolutionary War extend beyond the battlefield. Such is the case of an unnamed African American spy who was a servant to the leader of the British Army, General Cornwallis. This patriot spy provided valuable information to General Marquis de Lafayette, who offered his services to the American Revolutionary Congress and fought with General George Washington at the Battle of Brandywine and at Valley Forge.

In the name of this American Revolutionary spy and the thousands of other unknown African American free persons and slaves who fought during our nation's war for freedom I urge my colleagues to support the passage of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4957.

The question was taken.

Mr. HANSEN. 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.

**GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT OF 2000**

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3632) to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3632

*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 "Golden Gate National Recreation Area Boundary Adjustment Act of 2000".*

**SEC. 2. ADDITIONS TO THE GOLDEN GATE NATIONAL RECREATION AREA.**

*Section 2(a) of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes" (16 U.S.C. 460bb-1(a)) is amended by adding at the end the following: "The recreation area shall also include the lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS-80,076, and dated July 2000/PWR-PLRPC."*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 3632 expands the boundaries of the Golden Gate National Recreation Area to include 12 parcels of additional land. Most of the parcels are south of San Francisco near the City of Pacifica, California, and total approximately 1,200 acres.

Mr. Speaker, although the introduced legislation included numerous other parcels of land to be included within the boundary expansion, I have worked with my friend, the gentleman from California (Mr. LANTOS) who introduced this measure and agreed that those private property owners who have expressed desire not to be in this legislation are now excluded.

This amended bill reflects this agreement, and we have only included those parcels which wish to be included within the expanded recreation area of the boundaries.

Mr. Speaker, I compliment the gentleman from California (Mr. LANTOS) for the good work he has done on this, and I urge all of my colleagues to support H.R. 3632, as amended.

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

Mr. ROMERO-BARCELO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELO asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, H.R. 3632 is a bill introduced by the gentleman from California (Mr. LANTOS). As introduced, it would have expanded the boundaries of the Golden Gate National Recreation Area in California by adding 20 parcels of land totalling approximately 1,216 acres.

The Golden Gate National Recreation Area is one of the largest urban parks in the world. The lands proposed for addition to the park have been reviewed through various National Park Service planning processes and have been found to be suitable and desirable additions to the park.

□ 1530

We, along with the administration and the gentleman from California (Mr. LANTOS) have supported H.R. 3632 as introduced.

However, the Committee on Resources adopted an amendment to insert a new boundary map that deletes from the original proposal any parcel where the landowner has not affirmatively agreed to be in the park boundary. We believe this change weakens the legislation. The change made by the committee will preclude the National Park Service from acquiring the deleted parcels, all of which have been found suitable and desirable additions to the park, from their owners if they wish to sell in future. Such a change will necessitate coming back and getting legislative authority in each instance where an affected landowner wishes to sell to the National Park Service. However, we also recognize the lands that would still be added to the park by the amended bill are extremely important addition, and, thus, while we would prefer passage of the bill as introduced, we support H.R. 3632, as amended.

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

Mr. LANTOS. Mr. Speaker, I am here briefly to rise and to thank my friend, the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG); the ranking member, the gentleman from California (Mr. MILLER); the chairman of the Subcommittee on National Parks and Public Lands subcommittee, the gentleman from Utah (Mr. HANSEN), who have been so enormously helpful and supportive of my legislation; and the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELO).

The legislation I am here to say a few words about is H.R. 3632, which expands GGNRA in three counties. It will add immeasurably to the value of this most important area, adding approximately 900 acres in San Mateo, San Francisco and Marin Counties to the existing GGNRA park land.

It is supported powerfully by local government. A significant portion of the lands are donated without any cost to the Federal Government. The Department of Interior and the National

Park Service strongly support this legislation.

Mr. Speaker, I want to urge all of my colleagues to vote for this and thank them for approving this legislation.

In the interest of time, I ask that the full text of my statement be included in the RECORD at this point.

Mr. Speaker, I want to thank my colleagues on the Resources Committee who have been supportive of my legislation, H.R. 3632 the Golden Gate National Recreation Boundary Adjustment Act—Resources Committee Chairman Mr. YOUNG of Alaska and the Ranking Member of the Resources Committee, my fellow Californian, Mr. MILLER. I also want to thank the Chairman of the National Parks Subcommittee Mr. HANSEN of Utah who has been particularly cooperative in working with me on this legislation. The Ranking Member of the National Parks Subcommittee, Mr. ROMERO-BARCELO of Puerto Rico, has also been most supportive.

I also want to express my thanks to my neighbors and colleagues from California who have a particular interest in this legislation and who have worked closely with me for the passage of this legislation—Congresswoman NANCY PELOSI of San Francisco and Congresswoman LYNN WOOLSEY of Marin County. H.R. 3632 includes areas that are in their Congressional Districts, and I appreciate working together with them on this bill.

The entire bipartisan Bay Area congressional delegation are cosponsors of this legislation, and I thank them all for their support.

I also want to thank Chris Walker of my staff for his excellent efforts on this legislation.

Mr. Speaker, the Golden Gate National Recreation Area (GGNRA) was established in 1972 to protect important natural and cultural resources in the San Francisco Bay area. The park is located in the city of San Francisco and in Marin and San Mateo Counties, and it presently encompasses 76,000 acres of land and water.

The legislation we are considering today—H.R. 3632, the Golden Gate National Recreation Area Boundary Adjustment Act—revises the authorized boundaries of the GGNRA to include approximately 1,000 acres of land in San Mateo and Marin Counties and the City of San Francisco. The approximately 900 acres of lands in San Mateo County which will be added to the park are adjacent to existing GGNRA lands and will connect existing park lands to nearby headlands, beaches and trails along the Pacific Ocean.

Inclusion of these lands will improve public access to existing park areas, trails and beaches. It also will improve access to the historic Portola Expedition Discovery Site, the "Plymouth Rock of the West," which is the site from which San Francisco Bay was first seen by European explorers in the 18th century. H.R. 3632 also authorizes the inclusion of approximately 100 acres of land in Marin County known as "Marincrest," and approximately 2 acres of land in the City of San Francisco.

Mr. Speaker, this legislation has the strong and enthusiastic support of local government leaders in the Bay Area. The Pacifica City Council and the San Mateo County Board of Supervisors have adopted resolutions supporting inclusion of these lands to the GGNRA. The Marin County Open Space District adopted a resolution supporting inclusion

of Marincrest into the GGNRA. The San Francisco Board of Supervisors has also adopted a resolution supporting passage of the bill.

The U.S. Department of the Interior and the National Park Service have also expressed their strong support of H.R. 3632. In 1988, a congressionally-authorized boundary study by the National Park Service identified 15 tracts of land totaling 1,057 acres of lands in San Maeto County that would be logical additions to the park. The Park Service study concluded that these additional lands would preserve significant natural, scenic and recreational resources and would establish a park boundary that is more logical, recognizable and easier to manage. The Department of the Interior and the National Park Service officially expressed support for this legislation in a hearing before the National Parks Subcommittee of the Resources Committee.

Mr. Speaker, one element of this legislation that is particularly important is that a substantial portion of the lands to be included in the GGNRA will be donated without cost to the Federal Government by the local community and private land trusts and conservation groups. Major donated parcels in San Mateo County include Cattle Hill (261 acres), San Pedro Point (246 acres) and Milagra Ridge (30 acres). In Marin County, the Trust for Public Lands has agreed to donate half the value of the 96-acre Marincrest property. The two parcels in San Francisco will also be donated.

Mr. Speaker, this legislation will provide permanent protection for these stunning and critical natural areas. Adding this land to the GGNRA will preserve it for future generations and make existing areas of the park more accessible for all. I strongly urge my colleagues to join me in supporting the adoption of H.R. 3632.

Ms. PELOSI. Mr. Speaker, I rise in support of H.R. 3632 to expand the boundaries of the Golden Gate National Recreation Area. I would like to thank my colleagues, Chairman DON YOUNG, Subcommittee Chairman JIM HANSEN, and Ranking Member GEORGE MILLER, for their support of this bill and for ensuring its consideration on the floor today.

As a cosponsor with Representatives LANTOS and WOOLSEY, I would like my colleagues to know that the Golden Gate National Recreation Area is a vital part of the community and culture in the Bay Area. Not only is it the home of the Presidio, Muir Woods, the Marin Headlands and Alcatraz Island, the GGNRA is the largest urban national park in the world hosting over 19 million visitors a year, the largest visitation of any national park. The park offers visitors a variety of activities from hiking, camping, biking to educational and cultural programs.

H.R. 3632 is modeled after recommendations from a study by the National Park Service to evaluate the desirability of adding lands in Pacifica to the GGNRA. In addition, H.R. 3632 would expand the Golden Gate National Recreation Area to include 1,300 acres adjacent to the existing, including three areas in Marin County, one area in San Mateo County, and a coastline area in San Francisco. The boundary expansion will allow visitors better access to the existing areas of the park and will insure more efficient management of the natural resources in the park.

This legislation has gained large support from the local communities in the Bay Area, the State of California, the National Park Serv-

ice and has the support of the entire Bay Area Congressional delegation.

I urge my colleagues to vote yes on H.R. 3632.

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

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3632, as amended.

The question was taken.

Mr. HANSEN. 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.

#### AIR FORCE MEMORIAL FOUNDATION AUTHORIZATION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4583) to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

The Clerk read as follows:

H.R. 4583

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

#### SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL EXTENDED.

The Act entitled "An Act to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs", approved December 2, 1993 (Public Law 103-163), is amended by adding at the end the following new section:

#### "SEC. 4. LEGISLATIVE AUTHORITY.

"Notwithstanding section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)), the legislative authority for the Air Force Memorial Foundation to establish a memorial under this Act shall expire on December 2, 2005."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4583 extends the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

In December of 1993, authorization was given for the Air Force Memorial Foundation to establish an Air Force memorial to honor the men and women who have served in the United States Air Force. The memorial was to comply with the provisions of the Commemorative Works Act.

Among other things, the Commemorative Works Acts provides that the leg-

islative authority for the commemorative work will expire at the end of the 7-year period beginning on the date of the enactment of such authority, unless a construction permit has been issued. To date, no construction permit has been issued.

Furthermore, due to unforeseen and lengthy lawsuits, all work, including the fund-raising for the memorial, was put on hold for approximately 3 years. The lawsuits have been settled and work is ready to recommence regarding the memorial. However, due to the delay in the 7-year requirement of the Commemorative Works Act, the authorization for the foundation is about to expire. In fact, the authority will expire on December 2 of this year unless Congress passes a time extension.

With considerable work already accomplished and the lawsuit settled, the memorial needs now to be completed. Thus, the bill would extend authority to the Air Force Memorial Foundation to complete the well-deserved memorial. The authority would extend until 2005, giving the foundation the time to fulfill the final construction and dedication of the Air Force memorial.

Mr. Speaker, I urge my colleagues to support this very worthy piece of legislation.

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

Mr. ROMERO-BARCELO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELO asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, H.R. 4583 introduced by the gentleman from Utah (Mr. HANSEN) would extend the authorization of the Air Force Memorial Foundation to establish an Air Force memorial.

Public Law 103-163 authorized the Air Force Memorial Foundation to establish the Air Force memorial in the District of Columbia or its environs. The foundation has identified a site just across the Potomac River in Arlington, Virginia.

We understand that the Air Force Memorial Foundation has made great strides toward construction of a memorial but has not proceeded to the point of getting a construction permit. Without such a permit, the authority to construct a memorial will expire on December 2, 2000.

Except for its length of 5 years, the extension authorized by H.R. 4583 is consistent with that authorized for other memorials. We hope 5 years is not necessary.

We support passage of H.R. 4583 and look forward to the completion of the memorial.

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

Mr. HANSEN. Mr. Speaker, it is a privilege for me to yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), a former Air Force officer and a distinguished man with a tremendous and

enviable record in the United States Air Force.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate the comments of the gentleman from Utah.

Mr. Speaker, this bill does extend the authorization for the establishment of an Air Force memorial. It is the only service that does not have one, and I think it is long overdue.

The Air Force Memorial Foundation has worked tirelessly for over 7 years toward that goal, and historically all memorials authorized by Congress have required extensions to their legislation. In fact, this only authorizes 5 additional years for the Air Force memorial, which is going to be built without taxpayer dollars.

It does not reference a specific site, and construction is subject to final approval from the National Capital Planning Commission and the Commission on Fine Arts. I think it is time to properly honor our Air Force Members who fought to keep America free.

Do you remember World War II veterans? I do. Those guys were called America's greatest society, its greatest generation. It is the guys who flew those early airplanes, those P-40s in China, the P-51s in Europe, the B-17s, the B-24s, the B-25s, the B-26s, the Air Force that got us on track after World War II; and it is your Air Force today that did the things in the Middle East and in Kosovo that made America great and has kept it there throughout the years.

Mr. Speaker, I think it is only proper that we honor our Air Force members who fought and have fought and will continue to fight to keep America free. Please vote to give America's pilots the honor they so deserve.

Mr. HANSEN. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise in support of this legislation, and I commend the gentleman from Utah (Chairman HANSEN) for his leadership on this issue.

The bill, of course, as mentioned earlier, authorizes the Air Force Memorial Foundation for an additional 5 years to accomplish its mission. Frankly, it is a mission that is long overdue. I think it has been pointed out, the Air Force is the only branch of America's Armed Forces without a memorial in the Nation's Capital. Could this be? The time has come for this city to dedicate a memorial in honor of the commitment and sacrifice of the men and women of the United States Air Force, and I think it is long overdue.

It will not only honor the millions of patriotic men and women who have distinguished themselves in the United States Air Force, but its predecessors, such as the Army Air Corps, which we should also remember.

The memorial will also salute the vast technological achievements that

have been made by the Air Force, which has made it the most formidable air power in the world. This has had a profound impact on the transformation of this entire world over the last century.

From biplanes to the B-2 Stealth Bomber, the Air Force has evolved from a fledgling aeronautical division of the United States Signal Corps to a powerful 21st century expeditionary aerospace force.

So we are beholden to honor the aviation pioneers of yesterday, the technological achievements of today, and the distinguished service of those men and women in blue.

Mr. Speaker, Americans deserve to learn about Captain Eddie Rickenbacker. I do not know if a lot of people know about him today, but he would be recognized, the first U.S. trained ace pilot; Colonel Billy Mitchell, who was posthumously awarded the Medal of Honor for his foresight in aviation; General Hap Arnold, the architect of U.S. air power; Captain Chuck Yeager, the first man to break the sound barrier; the Tuskegee Airmen, African American pilots and personnel of the 332nd Fighter Group, which earned a Distinguished Unit Citation for an escort mission to Berlin in 1945; the Women's Auxiliary Corps in World War II, which included women pilots; and the Air Force's first graduated female pilot class of 1977. These are the things that Americans should know about and that this memorial would point out.

As with other armed service memorials, the Air Force Memorial would not only honor those who have served and those who continue to serve, but I think in the end it would inspire future generations to serve this country with pride.

I urge the adoption of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to announce my enthusiastic support for HR 4583, a measure that should have broad bipartisan support. This is one of many legislative initiatives that should be supported by those who honor those who sacrificed so much for their nation.

In December 1993, President Clinton signed legislation (PL 103-165) authorizing the Air Force Memorial to establish an Air Force Memorial in the District of Columbia or its environs. However, under the Commemorative Works Act, legislative authority for a commemorative work expires after seven years if no construction permits have been issued. Due to legal delays, no such permits have been issued, although all pending lawsuits have been resolved and work is ready to commence. We cannot allow this work to be left unfinished.

Mr. Speaker, this bill has a simple purpose. It extends to December 2, 2005, the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia. It simply authorizes the necessary funds to make the memorial a reality—a goal we all share. This is something that all Americans would benefit from as tourists or residents of the remarkable location known as the District of Columbia.

Like some of my colleagues, I have worked to ensure that our veterans are recognized and commended for their contributions. Our veterans deserve our strong support because they have shown honor, humility, and human decency that is unparalleled. That is why I was so honored and excited to sponsor legislation recognizing the efforts and sacrifices of those veterans who either served or fought during World War II.

The joint resolution (H.J. Resolution 98) designates May 25, 2000, as a national Day of Honor to honor minority veterans from World War II. An identical resolution—S.J. Resolution 44—as introduced by my colleague U.S. Senator EDWARD KENNEDY. It was wonderful to see the excitement shared by veterans around the nation when President Clinton signed the legislation into law in the Oval Office in May. The resolution calls upon communities across the nation to participate in celebrations to honor minority veterans on May 25, 2000, and throughout the year 2000.

I have learned that these celebrations have continued all over the country in several cities since the legislation became law. Over one hundred and twenty cities across America have held or are planning to hold a Day of Honor observance. The number increases weekly.

Because this recognition is long overdue, it is appropriate that we honor and celebrate the memories of the veterans who served or fought throughout the year. The Day of Honor celebrations are a part of a number of initiatives to honor our veterans. Today, we have an opportunity to extend our continued appreciation to a large segment of veterans from the Air Force that make us all so proud to be Americans.

Establishing an Air Force Memorial in the District of Columbia is entirely beneficial to the entire nation and needs our strong continued support to make sure that the job is well done. For these reasons, I urge my colleagues to vote for HR 4583. This is the very least we must do for our veterans.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4583.

The question was taken.

Mr. HANSEN. 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. HANSEN. 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 S. 1117, H.R. 4957, H.R. 3632, as amended, and H.R. 4583.

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



There was no objection.

**JACKSON MULTI-AGENCY CAMPUS  
ACT OF 1999**

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1374) to authorize the development and maintenance of a multi-agency campus project in the town of Jackson, Wyoming.

The Clerk read as follows:

S. 1374

*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 "Jackson Multi-Agency Campus Act of 1999".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the management of public land and natural resources and the service of the public in the area of Jackson, Wyoming, are responsibilities shared by—

- (A) the Department of Agriculture;
- (B) the Forest Service;
- (C) the Department of the Interior, including—
  - (i) the National Park Service; and
  - (ii) the United States Fish and Wildlife Service;
- (D) the Game and Fish Commission of the State of Wyoming;
- (E) Teton County, Wyoming;
- (F) the town of Jackson, Wyoming;
- (G) the Jackson Chamber of Commerce; and
- (H) the Jackson Hole Historical Society; and

(2) it is desirable to locate the administrative offices of several of the agencies and entities specified in paragraph (1) on 1 site to—

- (A) facilitate communication between the agencies and entities;
- (B) reduce costs to the Federal, State, and local governments; and
- (C) better serve the public.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Federal agencies specified in subsection (a)—

(A) to develop and maintain the Project in Jackson, Wyoming, in cooperation with the other agencies and entities specified in subsection (a); and

(B) to provide resources and enter into such agreements as are necessary for the planning, design, construction, operation, maintenance, and fixture modifications of all elements of the Project;

(2) to direct the Secretary to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson;

(3) to direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the town of Jackson, Wyoming, in exchange for approximately 1.35 acres of land, also located in the town of Jackson, to be used in the construction of the Project; and

(4) to relinquish certain reversionary interests of the United States in order to facilitate the transactions described in paragraphs (1) through (3).

**SEC. 3. DEFINITIONS.**

In this Act:

(1) COMMISSION.—The term "Commission" means the Game and Fish Commission of the State of Wyoming.

(2) CONSTRUCTION COST.—The term "construction cost" means any cost that is—

(A) associated with building improvements to Federal standards and guidelines; and

(B) open to a competitive bidding process approved by the Secretary.

(3) FEDERAL PARCEL.—The term "Federal parcel" means—

(A) the parcel of land, and all appurtenances to the land, comprising approximately 15.3 acres, depicted as "Bridger-Teton National Forest" on the Map; and

(B) the parcel comprising approximately 80 acres, known as the "Cache Creek Administrative Site", located adjacent to the town.

(4) MAP.—The term "Map" means the map entitled "Multi-Agency Campus Project Site", dated March 31, 1999, and on file in the offices of—

- (A) the Bridger-Teton National Forest, in the State of Wyoming; and
- (B) the Chief of the Forest Service.

(5) MASTER PLAN.—The term "master plan" means the document entitled "Conceptual Master Plan", dated July 14, 1998, and on file at the offices of—

- (A) the Bridger-Teton National Forest, in the State of Wyoming; and
- (B) the Chief of the Forest Service.

(6) PROJECT.—The term "Project" means the proposed project for construction of a multi-agency campus, to be carried out by the town of Jackson in cooperation with the other agencies and entities described in section 2(a)(1), to provide, in accordance with the master plan—

- (A) administrative facilities for various agencies and entities; and
- (B) interpretive, educational, and other facilities for visitors to the greater Yellowstone area.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture (including a designee of the Secretary).

(8) STATE PARCEL.—The term "State parcel" means the parcel of land comprising approximately 3 acres, depicted as "Wyoming Game and Fish" on the Map.

(9) TOWN.—The term "town" means the town of Jackson, Wyoming.

**SEC. 4. MULTI-AGENCY CAMPUS PROJECT, JACKSON, WYOMING.**

(a) CONSTRUCTION FOR EXCHANGE OF PROPERTY.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the town may construct, as part of the Project, an administrative facility to be owned and operated by the Bridger-Teton National Forest, if—

(A) an offer by the town to construct the administrative facility is accepted by the Secretary under paragraph (2);

(B) a memorandum of understanding between the town and the Secretary outlining the roles and responsibilities of each party involved in the land exchange and construction is executed;

(C) a final building design and construction cost estimate is approved by the Secretary; and

(D) the exchange described in subsection (b)(2) is completed in accordance with that subsection.

(2) ACCEPTANCE AND AUTHORIZATION TO CONSTRUCT.—The Secretary, on receipt of an acceptable offer from the town under paragraph (1), shall authorize the town to construct the administrative facility described in paragraph (1) in accordance with this Act.

(3) CONVEYANCE.—

(A) SECRETARY.—The Secretary shall convey all right, title, and interest in and to the Federal land described in section 5(a)(1) to the town in simultaneous exchange for, and on satisfactory completion of, the administrative facility.

(B) TOWN.—The town shall convey all right, title, and interest in and to the administrative facility constructed under this sec-

tion in exchange for the land described in 5(a)(1).

(b) OFFER TO CONVEY STATE PARCEL.—

(1) IN GENERAL.—The Commission may offer to convey a portion of the State parcel, depicted on the Map as "Parcel Three", to the United States to be used for construction of an administrative facility for the Bridger-Teton National Forest.

(2) CONVEYANCE.—If the offer described in paragraph (1) is made not later than 5 years after the date of enactment of this Act, the Secretary shall convey the Federal land described in section 5(a)(2) to the Commission, in exchange for the portion of the State parcel described in paragraph (1), in accordance with this Act.

**SEC. 5. CONVEYANCE OF FEDERAL LAND.**

(a) IN GENERAL.—In exchange for the consideration described in section 3, the Secretary shall convey—

(1) to the town, in a manner that equalizes values—

(A) the portion of the Federal parcel, comprising approximately 9.3 acres, depicted on the Map as "Parcel Two"; and

(B) if an additional conveyance of land is necessary to equalize the values of land exchanged after the conveyance of Parcel Two, an appropriate portion of the portion of the Federal parcel comprising approximately 80 acres, known as the "Cache Creek Administrative Site" and located adjacent to the town; and

(2) to the Commission, the portion of the Federal parcel, comprising approximately 3.2 acres, depicted on the Map as "Parcel One".

(b) REVERSIONARY INTERESTS.—As additional consideration for acceptance by the United States of any offer described in section 4, the United States shall relinquish all reversionary interests in the State parcel, as set forth in the deed between the United States and the State of Wyoming, dated February 19, 1957, and recorded on October 2, 1967, in Book 14 of Deeds, Page 382, in the records of Teton County, Wyoming.

**SEC. 6. EQUAL VALUE OF INTERESTS EXCHANGED.**

(a) VALUATION OF LAND TO BE CONVEYED.—

(1) IN GENERAL.—The fair market and improvement values of the land to be exchanged under this Act shall be determined—

(A) by appraisals acceptable to the Secretary, using nationally recognized appraisal standards; and

(B) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) APPRAISAL REPORT.—Each appraisal report shall be written to Federal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(3) NO EFFECT ON VALUE OF REVERSIONARY INTERESTS.—An appraisal of the State parcel shall not take into consideration any reversionary interest held by the United States in the State parcel as of the date on which the appraisal is conducted.

(b) VALUE OF FEDERAL LAND GREATER THAN CONSTRUCTION COSTS.—If the value of the Federal land to be conveyed to the town under section 5(a)(1) is greater than the construction costs to be paid by the town for the administrative facility described in section 4(a), the Secretary shall reduce the acreage of the Federal land conveyed so that the value of the Federal land conveyed to the town closely approximates the construction costs.

(c) VALUE OF FEDERAL LAND EQUAL TO VALUE OF STATE PARCEL.—

(1) IN GENERAL.—The value of any Federal land conveyed to the Commission under section 5(a)(2) shall be equal to the value of the



State parcel conveyed to the United States under section 4(b).

(2) BOUNDARIES.—The boundaries of the Federal land and the State parcel may be adjusted to equalize values.

(d) PAYMENT OF CASH EQUALIZATION.—Notwithstanding subsections (b) and (c), the values of Federal land and the State parcel may be equalized by payment of cash to the Secretary, the Commission, or the town, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the values cannot be equalized by adjusting the size of parcels to be conveyed or by conveying additional land, without compromising the design of the Project.

#### SEC. 7. ADDITIONAL PROVISIONS.

(a) CONSTRUCTION OF FEDERAL FACILITIES.—The construction of facilities on Federal land within the boundaries of the Project shall be—

(1) supervised and managed by the town in accordance with the memorandum of agreement referred to in section 4(a)(1)(A); and

(2) carried out to standards and specifications approved by the Secretary.

(b) ACCESS.—The town (including contractors and subcontractors of the town) shall have access to the Federal land until completion of construction for all purposes related to construction of facilities under this Act.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—Land acquired by the United States under this Act shall be governed by all laws applicable to the administration of national forest sites.

(d) WETLAND.—

(1) IN GENERAL.—There shall be no construction of any facility after the date of conveyance of Federal land under this Act within any portion of the Federal parcel delineated on the map as "wetlands".

(2) DEEDS AND CONVEYANCE DOCUMENTS.—A deed or other conveyance document executed by the Secretary in carrying out this Act shall contain such reservations as are necessary to preclude development of wetland on any portion of the Federal parcel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

#### GENERAL LEAVE

Mr. WALDEN of Oregon. 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 S. 1374.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1374, the Jackson Multi-Agency Campus Act of 1999, provides for an exchange of land for a building. The Forest Service will transfer approximately 12 acres of the Bridger-Teton National Forest to the State of Wyoming and to the town of Jackson, Wyoming in exchange for a building site and construction of a multi-agency office to house Forest Service and other Federal, State and local resource organizations.

S. 1374 provides for a fair market exchange among willing sellers. The agencies gain a modern office location where employees from different organizations will be able to work closely together in partnership, which should lead to better decisions being made on the ground. The public gains a convenient facility for one-stop shopping when doing business with natural resource agencies.

All parties to the agreement, Federal and local officials, as well as the public, are in favor of the bill, and I urge my colleagues to vote in favor of S. 1374.

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 thank my good friend, the gentleman from Oregon (Mr. WALDEN), for management of this legislation, and certainly want to commend the gentlewoman from Wyoming (Mrs. CUBIN), a member of the Committee on Resources, for her strong support of this legislation as introduced by the other body.

Mr. Speaker, Senate bill 1374 authorizes the Secretary of Agriculture to convey up to 90 acres of land in the Bridger-Teton National Forest in Teton County, Wyoming, to the town of Jackson. In exchange for the land, the town will construct an administrative facility for the Forest Service and other Federal, State and local agencies and organizations within 5 years of the exchange. The value of the facility is estimated to be around \$7 million.

The bill also provides for the Game and Fish Commission of Wyoming to convey nearly 1.5 acres of land for the future site of the facility in exchange for 3.2 acres of a parcel of Federal land. The bill contains several other contingencies.

□ 1545

While this bill represents a creative public-private partnership, I have some concerns about the precedential and public interest value of relinquishing Federal land in exchange for the construction of an administrative facility. The need for such a facility has not been thoroughly examined in the context of existing maintenance costs. Nevertheless, despite these concerns, the administration does support this legislation, it has bipartisan support, and I thank the chairman of our committee, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER), the ranking member, for their support of this legislation.

Mr. Speaker, I urge my colleagues to support the bill.

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

Mr. WALDEN of Oregon. Mr. Speaker, I yield such time as she may con-

sume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, S. 1374, the Senate companion bill to H.R. 2577 which I introduced to establish a multiagency campus in Jackson, Wyoming, is widely supported by the Clinton administration and by the people of Jackson Hole, Wyoming.

The bill provides for a newly established campus which will afford much-needed office space for the town of Jackson, the Bridger-Teton National Forest employees, the National Elk Refuge employees, the Wyoming Game and Fish Commission, the Jackson Chamber of Commerce, and other State and local entities.

The multiagency campus will provide one-stop shopping, if you will, for those who want to visit Federal, State, and local land and wildlife management agencies, as well as to allow visitors to utilize a number of resources in one central location.

Specifically, the legislation before us today provides a land-for-land exchange between the Wyoming Game and Fish Department and the U.S. Forest Service, a land-for-building exchange between the United States Forest Service and the town of Jackson, which will provide the land for the Chamber of Commerce and historical society museum, as well as for additional parking spaces for the entire campus.

Due to the fact that there are a number of Federal, State, and local government agencies involved, straight land exchanges cannot take place inter-agency.

What that means is that Federal legislation must be introduced to make this project a reality. Additionally, in the interest of time, I have agreed to move the Senate bill instead of the bill which I introduced so that construction could take place sooner rather than later.

The hard work and the diligence of the people in Jackson who have made this project possible should be commended. A project like this is not easy. It is a private-public partnership. But I am pleased that I have been able to give some assistance in making it a reality.

Again, Mr. Speaker, I thank my colleagues for the this opportunity.

Mr. WALDEN of Oregon. Mr. Speaker, I have no other speakers on this matter, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1374.

The question was taken.

Mr. WALDEN of Oregon. 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.

DIRECTING SECRETARY OF SENATE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF S. 1374, JACKSON MULTI-AGENCY CAMPUS ACT OF 1999

Mr. WALDEN of Oregon. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 394) directing the Secretary of the Senate to make technical corrections in the enrollment of the Senate bill (S. 1327), and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 394

*Resolved by the House of Representatives (the Senate concurring),* That in the enrollment of the bill (S. 1374) to authorize the development and maintenance of a multiagency campus project in the town of Jackson, Wyoming, the Secretary of the Senate shall make the following corrections:

(1) In section 1, strike "1999" and insert "2000".

(2) In section 5(a), strike "section 3" and insert "section 4".

(3) In section 7(a)(1), strike "memorandum of agreement referred to in section 4(a)(1)(A)" and insert "memorandum of understanding referred to in section 4(a)(1)(B)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR SALES OF ELECTRICITY BY THE BONNEVILLE POWER ADMINISTRATION

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1937) to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

The Clerk read as follows:

S. 1937

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

SECTION 1. Section 5(b) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)) is amended by adding at the end the following:

"(7) REQUIRED SALE.—

"(A) DEFINITION OF A JOINT OPERATING ENTITY.—In this section, the term 'joint operating entity' means an entity that is lawfully organized under State law as a public body or cooperative prior to the date of enactment of this paragraph, and is formed by and whose members or participants are two or more public bodies or cooperatives, each of which was a customer of the Bonneville Power Administration on or before January 1, 1999.

"(B) SALE.—Pursuant to paragraph (1), the Administrator shall sell, at wholesale to a joint operating entity, electric power solely for the purpose of meeting the regional firm power consumer loads of regional public bodies and cooperatives that are members of or participants in the joint operating entity.

"(C) NO RESALE.—A public body or cooperative to which a joint operating entity sells electric power under subparagraph (B) shall not resell that power except to retail customers of the public body or cooperative or to another regional member or participant of the same joint operating entity, or except as otherwise permitted by law."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1937.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1937 was introduced by Senator CRAIG from Idaho. A companion bill, H.R. 4437, was introduced by the gentleman from Washington (Mr. HASTINGS).

This legislation allows consumer-owned utility systems in the Pacific Northwest to aggregate their power contracts from the Bonneville Power Administration into a single contract. The purpose is to provide administrative and operational efficiencies for the power purchasers and for Bonneville.

The bill does not expand any such customers' rights to purchase requirements for power from Bonneville and does not allow resale by the joint operating entity of such power to customers that are not its members or participants.

Mr. Speaker, I include the following letters for the RECORD:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
Washington, DC, 24 July 2000.

Hon. TOM BILEY,  
Chairman, Committee on Commerce, Washington, DC.

DEAR MR. CHAIRMAN: On July 19, 2000, the Committee on Resources ordered favorably reported without amendment S. 1937, to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities. This bill was referred to the Committee on Resources and additionally to the Committee on Commerce, where the Subcommittee on Energy and Power has marked up and forwarded the bill to the Full Commerce Committee.

Given the rapidly approaching adjournment date for the 106th Congress, and several of our Pacific Northwest Congressional Members' wish to move this bill as quickly as possible, I ask that you allow the Committee on Commerce to be discharged from further consideration of the bill. We can then schedule it for Floor consideration as soon as possible and send it onto the President.

Of course, by allowing this to occur, the Committee on Commerce does not waive its

jurisdiction over S. 1937 or any other similar matter. Although I have no reason to believe that the bill would not be passed without amendment and signed into law by the President, if a conference on the bill became necessary, I would support the Committee on Commerce's request to be named to the conference. Finally, this action should not be seen as precedent for any other Senate bill which affects the Committee on Commerce's jurisdiction. I would be pleased to place this letter and your response in the Committee on Resources' report on the bill to document this agreement.

As always, I appreciate your cooperation and that of your staff in moving this bill.

Sincerely,

DON YOUNG,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, July 24, 2000.

Hon. DON YOUNG,  
Chairman, Committee on Resources, Washington, DC.

DEAR DON: Thank you for your recent letter regarding your committee's action on S. 1937, a bill to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities. As you know, Rule X of the Rules of the House of Representatives grants the Committee on Commerce jurisdiction over the generation and marketing of power and the legislation was additionally referred to the Committee on Commerce. As you also noted, the Subcommittee on Energy and Power approved the bill for consideration by the Full Committee on May 16, 2000.

Because of the importance of this legislation, I recognize your desire to bring it before the House in an expeditious manner, and I will not exercise the Committee's right to further consideration of this legislation. By agreeing to waive its consideration of the bill, however, the Committee on Commerce does not waive its jurisdiction over S. 1937. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I appreciate your commitment to support any request by the Commerce Committee for conferees on S. 1937 or similar legislation.

I request that you include this letter and your response in your committee report on the bill 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 BILEY,  
Chairman.

Mr. Speaker, I urge passage of the bill, and 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 thank the gentleman from Oregon for his management of this legislation.

Mr. Speaker, I wish that every bill could be passed in such a fashion and with such strong bipartisan support and the spirit of cooperation on both sides of the aisle.

This bill amends the Pacific Northwest Power Planning and Conservation Act to allow the administrator of Bonneville Power Administration to sell electricity at wholesale to Joint Operating Entities, the acronym JOEs. JOEs are comprised of public power bodies or cooperatives that aggregate their power contracts into a single contract for administrative and operational efficiencies. Under the bill, the power is sold solely for the purpose of meeting regional firm power consumer loads of regional public bodies and cooperatives that are members of the JOE. Other Federal power marketing agencies currently make similar aggregate sales. The Bonneville Power Administration, for example, also makes aggregated sales for transmission contracts and nonfirm and surplus power sales.

Mr. Speaker, the bill is narrowly drawn to allow only JOEs that were in existence as of the date of enactment to participate. It does not expand purchasers' rights or ability to resell power other than to their own retail customers or other JOE members, or as otherwise permitted by law.

Mr. Speaker, I urge my colleagues to support this legislation.

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

Mr. WALDEN of Oregon. 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1937.

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

A motion to reconsider was laid on the table.

#### DESCHUTES RESOURCES CONSERVANCY REAUTHORIZATION ACT OF 1999

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1027) to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

The Clerk read as follows:

S. 1027

*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 "Deschutes Resources Conservancy Reauthorization Act of 1999".

#### SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RESOURCES CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (b)(3), by inserting before the period at the end the following: ", and up to a total amount of \$2,000,000 during each of fiscal years 2002 through 2006"; and

(2) in subsection (h), by inserting before the period at the end the following: "and \$2,000,000 for each of fiscal years 2002 through 2006".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1027.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

The Deschutes Resources Conservancy was authorized in 1996 as a 5-year pilot project designed to achieve local consensus for projects to improve the ecosystem health in the Deschutes River Basin.

The existing authorization provides up to \$1 million through the Bureau of Reclamation each year for projects. Projects funded through the Conservancy demonstration include: piping for irrigation district delivery systems to prevent water loss; securing water rights for instream flows to secure Squaw Creek habitat; providing fencing of riparian areas to project riverbanks; working with private timberland owners to restore riparian and wetland areas; and seeking donated water rights to enhance instream flows in the Deschutes River Basin.

Mr. Speaker, the bill would reauthorize the 5-year pilot project from 2002 to 2006 and increase the authorization ceiling to \$2 million annually.

Mr. Speaker, this is an excellent piece of legislation. It is a great group that puts a lot of hard work into these projects, and I would encourage my colleagues to support its reauthorization.

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 thank my good friend, the gentleman from Oregon, for the management of this legislation. I thank the good Senator from Oregon, Senator GORDON SMITH, for his chief sponsorship of this bill. I thank also my good friend, the gentleman from Oregon, for his passage previously of similar legislation.

Mr. Speaker, Senate bill 1027 is to extend participation of the Bureau of Reclamation in the Deschutes Resources Conservancy.

The Deschutes Resources Conservancy was authorized in 1996 as a 5-

year pilot project designed to achieve local consensus for projects to improve ecosystem health in the Deschutes River Basin. Mr. Speaker, S. 1027 will reauthorize funding of these activities for another 5 years and increase the authorization ceiling to \$2 million annually.

This is a highly successful, inexpensive, and popular program involving the cooperation of irrigators, ranchers, environmentalists and State, local and Federal Government agencies. I urge my colleagues to support the bill.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. WALDEN of Oregon. 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1027.

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

A motion to reconsider was laid on the table.

#### SAN BERNARDINO NATIONAL FOREST LAND CONVEYANCE

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3657

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

#### SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as "KATY") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A-2 in an appraisal report of the subject property dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon

the receipt of \$16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel referred to in subsection (a), KATY, and its successors and assigns, will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as "GTE"), KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

#### GENERAL LEAVE

Mr. WALDEN of Oregon. 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. 3657.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3657 was introduced by the gentlewoman from California (Mrs. BONO). This legislation would convey a little over an acre of Forest Service land to a radio station located in the San Bernardino National Forest in California for fair market value.

During the subcommittee hearing on this bill, the administration requested that the bill be amended to include language that would require the radio station to prove that it had clear title to all existing structures on the site. During the markup, the legislation was amended to include that language. The bill is supported by the administration.

I would urge Members to suspend the rules and pass H.R. 3657, as amended.

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 thank my good friend, the gentleman from Oregon, for management of this legislation. I thank our Chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and our ranking member, the gentleman from California (Mr. MILLER), for their sponsorship and support of this bill as well.

Mr. Speaker, this bill resolves an ongoing dispute between the Forest Service and a radio station, KATY, regarding the station's unauthorized use of a Forest Service site. H.R. 3657 would require the Secretary of Agriculture to convey for fair market value 1.06 acres within the San Bernardino National Forest in Riverside County, California to KATY. The bill requires KATY to pay \$16,600 (representing rent for 1996-99 without interest) to the Secretary. It also provides that the Forest Service is not required to provide access to the site as it would for an official communications site. I urge my colleagues to support it.

Mrs. BONO. Mr. Speaker, H.R. 3657 would provide for the conveyance at fair market value of a small tract of Forest Service land in the San Bernardino National Forest to a locally-owned radio station that serves mountain communities in my district. I would like to thank Chairman YOUNG and Chairman CHENOWETH-HAGE for their assistance in bringing this bill to the floor.

In 1988, Cliff and Katy Gill began a search for an antenna site that would allow them to obtain an FCC construction permit for a radio station to serve Idyllwild, California, a community of about 3000 residents located at 5200 feet elevation in the San Jacinto Mountains. The community is nestled in mountainous terrain and surrounded by the San Bernardino National Forest and other State and local park land. The Gills discovered that the rugged terrain sharply limited the sites that could host an antenna capable of reaching the residents of Idyllwild, the neighboring mountain communities, and the highway that connects them to the valley below. Wanting to start up their station, the Gills ultimately went on the air in December 1989 from a temporary antenna on a time-share private campground. Mr. Gill named this new radio station, KATY-FM, for his wife Katy.

However, because the original site for the antenna drastically limited KATY's coverage, the Gills kept looking. The Gills first searched for sites on private land. But with the private land constituting only a small island—only a few hundred acres—within the sea of public land, it soon became apparent that the only workable sites would be found on public land. Six years later, they thought they had found the perfect site. GTE had operated a small wooden communications tower in the San Bernardino National Forest for 30 years under a Forest Service special use permit. GTE offered to sublease to KATY space on their tower and in their small equipment shed. In 1995, after seven years of searching for an antenna site, the Gills moved onto the GTE tower and gained the coverage they had long sought for their station.

Unfortunately, they were soon informed by the District Ranger that they must strip their antenna from the GTE tower and vacate the site. Petitions signed by almost half the residents of Idyllwild, its Chamber of Commerce, and others did not budge the agency. The Forest Service maintained that subleasing of tower space could only occur on sites that had been formally designated as communications sites in the forest plans and that this site had not received such a designation in the San Bernardino plan. The agency argued that, even though it had allowed this site to be used as a communications site for three decades and was continuing to permit such use by GTE, KATY was in trespass and GTE had violated its special use authorization. The Forest Service continued to insist that KATY leave even as the station was proving how critically important it is to the communities it serves.

Because of their location in rugged country, Idyllwild and neighboring mountain communities are vulnerable to extreme weather and other adverse natural events. In recognition of this and in its effort to provide the best possible public service, KATY signed an agreement with the local 10-watt emergency broadcast station, WNKI, which has very limited coverage, to broadcast WNKI's emergency bulletins. Shortly thereafter, the Federal Communications Commission and the California State Office of Emergency Services selected KATY as the Local Primary Station to broadcast information in the event of disaster.

KATY's dedication to providing emergency service paid off for the mountain communities in 1996 when the Bee Canyon fire raged through 9000 acres in their vicinity. KATY broadcast the mandatory evacuation orders and the announcement that it was safe to return home. In all, KATY aired nearly 200 announcements that were closely monitored not only by the residents but also by the firefighters and other emergency service personnel. Again, in 1998 KATY broadcast the mandatory order to evacuate the community of Juniper Flats also threatened by fire during severe thunderstorms.

My late husband took up the cause of KATY. In August 1996, he and Chairman YOUNG wrote a letter to the Secretary of Agriculture requesting his assistance in permitting KATY to retain its antenna site. This was followed by letters from the chairman and ranking minority member of the Senate Energy and Natural Resources Committee and the chairman of the Interior subcommittee of the Senate Appropriations Committee. Finally, a House-Senate conference committee added to the Omnibus Parks and Public Lands Management Act of 1996 a provision requiring the Secretary of Agriculture to consider whether maintaining the KATY antenna site was in the public interest and to report his conclusions to Congress.

That report was never delivered to Congress. A draft of the report would have offered a new site for KATY's antenna on a neighboring mountain in the San Bernardino National Forest. When the Forest Service learned from KATY that placing the antenna on that site would be prohibited by three FCC regulations, the agency approached Cliff and Katy Gill and asked if they would entertain purchasing the antenna site. I am happy to say that H.R. 3657 is the product of subsequent amicable negotiations between the Gills and the agency.

I want to assure my colleagues that this purchase will have no discernible impact on the National Forest or the environment. The tract to be purchased is only approximately 1.06 acres in size. It is on the very edge of the National Forest, directly adjacent to a residential development. The station has purchased the neighboring residential lot to assure access to the antenna site. The tower and equipment shed are shielded by tall evergreen trees and large rocks and are not visible above Inspiration Point where the site is located.

The bill would require that KATY pay fair market value for the tract and an additional sum of \$16,600 to settle any claims the government might have for the unauthorized occupation of national forest land. That sum represents the rent that the Gills should have paid to the Forest Service for use of the site. Although the Gills paid more than twice that amount in rent to GTE under the sublease, they believe this is a fair resolution. I appreciate the efforts of the Forest Service to design a good solution to a difficult problem.

Cliff Gill passed away last year before he saw enactment of this bill and fulfillment of his dream. We can ensure that his widow, Katy, will be able to continue KATY's service to the community by enacting H.R. 3657. I urge passage of this bill.

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

Mr. WALDEN of Oregon. 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 3657, 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.

□ 1600

#### FORT PECK RESERVATION RURAL WATER SYSTEM ACT OF 2000

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 624) to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes, as amended.

The Clerk read as follows:

S. 624

*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 "Fort Peck Reservation Rural Water System Act of 2000".*

#### SEC. 2. PURPOSES.

*The purposes of this Act are—*

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

#### SEC. 3. DEFINITIONS.

*In this Act:*

(1) **ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—The term "Assiniboine and Sioux Rural Water System" means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(2) **DRY PRAIRIE RURAL WATER SYSTEM.**—The term "Dry Prairie Rural Water System" means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) **FORT PECK RESERVATION RURAL WATER SYSTEM.**—The term "Fort Peck Reservation Rural Water System" means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) **FORT PECK TRIBES.**—The term "Fort Peck Tribes" means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) **PICK-SLOAN.**—The term "Pick-Sloan" means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891)).

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **STATE.**—The term "State" means the State of Montana.

#### SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) **AUTHORIZATION.**—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the "Assiniboine and Sioux Rural Water System", as generally described in the report required by subsection (g)(2).

(b) **COMPONENTS.**—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) **COOPERATIVE AGREEMENT.**—

(1) **IN GENERAL.**—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) **MANDATORY PROVISIONS.**—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) **OPTIONAL PROVISIONS.**—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) **TERMINATION.**—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) **TRANSFER.**—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a non-reimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) **SERVICE AREA.**—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) **CONSTRUCTION REQUIREMENTS.**—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) **TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

(g) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

(h) **TECHNICAL ASSISTANCE.**—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) **APPLICATION OF INDIAN SELF-DETERMINATION ACT.**—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

## (j) COST SHARING.—

(1) CONSTRUCTION.—The Federal share of the cost of construction of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Reclamation.

(2) OPERATION AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Indian Affairs.

**SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.**

## (a) PLANNING AND CONSTRUCTION.—

(1) AUTHORIZATION.—The Secretary shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated (or any successor non-Federal entity) to provide Federal funds for the planning, design, and construction of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties, Montana, outside the Fort Peck Indian Reservation.

## (2) USE OF FEDERAL FUNDS.—

(A) FEDERAL SHARE.—The Federal share of the cost of planning, design, and construction of the Dry Prairie Rural Water System shall be not more than 76 percent, and shall be funded with amounts appropriated from the reclamation fund. Such amounts shall not be returnable or reimbursable under the Federal reclamation laws.

(B) COOPERATIVE AGREEMENTS.—Federal funds made available to carry out this section may be obligated and expended only through a cooperative agreement entered into under subsection (c).

(b) COMPONENTS.—The components of the Dry Prairie Rural Water System facilities on which Federal funds may be obligated and expended under this section shall include—

(1) storage, pumping, interconnection, and pipeline facilities;

(2) appurtenant buildings and access roads;

(3) all property and property rights necessary for the facilities described in this subsection;

(4) electrical power transmission and distribution facilities necessary for service to Dry Prairie Rural Water System facilities; and

(5) other facilities customary to the development of rural water distribution systems in the State, including supplemental water intake, pumping, and treatment facilities.

## (c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary, with the concurrence of the Assiniboine and Sioux Rural Water System Board, shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated to provide Federal assistance for the planning, design, and construction of the Dry Prairie Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and Dry Prairie Rural Water Association Incorporated—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

## (d) SERVICE AREA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the service area of the Dry Prairie Rural Water System shall be the area in the State—

(A) north of the Missouri River;

(B) south of the border between the United States and Canada;

(C) west of the border between the States of North Dakota and Montana; and

(D) east of the western line of range 39 east.

(2) FORT PECK INDIAN RESERVATION.—The service area shall not include the area inside the Fort Peck Indian Reservation.

(e) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Dry Prairie Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Dry Prairie Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) INTERCONNECTION OF FACILITIES.—The Secretary shall—

(1) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(2) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

## (g) LIMITATION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) FEDERAL FUNDS.—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

**SEC. 6. USE OF PICK-SLOAN POWER.**

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the Fort Peck Reservation Rural Water System.

(b) QUALIFICATION TO USE PICK-SLOAN POWER.—For as long as the Fort Peck Reservation rural water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this Act shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

## (c) RECOVERY OF EXPENSES.—

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—In the case of the Assiniboine and Sioux Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover such expenses. Such charge shall be paid fully through the annual appropriations to the Bureau of Indian Affairs.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—In the case of the Dry Prairie Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover expenses. Such

charge shall be paid fully by the Dry Prairie Rural Water System.

(d) ADDITIONAL POWER.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the Fort Peck Reservation Rural Water System, the Administrator of the Western Area Power Administration may purchase the necessary additional power at the best available rate. The costs of such purchases shall be reimbursed to the Administrator according to the terms identified in subsection (c).

**SEC. 7. WATER CONSERVATION PLAN.**

(a) IN GENERAL.—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) PURPOSE.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) PUBLIC PARTICIPATION.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390j(c)) shall apply to an activity authorized under this Act.

**SEC. 8. WATER RIGHTS.**

(a) IN GENERAL.—This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in *Winters v. United States*, 207 U.S. 564 (1908) (commonly known as the "Winters Doctrine"), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

(b) OFFSET AGAINST CLAIMS.—Any funds received by the Fort Peck Tribes pursuant to this Act shall be used to offset any claims for money damages against the United States by the Fort Peck Tribes, existing on the date of the enactment of this Act, for water rights based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in *Winters v. United States*, 207 U.S. 564 (1908), or other law.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—There are authorized to be appropriated—

(1) to the Bureau of Reclamation over a period of 10 fiscal years, \$124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System; and

(2) to the Bureau of Indian Affairs such sums as are necessary for the operation and maintenance of the Assiniboine and Sioux Rural Water System.



(b) *DRY PRAIRIE RURAL WATER SYSTEM.*—There is authorized to be appropriated, over a period of 10 fiscal years, \$51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) *COST INDEXING.*—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 624, as amended.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 624 was introduced by Senator BURNS and a companion bill, H.R. 1124, was introduced by the gentleman from Montana (Mr. HILL).

The Fort Peck Reservation is located in northeastern Montana, and suffers from the same problem of inadequate quantity and quality of water supplies as do most areas in the High Plains. The adjacent communities have the same problems, and this legislation contemplates that the reservation water system would be sized to connect to a distribution system for the surrounding communities.

All costs of the reservation system, including operations and maintenance, would be a Federal responsibility. The costs associated with the operation and maintenance of the system for the tribe shall be funded through annual appropriations to the Bureau of Indian Affairs.

Federal costs for the Dry Prairie system shall not exceed 76 percent, and the Federal government may not expend any Federal funds for operations, maintenance, or replacement costs for the Dry Prairie system.

Mr. Speaker, I urge passage of the Senate bill, S. 624, and 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 thank my good friend, the gentleman from Oregon, for the management of this legislation. I do want to compliment and commend the gentleman from Montana, Senator CONRAD BURNS, for his sponsorship of Senate bill 624.

The bill directs the Secretary of the Interior to plan, design, construct, op-

erate, maintain, and replace the Assiniboine and Sioux rural water systems within the Fort Peck Indian Reservation in Montana, and directs the Secretary to enter into a cooperative agreement with the tribe. All costs of the Indian system would be non-reimbursable.

The bill also authorizes the Dry Prairie Rural Water System, a project to serve non-Indian residents in the area, with the Federal Government paying 76 percent of those project costs. The Dry Prairie system would be interconnected with the Fort Peck Reservation system.

I note that S. 624 is opposed by the administration, primarily because the administration believes the costs of non-Indian water supply projects should be fully reimbursed by the project beneficiaries. While I agree we should make every attempt to comply with this policy goal, I believe that in this case some Federal cost-sharing is appropriate.

I urge my colleagues to support this legislation.

Mr. HILL of Montana. Mr. Speaker, I support and urge the passage of S. 624, The Fort Peck Rural Reservation Rural Water System Act. This bill authorizes the construction of a fresh water system for residents on and near the Fort Peck Indian Reservation in northeast Montana. I introduced companion legislation along with Senator BURNS, and a version of his bill has already passed the Senate.

The need for a safe and reliable water source is particularly acute on the Fort Peck Indian Reservation. In one community, sulfate levels in the water are four times the standard for safe drinking water, and in four communities, iron levels are five times the standard. The unemployment rate on the Fort Peck Reservation is near 75 percent, and the reservation has been plagued by health alerts for drinking water, despite the fact that the area is located near one of the largest manmade reservoirs in the United States. Health problems such as heart disease, high blood pressure and diabetes run rampant.

A safe and reliable source of water is necessary to both improve health and stimulate economic development on the reservation and in an area of Montana far remote from any major population centers. Those who live on the Fort Peck Reservation and in nearby communities deserve the peace of mind that comes with a safe supply of water. S. 624 will improve the water systems for at least 24,000 Montanans in this area, and will provide water not only for drinking, but also for agriculture.

I would like to take this opportunity to thank a few of the people without whom this bill would not have been possible. Former Montana Lieutenant Governor Dennis Rehberg brought this issue to the attention of House Leadership while Speaker HASTERT was visiting Montana. Without the renewed momentum due to Mr. Rehberg's efforts and the integrity of the House Leadership, the water safety issues at Fort Peck may have gone unaddressed. I would especially like to thank Chairman DOOLITTLE for his willingness not only to work with all those involved in the bill, but to spearhead efforts to find a solution to this problem.

And certainly not least of all, I would like to thank Senator CONRAD BURNS for being the champion of this project in the Senate. He has put an extraordinary amount of work and effort

into improving the lives and health of the people in the Fort Peck area, and the residents there owe him a debt of gratitude for moving this dream to the brink of reality.

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

Mr. WALDEN of Oregon. 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 624, as amended.

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

A motion to reconsider was laid on the table.

DETERMINING SIZE AND QUORUM OF LEGISLATURE BY LAWS OF THE VIRGIN ISLANDS

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2296) to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

The Clerk read as follows:

H.R. 2296

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

SECTION 1. SIZE AND QUORUM OF LEGISLATURE DETERMINED BY LAWS OF THE VIRGIN ISLANDS.

(a) SIZE OF LEGISLATURE.—Section 5(b) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1571(b)) is amended—

(1) by striking "fifteen"; and

(2) by inserting after the first sentence the following: "The number of such senators shall be determined by the laws of the Virgin Islands."

(b) NUMBER CONSTITUTING QUORUM.—The first sentence of section 9(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1575(a)) is amended to read as follows: "The number of members of the legislature needed to constitute a quorum shall be determined by the laws of the Virgin Islands."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. 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. 2296.

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

There was no objection.



Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2296, legislation which would amend the Revised Organic Act of the Virgin Islands to provide that the number of members of the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands.

Mr. Speaker, I would ask support for passage of H.R. 2296, and 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, again I want to highly commend and compliment the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her sponsorship and authorship of this legislation. It certainly has the bipartisan support of both sides of the aisle on this committee.

Mr. Speaker, I find it interesting that the people of the U.S. Virgin Islands still have to come to Congress to reduce the size of their legislature. But that they must do so provides some insight into the structure of the relationships between the United States and its insular areas. For better or worse, each relationship is unique.

In the case of the Virgin Islands, Congress has given the authority to the Government of the Virgin Islands to establish a constitutional form of government under which the people of the Virgin Islands could control such things as the size of their government. This more localized form of government has not been established yet, and in an effort to make the government more efficient, the people of the Virgin Islands wish to reduce the size of their unicameral legislature from 15 members to 9.

This is a request being made by the people of the Virgin Islands, and it comes to Congress from a duly enacted resolution of the local legislature. As it is in keeping with the wishes of the people and their elected local representatives, and is consistent with sound management practices, I support this bill and ask my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, the passage of H.R. 2296 is long overdue. This noncontroversial legislation allows the Virgin Islands Government to free up government revenue by reducing the size of their legislature and thereby redirecting the savings towards education, law enforcement, and other issues confronting their community.

H.R. 2296 was first introduced by our colleague, Ms. CHRISTIAN-CHRISTENSEN, during the 105th Congress and though it passed the Resources Committee unanimously, we were unable to get it scheduled for floor consideration. I am pleased that we are finally taking action on this legislation today and hope that it provides some relief of our fellow Americans in the Virgin Islands who have not experienced the same level of economic prosperity we have enjoyed on the mainland.

I commend the gentlewoman from the Virgin Islands for her work on this matter and urge full support of its passage.

Mr. FALEOMAVAEGO. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 2296, a bill I introduced earlier this year to give my constituents, the people of the U.S. Virgin Islands, a greater degree of self-government by allowing us and not Congress, to determine the size of our local legislature.

I must begin my remarks by also thanking the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources and the gentleman from California (Mr. GEORGE MILLER), ranking member, for their support and hard work in getting this bill to the floor today.

The gentleman from Alaska (Chairman YOUNG), the gentleman from California (Mr. GEORGE MILLER), Ranking Democrat, and I all recognize and acknowledge that H.R. 2296 is only necessary because the Virgin Islands have not yet adopted a local constitution after four attempts.

Although I believe our adopting a constitution would be the preferred process, a constitution convention and adoption of a Virgin Islands constitution may still be a long way off. Therefore, H.R. 2296 was introduced on June 22 of last year in response to a resolution that was passed by the 22nd Legislature of the Virgin Islands to petition Congress to reduce the size of the local legislature from its current 15 members to 9 as a means of saving our cash-starved government badly needed funds. A similar bill to H.R. 2296 was introduced in the 105th Congress and was reported out by the Committee on Resources in August 5 by a voice vote.

The Virgin Islands continues to struggle, Mr. Speaker, with a severe fiscal crisis, and H.R. 2296 is looked at by some Virgin Islanders as a means of saving scarce funds by reducing the size of our legislature. I drafted this bill to cede the authority to restructure the legislature to the Virgin Islands rather than have Congress prescribe a specific number of local senators because, in my estimation, all alternatives that can produce more accountability and reduce budgets ought to be considered, not just the reduction in numbers.

In closing, I want to thank Virgin Islands Senator Adlah Foncie Donastorg for his authorship of the resolution which led to the introduction of the bill before us today. I also want to thank the staff of the Committee on Resources for their work on the bill. I thank my colleagues for supporting it.

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

Mr. WALDEN of Oregon. 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 Oregon (Mr. WAL-

DEN) that the House suspend the rules and pass the bill, H.R. 2296.

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.

#### CONFERENCE REPORT ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. SENSENBRENNER submitted the following conference and statement on the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for the fiscal years 2000, 2001, and 2002.

#### CONFERENCE REPORT (H. REPT. 106-843)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1654), to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS

##### Subtitle A—Authorizations

Sec. 101. Human space flight.

Sec. 102. Science, aeronautics, and technology.

Sec. 103. Mission support.

Sec. 104. Inspector general.

Sec. 105. Total authorization.

##### Subtitle B—Limitations and Special Authority

Sec. 121. Use of funds for construction.

Sec. 122. Availability of appropriated amounts.

Sec. 123. Reprogramming for construction of facilities.

Sec. 124. Use of funds for scientific consultations or extraordinary expenses.

Sec. 125. Earth science limitation.

Sec. 126. Competitiveness and international cooperation.

Sec. 127. Trans-Hab.

Sec. 128. Consolidated space operations contract.

#### TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station contingency plan.

Sec. 202. Cost limitation for the International Space Station.

Sec. 203. Research on International Space Station.

Sec. 204. Space station commercial development demonstration program.

Sec. 205. Space station.

#### TITLE III—MISCELLANEOUS

Sec. 301. Requirement for independent cost analysis.

Sec. 302. National Aeronautics and Space Act of 1958 amendments.

Sec. 303. Commercial space goods and services.  
 Sec. 304. Cost effectiveness calculations.  
 Sec. 305. Foreign contract limitation.  
 Sec. 306. Authority to reduce or suspend contract payments based on substantial evidence of fraud.  
 Sec. 307. Space shuttle upgrade study.  
 Sec. 308. Aero-space transportation technology integration.  
 Sec. 309. Definitions of commercial space policy terms.  
 Sec. 310. External tank opportunities study.  
 Sec. 311. Notice.  
 Sec. 312. Unitary Wind Tunnel Plan Act of 1949 amendments.  
 Sec. 313. Innovative technologies for human space flight.  
 Sec. 314. Life in the universe.  
 Sec. 315. Carbon cycle remote sensing applications research.  
 Sec. 316. Remote sensing for agricultural and resource management.  
 Sec. 317. 100th Anniversary of Flight educational initiative.  
 Sec. 318. Internet availability of information.  
 Sec. 319. Sense of the Congress; requirement regarding notice.  
 Sec. 320. Anti-drug message on Internet sites.  
 Sec. 321. Enhancement of science and mathematics programs.  
 Sec. 322. Space advertising.  
 Sec. 323. Aeronautical research.  
 Sec. 324. Insurance, indemnification and cross-waivers.  
 Sec. 325. Use of abandoned, underutilized, and excess buildings, grounds, and facilities.

## SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should continue to pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, and convergence with defense and commercial sector systems, while sustaining safety standards for personnel and hardware.

(2) The United States is on the verge of creating and using new technologies in microsatellites, information processing, and space transportation that could radically alter the manner in which the Federal Government approaches its space mission.

(3) The overwhelming preponderance of the Federal Government's requirements for routine, unmanned space transportation can be met most effectively, efficiently, and economically by a free and competitive market in privately developed and operated space transportation services.

(4) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by commercial providers of development of advanced space transportation technologies including reusable space vehicles and human space systems.

(5) The Federal Government should invest in the types of research and innovative technology in which United States commercial providers do not invest, while avoiding competition with the activities in which United States commercial providers do invest.

(6) International cooperation in space exploration and science activities most effectively serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it—

(i) is undertaken in a manner that is sensitive to the desire of United States commercial providers to develop or explore space commercially;

(ii) is consistent with the need for Federal agencies to use space to complete their missions; and

(iii) is carried out in a manner consistent with United States export control laws.

(7) The National Aeronautics and Space Administration and the Department of Defense should cooperate more effectively in leveraging the mutual capabilities of these agencies to conduct joint aeronautics and space missions that not only improve United States aeronautics and space capabilities, but also reduce the cost of conducting those missions.

(8) The space shuttle will remain for the foreseeable future the Nation's only means of safe and reliable crewed access to space. As a result, the Congress is committed to funding upgrades designed to improve the shuttle's safety and reliability. The National Aeronautics and Space Administration should continue to provide appropriate levels of funding in its annual budget requests to meet the schedule for completing the high-priority upgrades in a timely manner.

(9) The Deep Space Network will continue to be a critically important part of the Nation's scientific and exploration infrastructure in the coming decades, and the National Aeronautics and Space Administration should ensure that the Network is adequately maintained and that upgrades required to support future missions are undertaken in a timely manner.

(10) The Hubble Space Telescope has proven to be an important national astronomical research facility that is revolutionizing our understanding of the universe and should be kept productive, and its capabilities should be maintained and enhanced as appropriate to serve as a scientific bridge to the next generation of space-based observatories.

(11) The National Aeronautics and Space Administration is to be commended for its successful efforts to transfer mobile robotics technologies to the United States industry through its existing 5-year commitment to the National Robotics Engineering Consortium (NREC). One of the attractive features of this activity has been NREC's ability to attract private sector matching funds for its government-sponsored projects. The National Aeronautics and Space Administration should give strong consideration to a continuation of its commitment to NREC after the current agreement expires.

## SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services or other space-related activities, the primary control of which is held by persons other than a Federal, State, local, or foreign government;

(3) the term "critical path" means the sequence of events of a schedule of events under which a delay in any event causes a delay in the overall schedule;

(4) the term "grant agreement" has the meaning given that term in section 6302(2) of title 31, United States Code;

(5) the term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(6) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(7) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Commerce finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

### Subtitle A—Authorizations

#### SEC. 101. HUMAN SPACE FLIGHT.

(a) FISCAL YEAR 2000.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight for fiscal year 2000, \$5,487,900,000.

(b) FISCAL YEARS 2001 AND 2002.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight for fiscal years 2001 and 2002 the following amounts:

(1) For International Space Station—

(A) for fiscal year 2001, \$2,114,500,000 of which \$455,400,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(b)(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications; and

(B) for fiscal year 2002, \$1,858,500,000, of which \$451,600,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(b)(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications.

(2) For Space Shuttle—

(A) for fiscal year 2001, \$3,165,700,000, of which \$492,900,000 shall be for Safety and Performance Upgrades; and

(B) for fiscal year 2002, \$3,307,800,000.

(3) For Payload and ELV Support—

(A) for fiscal year 2001, \$90,200,000; and

(B) for fiscal year 2002, \$90,300,000.

(4) For Investments and Support—

(A) for fiscal year 2001, \$129,500,000, of which \$20,000,000 shall be for Technology and Commercialization; and

(B) for fiscal year 2002, \$131,000,000, of which \$20,000,000 shall be for Technology and Commercialization.

#### SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

(a) FISCAL YEAR 2000.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology \$5,580,900,000 for fiscal year 2000.

(b) FISCAL YEARS 2001 AND 2002.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology for fiscal years 2001 and 2002 the following amounts:

(1) For Space Science—

(A) for fiscal year 2001, \$2,417,800,000, of which—

(i) \$10,500,000 shall be for the Near Earth Object Survey;

(ii) \$523,601,000 shall be for the Research Program; and

(iii) \$12,000,000 shall be for Space Solar Power technology; and

(B) for fiscal year 2002, \$2,630,400,000, of which—

(i) \$10,500,000 shall be for the Near Earth Object Survey;

(ii) \$566,700,000 shall be for the Research Program;

(iii) \$12,000,000 shall be for Space Solar Power technology; and

(iv) \$5,000,000 shall be for Space Science Data Buy.

(2) For Life and Microgravity Sciences and Applications—

(A) for fiscal year 2001, \$335,200,000, of which \$2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues, \$5,000,000 shall be for sounding rocket vouchers, \$2,000,000 shall be made available for immediate clinical trials of islet transplantation in patients with Type I diabetes utilizing immunoisolation technologies derived from NASA space flights, and \$70,000,000 may be used for activities associated with International Space Station research; and

(B) for fiscal year 2002, \$344,000,000, of which \$2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues, appropriate funding shall be made available for continuing clinical trials of islet transplantation in patients with Type I diabetes utilizing immunoisolation technologies derived from NASA space flights, and \$80,800,000 may be used for activities associated with International Space Station research.

(3) For Earth Science, subject to the limitations set forth in section 125—

(A) for fiscal year 2001, \$1,430,800,000; and

(B) for fiscal year 2002, \$1,357,500,000.

(4) For Aero-Space Technology—

(A) for fiscal year 2001, \$1,224,000,000, of which—

(i) at least \$36,000,000 shall be for Quiet Aircraft Technology;

(ii) at least \$70,000,000 shall be for the Aviation Safety program; and

(iii) \$50,000,000 shall be for ultra-efficient engine technology; and

(iv) \$290,000,000 shall be for Second Generation RLV Program; and

(B) for fiscal year 2002, \$1,574,900,000, of which—

(i) at least \$36,000,000 shall be for Quiet Aircraft Technology;

(ii) at least \$70,000,000 shall be for the Aviation Safety program; and

(iii) \$50,000,000 shall be for ultra-efficient engine technology; and

(iv) \$610,000,000 shall be for Second Generation RLV Program.

(5) For Space Operations—

(A) for fiscal year 2001, \$529,400,000; and

(B) for fiscal year 2002, \$500,800,000.

(6) For Academic Programs—

(A) for fiscal year 2001, \$141,300,000, of which—

(i) \$11,800,000 shall be for the Teacher/Faculty Preparation and Enhancement Programs;

(ii) \$11,800,000 shall be for the program known as the Experimental Program to Stimulate Competitive Research;

(iii) \$54,000,000 shall be for minority university research and education (at institutions such as Hispanic-serving institutions, Alaska Native serving institutions, Native Hawaiian serving institutions, and tribally controlled colleges and universities), including \$35,900,000 for Historically Black Colleges and Universities; and

(iv) \$28,000,000 shall be for space grant colleges designated under section 208 of the National Space Grant College and Fellowship Act; and

(B) for fiscal year 2002, \$141,300,000, of which—

(i) \$12,500,000 shall be for the Teacher/Faculty Preparation and Enhancement Programs;

(ii) \$12,500,000 shall be for the program known as the Experimental Program to Stimulate Competitive Research;

(iii) \$54,000,000 shall be for minority university research and education (at institutions such as Hispanic-serving institutions, Alaska Native serving institutions, Native Hawaiian serving institutions, and tribally controlled colleges and universities), including \$35,900,000 for Historically Black Colleges and Universities; and

(iv) \$28,000,000 shall be for space grant colleges designated under section 208 of the National Space Grant College and Fellowship Act.

#### SEC. 103. MISSION SUPPORT.

(a) FISCAL YEAR 2000.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support for fiscal year 2000 \$2,512,000,000.

(b) FISCAL YEARS 2001 AND 2002.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support for fiscal years 2001 and 2002 the following amounts:

(1) For Safety, Mission Assurance, Engineering, and Advanced Concepts—

(A) for fiscal year 2001, \$47,500,000; and

(B) for fiscal year 2002, \$51,500,000.

(2) For Construction of Facilities, including land acquisition—

(A) for fiscal year 2001, \$245,900,000; and

(B) for fiscal year 2002, \$231,000,000.

(3) For Research and Program Management, including personnel and related costs, travel, and research operations support—

(A) for fiscal year 2001, \$2,290,600,000; and

(B) for fiscal year 2002, \$2,383,700,000.

#### SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General—

(1) for fiscal year 2000, \$20,000,000;

(2) for fiscal year 2001, \$22,000,000; and

(3) for fiscal year 2002, \$22,700,000.

#### SEC. 105. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this title, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this Act shall not exceed—

(1) for fiscal year 2001, \$14,184,400,000; and

(2) for fiscal year 2002, \$14,625,400,000.

#### Subtitle B—Limitations and Special Authority

##### SEC. 121. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated under sections 101, 102, and 103(b)(1) and funds appropriated for research operations support under section 103(b)(3) may, at any location in support of the purposes for which such funds are appropriated, be used for—

(1) the construction of new facilities; and

(2) additions to, repair of, rehabilitation of, or modification of existing facilities (in existence on the date on which such funds are made available by appropriation).

(b) LIMITATION.—

(1) IN GENERAL.—Until the date specified in paragraph (2), no funds may be expended pursuant to subsection (a) for a project, with respect to which the estimated cost to the National Aeronautics and Space Administration, including collateral equipment, exceeds \$1,000,000.

(2) DATE.—The date specified in this paragraph is the date that is 30 days after the Administrator notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives of the nature, location, and estimated cost to the National Aeronautics and Space Administration of the project referred to in paragraph (1).

(c) TITLE TO FACILITIES.—

(1) IN GENERAL.—If funds are used pursuant to subsection (a) for grants for the purchase or

construction of additional research facilities to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, title to these facilities shall be vested in the United States.

(2) EXCEPTION.—If the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title to a facility referred to in paragraph (1) in an institution or organization referred to in that paragraph, the title to that facility shall vest in that institution or organization.

(3) CONDITION.—Each grant referred to in paragraph (1) shall be made under such conditions as the Administrator determines to be necessary to ensure that the United States will receive benefits from the grant that are adequate to justify the making of the grant.

#### SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under subtitle A may remain available without fiscal year limitation.

#### SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Appropriations authorized for construction of facilities under section 103(b)(2)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated for construction of facilities under section 103(b)(2) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to \$10,000,000 of the amounts authorized under section 103(b)(2) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

#### SEC. 124. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than \$32,500 of the funds appropriated under section 102 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

#### SEC. 125. EARTH SCIENCE LIMITATION.

Of the funds authorized to be appropriated for Earth Science under section 102(b)(3) for each of fiscal years 2001 and 2002, \$25,000,000 shall be for the Commercial Remote Sensing Program for commercial data purchases, unless the National Aeronautics and Space Administration has integrated data purchases into the procurement process for Earth science research by obligating at least 5 percent of the aggregate amount appropriated for that fiscal year for Earth Observing System and Earth Probes for the purchase of Earth science data from the private sector.

**SEC. 126. COMPETITIVENESS AND INTERNATIONAL COOPERATION.**

(a) **LIMITATION.**—(1) As part of the evaluation of the costs and benefits of entering into an obligation to conduct a space mission in which a foreign entity will participate as a supplier of the spacecraft, spacecraft system, or launch system, the Administrator shall solicit comment on the potential impact of such participation through notice published in *Commerce Business Daily* at least 45 days before entering into such an obligation.

(2) The Administrator shall certify to the Congress at least 15 days in advance of any cooperative agreement with the People's Republic of China, or any company owned by the People's Republic of China or incorporated under the laws of the People's Republic of China, involving spacecraft, spacecraft systems, launch systems, or scientific or technical information that—

(A) the agreement is not detrimental to the United States space launch industry; and

(B) the agreement, including any indirect technical benefit that could be derived from the agreement, will not improve the missile or space launch capabilities of the People's Republic of China.

(3) The Inspector General of the National Aeronautics and Space Administration, in consultation with appropriate agencies, shall conduct an annual audit of the policies and procedures of the National Aeronautics and Space Administration with respect to the export of technologies and the transfer of scientific and technical information, to assess the extent to which the National Aeronautics and Space Administration is carrying out its activities in compliance with Federal export control laws and with paragraph (2).

(b) **NATIONAL INTERESTS.**—Before entering into an obligation described in subsection (a), the Administrator shall consider the national interests of the United States described in section 2(6).

**SEC. 127. TRANS-HAB.**

(a) **REPLACEMENT STRUCTURE.**—No funds authorized by this Act shall be obligated for the definition, design, procurement, or development of an inflatable space structure to replace any International Space Station components scheduled for launch in the Assembly Sequence adopted by the National Aeronautics and Space Administration in June 1999.

(b) **EXCEPTION.**—Notwithstanding subsection (a), nothing in this Act shall preclude the National Aeronautics and Space Administration from leasing or otherwise using a commercially provided inflatable habitation module, if such module would—

(1) cost the same or less, including any necessary modifications to other hardware or operating expenses, than the remaining cost of completing and attaching the baseline habitation module;

(2) impose no delays to the Space Station Assembly Sequence; and

(3) result in no increased safety risk.

(c) **REPORT.**—Notwithstanding subsection (a), the National Aeronautics and Space Administration shall report to the Congress by April 1, 2001, on its findings and recommendations on substituting any inflatable habitation module, or other inflatable structures, for one of the elements included in the Space Station Assembly Sequence adopted in June 1999.

**SEC. 128. CONSOLIDATED SPACE OPERATIONS CONTRACT.**

No funds authorized by this Act shall be used to create a Government-owned corporation to perform the functions that are the subject of the Consolidated Space Operations Contract.

**TITLE II—INTERNATIONAL SPACE STATION****SEC. 201. INTERNATIONAL SPACE STATION CONTINGENCY PLAN.**

(a) **BIMONTHLY REPORTING ON RUSSIAN STATION.**—Not later than the first day of the first

month beginning more than 60 days after the date of the enactment of this Act, and not later than the first day of every second month thereafter until October 1, 2006, the Administrator shall report to Congress whether or not the Russians have performed work expected of them and necessary to complete the International Space Station. Each such report shall also include a statement of the Administrator's judgment concerning Russia's ability to perform work anticipated and required to complete the International Space Station before the next report under this subsection.

(b) **DECISION ON RUSSIAN CRITICAL PATH ITEMS.**—The President shall notify Congress within 90 days after the date of the enactment of this Act of the decision on whether or not to proceed with permanent replacement of any Russian elements in the critical path of the International Space Station or any Russian launch services. Such notification shall include the reasons and justifications for the decision and the costs associated with the decision. Such decision shall include a judgment of when all elements identified in Revision E assembly sequence as of June 1999 will be in orbit and operational. If the President decides to proceed with a permanent replacement for any Russian element in the critical path or any Russian launch services, the President shall notify Congress of the reasons and the justification for the decision to proceed with the permanent replacement and the costs associated with the decision.

(c) **ASSURANCES.**—The United States shall seek assurances from the Russian Government that it places a higher priority on fulfilling its commitments to the International Space Station than it places on extending the life of the Mir Space Station, including assurances that Russia will not utilize assets allocated by Russia to the International Space Station for other purposes, including extending the life of Mir.

(d) **EQUITABLE UTILIZATION.**—In the event that any International Partner in the International Space Station Program willfully violates any of its commitments or agreements for the provision of agreed-upon Space Station-related hardware or related goods or services, the Administrator should, in a manner consistent with relevant international agreements, seek a commensurate reduction in the utilization rights of that Partner until such time as the violated commitments or agreements have been fulfilled.

(e) **OPERATION COSTS.**—The Administrator shall, in a manner consistent with relevant international agreements, seek to reduce the National Aeronautics and Space Administration's share of International Space Station common operating costs, based upon any additional capabilities provided to the International Space Station through the National Aeronautics and Space Administration's Russian Program Assurance activities.

**SEC. 202. COST LIMITATION FOR THE INTERNATIONAL SPACE STATION.**

(a) **LIMITATION OF COSTS.**—

(1) **IN GENERAL.**—Except as provided in subsections (c) and (d), the total amount obligated by the National Aeronautics and Space Administration for—

(A) costs of the International Space Station may not exceed \$25,000,000,000; and

(B) space shuttle launch costs in connection with the assembly of the International Space Station may not exceed \$17,700,000,000.

(2) **CALCULATION OF LAUNCH COSTS.**—For purposes of paragraph (1)(B)—

(A) not more than \$380,000,000 in costs for any single space shuttle launch shall be taken into account; and

(B) if the space shuttle launch costs taken into account for any single space shuttle launch are less than \$380,000,000, then the Administrator shall arrange for a verification, by the General Accounting Office, of the accounting used to determine those costs and shall submit that verification to the Congress within 60 days after the date on which the next budget request is transmitted to the Congress.

(b) **COSTS TO WHICH LIMITATION APPLIES.**—

(1) **DEVELOPMENT COSTS.**—The limitation imposed by subsection (a)(1)(A) does not apply to funding for operations, research, or crew return activities subsequent to substantial completion of the International Space Station.

(2) **LAUNCH COSTS.**—The limitation imposed by subsection (a)(1)(B) does not apply—

(A) to space shuttle launch costs in connection with operations, research, or crew return activities subsequent to substantial completion of the International Space Station;

(B) to space shuttle launch costs in connection with a launch for a mission on which at least 75 percent of the shuttle payload by mass is devoted to research; nor

(C) to any additional costs incurred in ensuring or enhancing the safety and reliability of the space shuttle.

(3) **SUBSTANTIAL COMPLETION.**—For purposes of this subsection, the International Space Station is considered to be substantially completed when the development costs comprise 5 percent or less of the total International Space Station costs for the fiscal year.

(c) **NOTICE OF CHANGES TO SPACE STATION COSTS.**—The Administrator shall provide with each annual budget request a written notice and analysis of any changes under subsection (d) to the amounts set forth in subsection (a) to the Senate Committees on Appropriations and on Commerce, Science, and Transportation and to the House of Representatives Committees on Appropriations and on Science. In addition, such notice may be provided at other times, as deemed necessary by the Administrator. The written notice shall include—

(1) an explanation of the basis for the change, including the costs associated with the change and the expected benefit to the program to be derived from the change;

(2) an analysis of the impact on the assembly schedule and annual funding estimates of not receiving the requested increases; and

(3) an explanation of the reasons that such a change was not anticipated in previous program budgets.

(d) **FUNDING FOR CONTINGENCIES.**—

(1) **NOTICE REQUIRED.**—If funding in excess of the limitation provided for in subsection (a) is required to address the contingencies described in paragraph (2), then the Administrator shall provide the written notice required by subsection (c). In the case of funding described in paragraph (3)(A), such notice shall be required prior to obligating any of the funding. In the case of funding described in paragraph (3)(B), such notice shall be required within 15 days after making a decision to implement a change that increases the space shuttle launch costs in connection with the assembly of the International Space Station.

(2) **CONTINGENCIES.**—The contingencies referred to in paragraph (1) are the following:

(A) The lack of performance or the termination of participation of any of the International countries party to the Intergovernmental Agreement.

(B) The loss or failure of a United States-provided element during launch or on-orbit.

(C) On-orbit assembly problems.

(D) New technologies or training to improve safety on the International Space Station.

(E) The need to launch a space shuttle to ensure the safety of the crew or to maintain the integrity of the station.

(3) **AMOUNTS.**—The total amount obligated by National Aeronautics and Space Administration to address the contingencies described in paragraph (2) is limited to—

(A) \$5,000,000,000 for the International Space Station; and

(B) \$3,540,000,000 for the space shuttle launch costs in connection with the assembly of the International Space Station.

(e) **REPORTING AND REVIEW.**—

(1) **IDENTIFICATION OF COSTS.**—

(A) **SPACE SHUTTLE.**—As part of the overall space shuttle program budget request for each

fiscal year, the Administrator shall identify separately—

(i) the amounts of the requested funding that are to be used for completion of the assembly of the International Space Station; and

(ii) any shuttle research mission described in subsection (b)(2).

(B) INTERNATIONAL SPACE STATION.—As part of the overall International Space Station budget request for each fiscal year, the Administrator shall identify the amount to be used for development of the International Space Station.

(2) ACCOUNTING FOR COST LIMITATIONS.—As part of the annual budget request to the Congress, the Administrator shall account for the cost limitations imposed by subsection (a).

(3) VERIFICATION OF ACCOUNTING.—The Administrator shall arrange for a verification, by the General Accounting Office, of the accounting submitted to the Congress within 60 days after the date on which the budget request is transmitted to the Congress.

(4) INSPECTOR GENERAL.—Within 60 days after the Administrator provides a notice and analysis to the Congress under subsection (c), the Inspector General of the National Aeronautics and Space Administration shall review the notice and analysis and report the results of the review to the committees to which the notice and analysis were provided.

#### SEC. 203. RESEARCH ON INTERNATIONAL SPACE STATION.

(a) STUDY.—The Administrator shall enter into a contract with the National Research Council and the National Academy of Public Administration to jointly conduct a study of the status of life and microgravity research as it relates to the International Space Station. The study shall include—

(1) an assessment of the United States scientific community's readiness to use the International Space Station for life and microgravity research;

(2) an assessment of the current and projected factors limiting the United States scientific community's ability to maximize the research potential of the International Space Station, including, but not limited to, the past and present availability of resources in the life and microgravity research accounts within the Office of Human Spaceflight and the Office of Life and Microgravity Sciences and Applications and the past, present, and projected access to space of the scientific community; and

(3) recommendations for improving the United States scientific community's ability to maximize the research potential of the International Space Station, including an assessment of the relative costs and benefits of—

(A) dedicating an annual mission of the Space Shuttle to life and microgravity research during assembly of the International Space Station; and

(B) maintaining the schedule for assembly in place at the time of the enactment.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

#### SEC. 204. SPACE STATION COMMERCIAL DEVELOPMENT DEMONSTRATION PROGRAM.

Section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is amended by striking "2004," each place it appears and inserting "2002,".

#### SEC. 205. SPACE STATION RESEARCH UTILIZATION AND COMMERCIALIZATION MANAGEMENT.

(a) RESEARCH UTILIZATION AND COMMERCIALIZATION MANAGEMENT ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration shall enter into an agreement with a non-government organization to

conduct research utilization and commercialization management activities of the International Space Station subsequent to substantial completion as defined in section 202(b)(3). The agreement may not take effect less than 120 days after the implementation plan for the agreement is submitted to the Congress under subsection (b).

(b) IMPLEMENTATION PLAN.—Not later than September 30, 2001, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives an implementation plan to incorporate the use of a non-government organization for the International Space Station. The implementation plan shall include—

(1) a description of the respective roles and responsibilities of the Administration and the non-government organization;

(2) a proposed structure for the non-government organization;

(3) a statement of the resources required;

(4) a schedule for the transition of responsibilities; and

(5) a statement of the duration of the agreement.

### TITLE III—MISCELLANEOUS

#### SEC. 301. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

(a) REQUIREMENT.—Before any funds may be obligated for Phase B of a project that is projected to cost more than \$150,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent life-cycle cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

(b) DEFINITION.—For purposes of this section, the term "Phase B" means the latter stages of project formulation, during which the final definition of a project is carried out and before project implementation (which includes the Design, Development, and Operations Phases) begins.

#### SEC. 302. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) DECLARATION OF POLICY AND PURPOSE.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking "(f), and (g)" and inserting in lieu thereof "(and (f))".

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

#### SEC. 303. COMMERCIAL SPACE GOODS AND SERVICES.

It is the sense of Congress that the National Aeronautics and Space Administration shall purchase commercially available space goods and services to the fullest extent feasible and shall not conduct activities with commercial applications that preclude or deter commercial space activities except for reasons of national security or public safety. A space good or service shall be deemed commercially available if it is offered by a commercial provider, or if it could be supplied by a commercial provider in response to a Government procurement request. For purposes of this section, a purchase is feasible if it meets mission requirements in a cost-effective manner.

#### SEC. 304. COST EFFECTIVENESS CALCULATIONS.

Except as otherwise required by law, in calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to a commercial provider, the Administrator shall compare the cost of the National Aeronautics and Space Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

#### SEC. 305. FOREIGN CONTRACT LIMITATION.

The National Aeronautics and Space Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

#### SEC. 306. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

Section 2307(i)(8) of title 10, United States Code, is amended by striking "and (4)" and inserting in lieu thereof "(4), and (6)".

#### SEC. 307. SPACE SHUTTLE UPGRADE STUDY.

(a) STUDY.—The Administrator shall enter into appropriate arrangements for the conduct of an independent study to reassess the priority of all Space Shuttle upgrades which are under consideration by the National Aeronautics and Space Administration but for which substantial development costs have not been incurred.

(b) PRIORITIES.—The study described in subsection (a) shall establish relative priorities of the upgrades within each of the following categories:

(1) Upgrades that are safety related.

(2) Upgrades that may have functional or technological applicability to reusable launch vehicles.

(3) Upgrades that have a payback period within the next 12 years.

(c) COMPLETION DATE.—The results of the study described in subsection (a) shall be transmitted to the Congress not later than 180 days after the date of the enactment of this Act.

#### SEC. 308. AERO-SPACE TRANSPORTATION TECHNOLOGY INTEGRATION.

(a) INTEGRATION PLAN.—The Administrator shall develop a plan for the integration of research, development, and experimental demonstration activities in the aeronautics transportation technology and space transportation technology areas where appropriate. The plan shall ensure that integration is accomplished without losing unique capabilities which support the National Aeronautics and Space Administration's defined missions. The plan shall also include appropriate strategies for using aeronautics centers in integration efforts.

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report containing the plan developed under subsection (a). The Administrator shall transmit to the Congress annually thereafter for 5 years a report on progress in achieving such plan, to be transmitted with the annual budget request.

#### SEC. 309. DEFINITIONS OF COMMERCIAL SPACE POLICY TERMS.

It is the sense of the Congress that the Administrator should ensure, to the extent practicable, that the usage of terminology in National Aeronautics and Space Administration policies and programs with respect to space activities is consistent with the following definitions:

(1) The term "commercialization" means actions or policies which promote or facilitate the private creation or expansion of commercial markets for privately developed and privately provided space goods and services, including privatized space activities.

(2) The term "commercial purchase" means a purchase by the Federal Government of space goods and services at a market price from a private entity which has invested private resources to meet commercial requirements.

(3) The term "commercial use of Federal assets" means the use of Federal assets by a private entity to deliver services to commercial customers, with or without putting private capital at risk.

(4) The term "contract consolidation" means the combining of two or more Government service contracts for related space activities into one larger Government service contract.

(5) The term "privatization" means the process of transferring—

(A) control and ownership of Federal space-related assets, along with the responsibility for operating, maintaining, and upgrading those assets, to the private sector; or

(B) control and responsibility for space-related functions from the Federal Government to the private sector.

#### SEC. 310. EXTERNAL TANK OPPORTUNITIES STUDY.

(a) APPLICATIONS.—The Administrator shall enter into appropriate arrangements for an independent study to identify, and evaluate the potential benefits and costs of, the broadest possible range of commercial and scientific applications which are enabled by the launch of Space Shuttle external tanks into Earth orbit and retention in space, including—

(1) the use of privately owned external tanks as a venue for commercial advertising on the ground, during ascent, and in Earth orbit, except that such study shall not consider advertising that while in orbit is observable from the ground with the unaided human eye;

(2) the use of external tanks to achieve scientific or technology demonstration missions in Earth orbit, on the Moon, or elsewhere in space; and

(3) the use of external tanks as low-cost infrastructure in Earth orbit or on the Moon, including as an augmentation to the International Space Station.

A final report on the results of such study shall be delivered to the Congress not later than 90 days after the date of the enactment of this Act. Such report shall include recommendations as to Government and industry-funded improvements to the external tank which would maximize its cost-effectiveness for the scientific and commercial applications identified.

(b) REQUIRED IMPROVEMENTS.—The Administrator shall conduct an internal agency study, based on the conclusions of the study required by subsection (a), of what—

(1) improvements to the current Space Shuttle external tank; and

(2) other in-space transportation or infrastructure capability developments,

would be required for the safe and economical use of the Space Shuttle external tank for any or all of the applications identified by the study required by subsection (a), a report on which shall be delivered to Congress not later than 45 days after receipt of the final report required by subsection (a).

(c) CHANGES IN LAW OR POLICY.—Upon receipt of the final report required by subsection (a), the Administrator shall solicit comment from industry on what, if any, changes in law or policy would be required to achieve the applications identified in that final report. Not later than 90 days after receipt of such final report, the Administrator shall transmit to the Congress the comments received along with the recommendations of the Administrator as to changes in law or policy that may be required for those purposes.

#### SEC. 311. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.

#### SEC. 312. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking "transsonic and supersonic" and inserting "transsonic, supersonic, and hypersonic"; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking "laboratories" in subsection (a) and inserting "laboratories and centers";

(B) by striking "supersonic" in subsection (a) and inserting "transsonic, supersonic, and hypersonic"; and

(C) by striking "laboratory" in subsection (c) and inserting "facility".

#### SEC. 313. INNOVATIVE TECHNOLOGIES FOR HUMAN SPACE FLIGHT.

(a) ESTABLISHMENT OF PROGRAM.—In order to promote a "faster, cheaper, better" approach to the human exploration and development of space, the Administrator shall establish a Human Space Flight Innovative Technologies program of ground-based and space-based research and development in innovative technologies. The program shall be part of the Technology and Commercialization program.

(b) AWARDS.—At least 75 percent of the amount appropriated for Technology and Commercialization under section 101(b)(4) for any fiscal year shall be awarded through broadly distributed announcements of opportunity that solicit proposals from educational institutions, industry, nonprofit institutions, National Aeronautics and Space Administration Centers, the Jet Propulsion Laboratory, other Federal agencies, and other interested organizations, and that allow partnerships among any combination of those entities, with evaluation, prioritization, and recommendations made by external peer review panels.

(c) PLAN.—The Administrator shall provide to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate, not later than December 1, 2000, a plan to implement the program established under subsection (a).

#### SEC. 314. LIFE IN THE UNIVERSE.

(a) REVIEW.—The Administrator shall enter into appropriate arrangements with the National Academy of Sciences for the conduct of a review of—

(1) international efforts to determine the extent of life in the universe; and

(2) enhancements that can be made to the National Aeronautics and Space Administration's efforts to determine the extent of life in the universe.

(b) ELEMENTS.—The review required by subsection (a) shall include—

(1) an assessment of the direction of the National Aeronautics and Space Administration's astrobiology initiatives within the Origins program;

(2) an assessment of the direction of other initiatives carried out by entities other than the National Aeronautics and Space Administration to determine the extent of life in the universe, including other Federal agencies, foreign space agencies, and private groups such as the Search for Extraterrestrial Intelligence Institute;

(3) recommendations about scientific and technological enhancements that could be made to the National Aeronautics and Space Administration's astrobiology initiatives to effectively utilize the initiatives of the scientific and technical communities; and

(4) recommendations for possible coordination or integration of National Aeronautics and

Space Administration initiatives with initiatives of other entities described in paragraph (2).

(c) REPORT TO CONGRESS.—Not later than 20 months after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report on the results of the review carried out under this section.

#### SEC. 315. CARBON CYCLE REMOTE SENSING APPLICATIONS RESEARCH.

(a) CARBON CYCLE REMOTE SENSING APPLICATIONS RESEARCH PROGRAM.—

(1) IN GENERAL.—The Administrator shall develop a carbon cycle remote sensing applications research program—

(A) to provide a comprehensive view of vegetation conditions;

(B) to assess and model agricultural carbon sequestration; and

(C) to encourage the development of commercial products, as appropriate.

(2) USE OF CENTERS.—The Administrator of the National Aeronautics and Space Administration shall use regional earth science application centers to conduct applications research under this section.

(3) RESEARCHED AREAS.—The areas that shall be the subjects of research conducted under this section include—

(A) the mapping of carbon-sequestering land use and land cover;

(B) the monitoring of changes in land cover and management;

(C) new approaches for the remote sensing of soil carbon; and

(D) region-scale carbon sequestration estimation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 of funds authorized by section 102 for fiscal years 2001 through 2002.

#### SEC. 316. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

(a) INFORMATION DEVELOPMENT.—The Administrator shall—

(1) consult with the Secretary of Agriculture to determine data product types that are of use to farmers which can be remotely sensed from air or space;

(2) consider useful commercial data products related to agriculture as identified by the focused research program between the National Aeronautics and Space Administration's Stennis Space Center and the Department of Agriculture; and

(3) examine other data sources, including commercial sources, LightSAR, RADARSAT I, and RADARSAT II, which can provide domestic and international agricultural information relating to crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and other related subjects.

(b) PLAN.—After performing the activities described in subsection (a) the Administrator shall, in consultation with the Secretary of Agriculture, develop a plan to inform farmers and other prospective users about the use and availability of remote sensing products that may assist with agricultural and forestry applications identified in subsection (a). The Administrator shall transmit such plan to the Congress not later than 180 days after the date of the enactment of this Act.

(c) IMPLEMENTATION.—Not later than 90 days after the plan has been transmitted under subsection (b), the Administrator shall implement the plan.

#### SEC. 317. 100TH ANNIVERSARY OF FLIGHT EDUCATIONAL INITIATIVE.

(a) EDUCATIONAL INITIATIVE.—In recognition of the 100th anniversary of the first powered flight, the Administrator, in coordination with the Secretary of Education, shall develop and provide for the distribution, for use in the 2001–2002 academic year and thereafter, of age-appropriate educational materials, for use at the kindergarten, elementary, and secondary levels,



on the history of flight, the contribution of flight to global development in the 20th century, the practical benefits of aeronautics and space flight to society, the scientific and mathematical principles used in flight, and any other related topics the Administrator considers appropriate. The Administrator shall integrate into the educational materials plans for the development and flight of the Mars plane.

(b) **REPORT TO CONGRESS.**—Not later than December 1, 2000, the Administrator shall transmit a report to the Congress on activities undertaken pursuant to this section.

**SEC. 318. INTERNET AVAILABILITY OF INFORMATION.**

Upon the conclusion of the research under a research grant or award of \$50,000 or more made with funds authorized by this Act, the Administrator shall make available through the Internet home page of the National Aeronautics and Space Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

**SEC. 319. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.**

(a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expanding the assistance, purchase only American-made equipment and products.

(b) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this Act, the Administrator shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

**SEC. 320. ANTI-DRUG MESSAGE ON INTERNET SITES.**

Not later than 90 days after the date of the enactment of this Act, the Administrator, in consultation with the Director of the Office of National Drug Control Policy, shall place anti-drug messages on Internet sites controlled by the National Aeronautics and Space Administration.

**SEC. 321. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.**

(a) **DEFINITIONS.**—In this section:

(1) **EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.**—The term “educationally useful Federal equipment” means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) **SCHOOL.**—The term “school” means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) **SENSE OF CONGRESS.**—

(1) **IN GENERAL.**—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) **REPORTS.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to Congress a report describing any donations of educationally useful Federal equipment to schools made during the period covered by the report.

**SEC. 322. SPACE ADVERTISING.**

(a) **DEFINITION.**—Section 70102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (8) through (16) as paragraphs (9) through (17), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) ‘obtrusive space advertising’ means advertising in outer space that is capable of being

recognized by a human being on the surface of the Earth without the aid of a telescope or other technological device.”.

(b) **PROHIBITION.**—Chapter 701 of title 49, United States Code, is amended by inserting after section 70109 the following new section:

**“§ 70109a. Space advertising**

“(a) **LICENSING.**—Notwithstanding the provisions of this chapter or any other provision of law, the Secretary may not, for the launch of a payload containing any material to be used for the purposes of obtrusive space advertising—

“(1) issue or transfer a license under this chapter; or

“(2) waive the license requirements of this chapter.

“(b) **LAUNCHING.**—No holder of a license under this chapter may launch a payload containing any material to be used for purposes of obtrusive space advertising.

“(c) **COMMERCIAL SPACE ADVERTISING.**—Nothing in this section shall apply to nonobtrusive commercial space advertising, including advertising on—

“(1) commercial space transportation vehicles;

“(2) space infrastructure payloads;

“(3) space launch facilities; and

“(4) launch support facilities.”.

(c) **NEGOTIATION WITH FOREIGN LAUNCHING NATIONS.**—(1) The President is requested to negotiate with foreign launching nations for the purpose of reaching 1 or more agreements that prohibit the use of outer space for obtrusive space advertising purposes.

(2) It is the sense of Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

(3) As used in this subsection, the term “foreign launching nation” means a nation—

(A) that launches, or procures the launching of, a payload into outer space; or

(B) from the territory or facility of which a payload is launched into outer space.

(d) **CLERICAL AMENDMENT.**—The table of sections for chapter 701 is amended by inserting after the item relating to section 70109 the following:

“70109a. Space advertising.”.

**SEC. 323. AERONAUTICAL RESEARCH.**

(a) **FLIGHT RESEARCH STUDY.**—

(1) **IN GENERAL.**—Within 6 months after the date of the enactment of this Act, the Administrator shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives the results of an engineering study of the modifications necessary for the more effective use of the WB-57 flight research plan.

(2) **CONTENTS OF STUDY.**—The engineering study provided by the Administrator under paragraph (1) shall address at least the following issues:

(A) Replacement of autopilot.

(B) Replacement of landing gear or improved brake system.

(C) Upgrade of avionics.

(D) Upgrade of engines for higher flight regimes.

(E) Installation of winglets on aircraft wings.

(F) Research benefits to be derived from modifications of plane.

(G) Associated costs of each of the modifications.

(b) **AIRCRAFT ICING RESEARCH PLAN.**—

(1) **IN GENERAL.**—Within 90 days after the date of the enactment of this Act, the Administrator shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives for aircraft icing research to be conducted over the 5-year period commencing on October 1, 2000.

(2) **CONTENTS OF THE PLAN.**—The aircraft icing research plan submitted by the Adminis-

trator under paragraph (1) shall include at least the following items:

(A) Research goals and objectives.

(B) Funding levels for each of the 5 fiscal years.

(C) Anticipated extent and nature of involvement in the research program by agencies, organizations, and companies, both domestic and foreign, other than the National Aeronautics and Space Administration.

(D) Anticipated resource requirements and locations of aircraft icing tunnel research and flight research for each of the 5 fiscal years.

**SEC. 324. INSURANCE, INDEMNIFICATION, AND CROSS-WAIVERS.**

(a) **TECHNICAL AMENDMENT.**—Title III of the National Aeronautics and Space Act of 1958 is amended—

(1) by redesignating sections 309 through 311 as sections 310 through 312, respectively; and

(2) by inserting “SEC. 309.” before “(a) IN GENERAL.—” in the undesignated section added by section 435 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000.

(b) **AMENDMENTS.**—Section 309 of the National Aeronautics and Space Act of 1958 (as so designated by subsection (a)(2) of this section) is amended—

(1) in subsection (c)(1), by striking “departments, agencies, and related entities” and inserting “departments, agencies, and instrumentalities”;

(2) in subsection (c)(2), by adding at the end the following new subparagraph:

“(D) **WILLFUL MISCONDUCT.**—A reciprocal waiver under paragraph (1) may not relieve the United States, the developer, the cooperating party, or the related entities of the developer or cooperating party, of liability for damage or loss resulting from willful misconduct.”; and

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

“(f) **TERMINATION.**—

“(1) **IN GENERAL.**—The provisions of this section shall terminate on December 31, 2002, except that the Administrator may extend the termination date to a date not later than September 30, 2005, if the Administrator determines that such extension is in the interests of the United States.

“(2) **EFFECT OF TERMINATION ON AGREEMENT.**—The termination of this section shall not terminate or otherwise affect any cross-waiver agreement, insurance agreement, indemnification agreement, or other agreement entered into under this section, except as may be provided in that agreement.”.

**SEC. 325. USE OF ABANDONED, UNDERUTILIZED, AND EXCESS BUILDINGS, GROUNDS, AND FACILITIES.**

(a) **IN GENERAL.**—In any case in which the Administrator considers the purchase, lease, or expansion of a facility to meet requirements of the National Aeronautics and Space Administration, the Administrator shall consider whether those requirements could be met by the use of one of the following:

(1) Abandoned or underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration usage at a reasonable cost, as determined by the Administrator.

(2) Any military installation that is closed or being closed, or any facility at such an installation.

(3) Any other facility or part of a facility that the Administrator determines to be—

(A) owned or leased by the United States for the use of another agency of the Federal Government; and

(B) considered by the head of the agency involved—

(i) to be excess to the needs of that agency; or

(ii) to be underutilized by that agency.

(b) **DEFINITION.**—For the purposes of this section, the term “depressed communities” means



*rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.*

And the Senate agree to the same.

F. JAMES SENSENBRENNER,  
Jr.,  
DANA ROHRBACHER,  
DAVE WELDON,  
RALPH M. HALL,  
BART GORDON,

*Managers on the Part of the House.*

JOHN MCCAIN,  
TED STEVENS,  
BILL FRIST,  
FRITZ HOLLINGS,  
JOHN BREAUX,

*Managers on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1654), to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The House and Senate authorization bills were passed in 1999 and based on the fiscal year (FY) 2000 budget request. Both bills authorized funding for FY 2000 through FY 2002 based on the budget runouts provided with the President's FY 2000 request for NASA funding. However, conference discussions were still underway when the President unveiled his FY 2001 budget request. The FY 2001 budget request differed significantly from that projected in FY 2000. The FY 2001 budget contained significant increases in Space Science and Aerospace Technology and minor reductions in Human Spaceflight and Earth Science, reflecting that the International Space Station (ISS) and the first phase of the EOS program had passed the peak of their development costs. Consequently, the conferees adjusted the conference text to reflect the new information contained in the FY 2001 request.

#### TITLE I. AUTHORIZATION OF APPROPRIATIONS

##### *(Subtitle A)*

*Human Spaceflight.* The President requested \$5,499,900,000 for Human Spaceflight in FY 2001. Conferees agreed to \$5,499,900,000 for Human Spaceflight in FY 2001. The conferees provided funding for International Space Station, the Space Shuttle, Payload/ELV Support and Investments and Support at the level of the President's request. Concerned about past Administration cuts to the International Space Station research activities, the conferees adopted a House provision setting aside \$455,400,000 of the amount authorized for Space Station research and assigning the Office of Life and Microgravity Sciences and Applications responsibility for administering those funds.

The Senate-passed authorization bill excluded \$200 million in funding in the Space Station funding account for the Propulsion Module due to lack of specific plans. Conferees continue to be concerned given the recent significant cost increase of at least \$150 million and schedule slippages of 18 months for the module. These cost increases and delays are even more alarming given the project is still in its early developmental stages. The conferees are also concerned about the lack of specific future plans for the Propulsion Module at this point.

The President requested \$5,387,600,000 for Human Spaceflight in FY 2002. Conferees agreed to authorize \$5,387,600,000 for Human Spaceflight in FY 2002. The conferees provided funding for International Space Station, the Space Shuttle, Payload/ELV Support and Investments and Support at the level of the President's request. Concerned about past Administration cuts to the International Space Station research activities, the conferees adopted a House provision setting aside \$451,600,000 of the amount authorized for Space Station research and assigning the Office of Life and Microgravity Sciences and Applications responsibility for administering those funds. The conferees also agreed to authorize \$20,000,000 for Technology and Commercialization in FY 2001 and FY 2002.

*Science, Aeronautics, and Technology.* The President requested \$2,398,800,000 for space science in FY 2001. Conferees agreed to authorize \$2,417,800,000 for Space Science in FY 2001, \$19,000,000 more than the President requested and \$225,015,000 more than the FY 2000 appropriated level. The President requested \$2,606,400,000 for space science in FY 2002. Conferees agreed to authorize \$2,630,400,000 in FY 2002, \$24,000,000 more than the Presidential request. Conferees also agreed to: House language stating that of the total authorized for Space Science \$10,500,000 shall be for the Near Earth Object Survey in FY 2001 and FY 2002; \$523,601,000 shall be for the Research Program in FY 2001 and \$566,700,000 shall be for the Research Program in FY 2002; \$12,000,000 shall be for Space Solar Power technology in FY 2001 and FY 2002; and \$5,000,000 shall be for Space Science Data Buys in FY 2002. Despite the loss of both Mars 1998 missions, the conferees remain committed to exploring Mars and support the President's decision to increase the Mars program's baseline funding by \$347,400,000 over the period FY 2001 through FY 2005 in his FY 2001 budget request. Moreover, the conferees continue to endorse NASA's faster, better, cheaper concept and believe that a greater number of small missions will do more to advance certain scientific goals than large missions launched just once every decade. Nevertheless, better definition of the concept is needed for proper and effective implementation.

The President requested \$302,400,000 for Life and Microgravity Science in FY 2001 and \$300,300,000 for FY 2002. The conferees are concerned that past cuts to Life and Microgravity research are impeding scientific progress and undermining the future readiness of the scientific community to fully utilize the ISS. The conferees agreed to authorize \$335,200,000 and \$344,000,000 for Life and Microgravity research in FY 2001 and FY 2002, respectively. Together, these represent an increase of \$76,500,000, nearly 13% over the President's request for both years. Given NASA's development of non-invasive diagnostic capabilities in the life sciences, conferees adopted House language setting aside \$2,000,000 of the amount authorized for FY 2001 and FY 2002 for research and early detection systems for breast and ovarian cancer. Conferees also adopted Senate language setting aside \$2,000,000 of the amount authorized

for FY 2001 and FY 2002 for clinical trials of islet transplantation technology for Type I diabetes patients developed as a result of past space flight activities. Finally, conferees adopted House language signaling that \$70,000,000 of funds authorized for FY 2001 and \$80,800,000 of funds authorized for FY 2002 may be used for research associated with the ISS. These amounts signify continuing Congressional commitment to restoring past cuts to the Life and Microgravity research budget and a desire to improve the role of the Life and Microgravity research community in planning Space Station research activities.

For Earth Science, the President requested \$1,405,800,000 in FY 2001 and \$1,332,500,000 in FY 2002. The House authorized \$1,413,300,000 and the Senate authorized \$1,502,873,000 for Earth Science in FY 2001. The House authorized \$1,365,300,000 and the Senate authorized \$1,547,959,000 for Earth Science in FY 2002. Conferees agreed to authorize \$1,430,800,000 and \$1,357,500,000 for earth science in FY 2001 and FY 2002 respectively. The House-passed bill terminated the Triana spacecraft. The Senate did not eliminate the program; the House receded to the Senate.

In Aerospace Technology, the President requested \$1,193,000,000 in FY 2001 and \$1,548,900,000 in FY 2002. Conferees agreed to authorize \$1,224,000,000 in FY 2001, \$31,000,000 more than the President requested, and \$1,574,900,000 in FY 2002, \$26,000,000 more than the President requested. In aeronautics, the conferees are concerned about the continuing decline in funding for aeronautics research over the last several years and agreed to authorize funding of \$36,000,000 in FY 2001 and FY 2002 for NASA's Quiet Aircraft Technology programs, \$70,000,000 in FY 2001 and FY 2002 for its Aviation Safety programs, and \$50,000,000 in FY 2001 and FY 2002 for its ultra-efficient engine technology program. The conferees reaffirm Congress' commitment to a strong NASA aeronautical R&D program, and believe that it will be necessary to make appropriate investments in the modernization of NASA's aeronautical research facilities to keep pace with the full range of current and emerging aeronautical R&D challenges. Conferees provided full funding for the Space Launch Initiative, singling out the Second Generation RLV Program for funding. Moreover, the conferees endorse the general approach and plan to preserve competition among technological concepts within the SLI as laid out by NASA in briefings and presentations to the respective authorizing committees. The investigation of multiple technological concepts could include examination of such concepts as Two-Stage-to-Orbit, Single-Stage-to-Orbit, Vertical-Takeoff-Vertical-Landing (for which potential military applications are envisioned by some observers), and air-launched systems, among others. The conferees further note that NASA's plan for "Alternative Access" to the International Space Station is contained within the Space Launch Initiative budget profile and commend NASA for seeking means of reducing our dependence on the Space Shuttle and Russian Soyuz and Progress vehicles for access to ISS. The conferees believe it will be necessary to make appropriate investments in the modernization of NASA's rocket engine testing facilities to keep pace with the development of the Second Generation RLV program, particularly given NASA's plan to develop some air-breathing engine technologies.

The President requested \$100,000,000 for Academic Programs in FY 2001 and FY 2002, a \$41,300,000 reduction from the FY 2000 funding appropriated by Congress. The House passed bill provided \$128,600,000 in FY 2001 and \$130,600,000 in FY 2002. The Senate bill

provided \$133,900,000 and \$137,917,000 in FY 2001 and FY 2002 respectively. Conferees recommended authorizing \$141,300,000 for FY 2001 and \$141,300,000 for FY 2002. Within those authorizations, \$11,800,000 in FY 2001 shall be for Teacher/Faculty Preparation and Enhancement Programs and \$11,800,000 in FY 2001 shall be for the Experimental Program to Stimulate Competitive Research. Conferees authorized both programs at the level of \$12,500,000 in FY 2002. The conferees also agreed that \$28,000,000 of the funds authorized shall be for Space Grant Colleges in both FY 2001 and FY 2002. Finally, the Conferees agreed that \$54,000,000 in both FY 2001 and FY 2002 shall be for minority university research and education, including \$35,900,000 for Historically Black Colleges and Universities.

*Mission Support, NASA Inspector General, & Total Authorization.* In Mission Support, the conferees recommended funding the President's request of \$2,584,000,000 in FY 2001 and \$2,666,200,000 in FY 2002. Conferees also agreed to authorize \$20,000,000 for the NASA Inspector General in FY 2000, \$22,000,000 in FY 2001 and \$22,700,000 in FY 2002 as requested by the President.

The conferees authorized \$13,600,800,000 for NASA in FY 2000, reflecting the FY 2000 appropriations and including \$5,487,900,000 for Human Spaceflight, \$5,580,900,000 for Science, Aeronautics and Technology, \$2,512,000,000 for Mission Support, and \$20,000,000 for the NASA Inspector General. The total amount of funding authorized for NASA is \$14,184,400,000 in FY 2001, which is \$149,100,000 more than the President requested. The total amount authorized for FY 2002 is \$14,625,400,000, which is \$160,000,000 more than the President's outyear budget projections.

The conferees have been concerned about the need to ensure that NASA's personnel and facilities will be able to support a robust and safe space and aeronautics program over the next decade and beyond. In particular, the conferees note the high portion of NASA personnel that are at, or near, the age for retirement eligibility. In addition, the conferees note the importance of ensuring the continued safety of workers and property at NASA's facilities. Therefore, the conferees expect the Administrator to report to Congress by April 1, 2001 on NASA's plans and anticipated resource requirements for (1) ensuring that critical technical and managerial skills are maintained throughout the space agency, including plans for hiring new personnel as appropriate; and (2) plans for investing in the maintenance and upgrading of facilities and equipment to ensure the safety of both workers and property.

*Policy provisions (Subtitle B)*

The House bill contained Section 125, authorizing \$50,000,000 in FY 2001 and FY 2002 for Earth Science data purchases. The House sought to create a mechanism by which scientists could exploit for scientific purposes the hundreds of millions of dollars in private investment in remote sensing capabilities. Believing that a market is the most efficient way of allocating limited resources, the House sought to create competition among data providers to meet scientist's needs, thereby creating pressures that would result in falling prices and increased quality in the long term. Moreover, by directly authorizing scientists to procure data, the House intended to place greater decision-making authority directly in the hands of principal investigators studying the Earth system. The Senate bill contained no data purchase program, so the conferees agreed to split the difference by authorizing a \$25 million program. In order to fund that activity in a manner that does not disrupt the ongoing Earth Science programs, the conferees have aug-

mented the funding for Earth Science by an equivalent amount in both FY 2001 and FY 2002. The conferees expect the Administrator to report to the Congress by April 1, 2001 on NASA's long-term plan to promote scientific applications of U.S. commercial remote sensing capabilities through the purchase of data, development of applications, and collaboration with industry, research universities, and other government agencies.

Section 126 was modified during House consideration of H.R. 1654. The amendment, patterned after language adopted in the FY 2000 defense authorization bill, is intended to ensure that cooperative agreements between NASA and the People's Republic of China will not benefit, directly or indirectly, the People's Republic of China in its efforts to develop new space launch and ballistic missile capabilities. Subparagraph (a)(3) requires the NASA Inspector General to review NASA's compliance with existing export control obligations in consultation with the appropriate agencies of the federal government. For the purposes of this section, "appropriate agencies" refers generally to the U.S. national security, intelligence, export control, and counter-intelligence/law enforcement communities, including the Central Intelligence Agency, the Defense Intelligence Agency, and the Departments of State, Defense, Justice, and Commerce. The Senate bill contained no such provision. After adopting some clarifying language, the Senate receded to the House position.

Section 127 was contained in the House bill as introduced. The measure prohibits NASA from obligating funds to define, design, procure, or develop an inflatable space structure to replace any baseline ISS module. House conferees are particularly concerned about the potential for further perturbations to the baseline ISS design, which are likely to increase cost, technical risk, and schedule slips. Indeed, NASA was pursuing Transhab as an inflatable replacement for the already-built habitation module's pressure vessel at a time when early cost projections indicated Transhab would cost several tens of millions more to complete. The Senate bill contained no such provision. After some discussion, the conferees agreed to modify the language to enable NASA to lease a privately defined, designed, and developed Transhab, provided that such a structure would not expose the U.S. government or the International Space Station to greater cost or schedule risks. It should be noted that the leasing option still precludes NASA from obligating funds for NASA to design, define (beyond the specification of requirements to be met by the commercially provided structure), or develop an inflatable structure to replace any baselined ISS module and that any lease payments may not total more than the remaining cost of the habitation module. Conferees gave NASA until April 1, 2001 to assess its options and report its recommendations on Transhab to the Congress. Such a report should include a cost-benefit analysis of the fiscal, programmatic, schedule, and technical risks of three options: (1) sticking with the baseline ISS design; (2) replacing the baselined habitation module with a commercially-developed and owned inflatable structure; or (3) looking to inflatable structures as potential enhancements to the ISS after assembly complete. The April 1 report should contain NASA's recommendation on whether or not to pursue a Transhab option.

TITLE II. INTERNATIONAL SPACE STATION

The Senate-passed bill contained a Title regarding the ISS which included sections for dealing with Russian contingencies and a total program funding cap. The House receded to the Senate position. The Senate-passed language was modified where appropriate and adopted.

*Section 201. International Space Station contingency plan*

Section 201 seeks to address concerns over the International Space Station created by Russia's difficulties in meeting its commitments to the International Space Station (ISS) partnership. The section requires a bi-monthly status report on Russia's progress in meeting its obligations and a notification requirement in the event of a decision to replace any Russian elements in the critical path of the International Space Station or Russian launch services.

Conferees also adopted language directing the United States government to seek assurances from the Russian government that the latter places a higher priority on ISS than on its aging Mir space station and that ISS-dedicated resources will not be used to extend further Mir's orbital life. The conferees are especially concerned that earlier this year Russia diverted a Soyuz vehicle and two Progress vehicles that were originally intended to support ISS to instead service the Mir. Although the conferees applaud the successful launching of the Russian Service Module and note Russia's assurances that the diverted vehicles will be replaced, they want to stress the importance that Congress attaches to the need for Russia to fulfill all of its remaining commitments to the ISS.

The Intergovernmental Agreement (IGA), voluntarily signed by each participating country, delineates the roles and responsibilities of all ISS partners. The conferees maintain that in the event that any International Partner willfully violates any of its commitments or agreements for the provision of agreed-upon Space Station hardware or related goods or services, the NASA Administrator should, in a manner consistent with relevant international agreements, seek a commensurate reduction in the utilization rights of that partner until such time as the violated commitments or agreements have been fulfilled. It is important to the conferees that the IGA remain equitable.

Finally, the conferees adopted language directing the Administrator to seek, in a manner consistent with relevant international agreements, to reduce NASA's share of ISS common operating costs as a result of any additional capabilities added to the ISS through NASA's Russian Program Assurance activities.

*Section 202. Cost limitations for the International Space Station*

Conferees have adopted language that would place a cost limitation on the International Space Station. The limitation would establish a limit of \$25 billion for the development of ISS and \$17.7 billion for the use of the Space Shuttle for the assembly of the Station until the point of substantial completion. Substantial completion has been defined as the point when development costs comprise 5 percent or less of the total ISS costs for the fiscal year. Conferees feel that at this point in the program, the majority of the activities are truly beyond the development phase of the project. The charge against the limitation of using the Shuttle shall not exceed \$380 million per launch. If the actual costs are less, verification and reporting requirements have been established. The Administrator of NASA is required to provide written notice and analysis of any changes to the limitations set forth on the Station and the Shuttle program.

Furthermore, an additional 20 percent (\$5 billion for ISS and \$3.54 billion for the Shuttle program) has been authorized to address contingencies identified within the cost limitation. Within the contingencies, the conferees have given NASA additional flexibility to address, through additional shuttle launches, urgent threats to crew safety or

the integrity of the ISS. It is expected that these contingencies would provide NASA the necessary resources to address any urgent situation on the Station. The conferees want to emphasize the importance they attach to the safety of the Space Shuttle and ISS programs. Annual reporting and review requirements have also been identified and are to be included as part of the budget request for each fiscal year.

*Section 203. Research on International Space Station*

The conferees note with growing concern that the gaps between space-based life and microgravity research opportunities are growing. Consequently, the scientific disciplines associated with this research risk stagnating, creating the possibility that the scientific community will not be prepared to fully exploit the scientific potential of the space stations. To address these concerns, Congress has, for several years, provided funding for a dedicated research flight aboard the Space Shuttle. As adopted in the House, H.R. 1654 contained language calling for a joint study by the National Research Council and the National Academy of Public Administration to review the readiness of the U.S. scientific community to use the space station, identify obstacles, and make recommendations to ensure that the U.S. scientific community is able to fully exploit the space station.

*Section 205. Space Station Research utilization and commercialization management*

The conferees further note that as the International Space Station approaches full assembly, NASA must begin to focus on establishing an organization infrastructure capable of ensuring that the International Space Station is fully and effectively utilized for scientific and engineering research. The conferees commend NASA for initiating a review of management structures by the National Research Council's Space Studies Board and Aeronautics and Space Engineering Board. The National Research Council recommended that "a consortium led by a research institution or group of institutions, governed by an independent board of directors, managed by a strong scientific director, and guided by an advisory process that is broadly representative of the research community" be charged with managing scientific activities aboard ISS. The conferees further note that NASA has had success with utilizing non-government organizations for the operation of major scientific research programs, such as the Hubble Space Telescope. Conferees are also concerned about commercialization opportunities aboard the Space Station. The non-government organization should ensure that equitable opportunities exist for industry to participate in activities. NASA should work with the Department of Commerce's Office of Space Commercialization to ensure that the selected non-government organization has adequate expertise in this area. The conferees therefore direct NASA to enter into an agreement with a non-government organization that will manage the research utilization and commercialization aspects of the International Space Station. The non-government organization should be selected competitively.

TITLE III. MISCELLANEOUS

The House-passed bill contained language that conferees adopted as Section 304, Cost Effectiveness Calculations. The provision is intended to improve the information available to policymakers by directing NASA to compare the price a private company would charge to provide a good or service with the total cost (using full-cost accounting principles) to NASA of performing the same

function when performing cost-effectiveness calculations. The measure will help discourage the current practice of disguising a program's true cost to the American taxpayer by discounting the overhead and personnel costs associated with the program or mission and enable NASA to make rational decisions about out-sourcing certain activities. The conferees note that cost-effectiveness is not the only appropriate measure or factor to be considered when deciding whether to out-source certain activities. NASA's need to maintain a skilled workforce and its experience with certain kinds of technologies often will make it better-suited to perform a program or mission than a lower-cost contractor. In addition, the need to meet mission requirements and to avoid the assumption of unacceptable program risk also need to be weighed as part of the decision to out-source or not. Section 304 merely directs NASA to perform cost-effectiveness calculations in a certain way; it does not mandate that any decision be made based on that calculation.

Section 308 directs the Administrator to develop a plan for the integration of NASA's aeronautics and space transportation research and development activities. NASA has already administratively moved the two activities under one roof in reorganizing Code R. The conferees remain concerned that NASA's aeronautics activities have suffered from a lack of strategic direction and adequate funding in recent years. They note, however, that NASA's traditional aeronautics research activities have much to offer its space transportation activities and vice versa. NASA's Hyper-X vehicle, for example, has the potential to develop considerable information on high-speed flight through the atmosphere, while NASA's advanced cockpit development activities will have applications in the development of crewed space launch vehicles. It is hoped that the technology integration plan will lead NASA to determine the best means of fully exploiting the Space Launch Initiative funding wedge against those areas of research and development that will benefit both aeronautics and space transportation. Certainly, bringing the skills and knowledge resident in NASA's centers focused on aeronautics (Glenn Research Center, Langley Research Center, and the Dryden Flight Research Center) to bear on space transportation problems will benefit the Space Launch Initiative. As important, NASA will be better positioned to bring the lessons learned from the SLI investment into its aeronautics research programs. The conferees expect an integration plan to lay the groundwork for strengthening aeronautics research in the United States over the coming decade.

The Senate bill contained a section prohibiting obtrusive space advertising. The House bill contained no such provision and the House recedes to the Senate. In adopting this measure, which is section 322 in the conference report, the conferees are seeking to preserve a view of the sky that humanity has enjoyed since the beginning of human existence. Moreover, this section will help prevent new sources of interference with astronomy. The conferees note that obtrusive space advertising is defined as "advertising in outer space that is capable of being recognized by a human being on the surface of the Earth without the aid of a telescope or other technological device," i.e., that which is recognizable to the human eye. The provision does not apply to commercial space advertising practices that are common today, such as the placement of logos on commercial space launch vehicles and payloads, since these symbols are not visible to a terrestrial human eye without the aid of a cam-

era or some other viewing mechanism once the vehicles or facilities are in orbit.

The Senate-passed bill included two provisions related to indemnification, insurance, and cross-waivers of liability. Senate Section 203 provided for cross-waivers of liability for U.S. ISS contractors, and Senate Section 313 expanded the experimental aerospace vehicle indemnification regime to include vehicles under development on or before July 31, 1999. Subsequent to Senate passage of H.R. 1654, the Congress combined these regimes under Section 431 of Public Law 106-74, which establishes broad authority for NASA to enter into cross-waivers of liability as part of a cooperative agreement and to indemnify the developers of experimental aerospace vehicles for catastrophic losses. This regime is similar to the liability regime established for operational commercial launch vehicles under Title 49. However, the authority for operational vehicles periodically expires. The conferees agreed to a provision (Section 324) which sunsets NASA's broad authority on December 31, 2002. The Administration is permitted to extend the termination date to September 30, 2005 if the Administrator determines that such an extension is in the national interest.

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DAVE WELDON,  
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*Managers on the Part of the House.*

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*Managers on the Part of the Senate.*

DECREASING REQUISITE BLOOD QUANTUM REQUIRED FOR MEMBERSHIP IN THE YSLETA DEL SUR PUEBLO TRIBE

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1460) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe.

The Clerk read as follows:

H.R. 1460

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

**SECTION 1. BLOOD QUANTUM REQUIRED FOR TRIBAL MEMBERSHIP DECREASED.**

Section 108(a)(2)(i) of the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act (25 U.S.C. 1300g-7) is amended by striking "1/8" and inserting "1/16".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

GENERAL LEAVE

Mr. WALDEN of Oregon. 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. 1460.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1460 would amend the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for the membership in the Ysleta del Sur Pueblo tribe.

The 1987 Act, which restored recognition to the Ysleta del Sur Pueblo tribe, requires that this tribe's members have a blood quantum of at least one-eighth in order to qualify for tribal membership.

H.R. 1460 would amend the Ysleta Tribe's blood quantum requirement from one-eighth to one-sixteenth at the request of the tribe. There are currently 1,252 members of the Ysleta del Sur Pueblo Tribe.

This is an important bill to the Ysleta Tribe and I ask Members for their support.

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 thank the gentleman from Oregon. I want to compliment the chief supporter of this legislation, the gentleman from Texas (Mr. REYES).

Mr. Speaker, H.R. 1460 is important legislation in that it provides assistance to the Ysleta del Sur Pueblo Tribe in Texas.

Mr. Speaker, I rise in support of H.R. 1460, which will reduce the blood quantum required for membership in the Ysleta del Sur Pueblo tribe from one-eighth to one-sixteenth.

Congress has long recognized that inherent in the power of any tribal government is the power to set membership criteria and thereby determine who its members are. Absent some gross abuse of this power, I see no reason to interfere in this important area.

With regard to the Ysleta del Sur Pueblo tribe, as I understand it, the tribe has asked that the blood quantum requirement be set in public law. And while I personally am opposed to blood quantum requirements, and believe better criteria exist, this change is well within the tribe's authority, and I support their request.

It is my understanding that the tribe has about 1,200 members. Presumably with tribal members marrying non-tribal members, and the older tribal members passing away, the tribal council believes it won't be long before there won't be much of a tribe left. I am pleased to see that the tribal council is addressing this issue now rather than wait until there is a crisis, or run the risk of losing their identity as a tribe.

I support this bill and urge my colleagues to vote aye.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

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

Mr. REYES. Mr. Speaker, I want to thank both gentlemen for helping with this very important bill for the Tiqua Tribe in El Paso. It is an issue of fairness. It is one that I would urge all my colleagues to support. It is vitally important to be able to sustain the tribe in the coming years.

Mr. Speaker, I rise in strong support of H.R. 1460. As I walked over from my office a few minutes ago, I thought of a number of things that I wanted to tell you about how important this bill is to the members of the Tiqua tribe. I thought that I might tell you about the proud tradition and the remarkable history of the Ysleta del Sur tribe that dates back to pre-historic times. I thought that I might tell you about a unique group of individuals that will be reduced to a mere handful of members within a few generations if we fail to pass this bill, and I thought I might tell you about the disappointment and sorrow that the parents and members of the tribe have when a child is born, and because of the current blood quantum requirements, that child is excluded from tribal membership. I thought about talking about all of these things to you but decided that I would instead talk about fairness, about doing what is right and doing what is honorable.

This bill is not about money or power or politics. Its about the long-term existence of the Ysleta del Sur Pueblo, commonly known as the Tiqua Indian Tribe. The current statute requires that a person have a blood quantum of at least 1/8th in order to qualify for tribal membership. This bill would reduce the blood quantum requirement to at least 1/16th. There are currently only 1,252 members with the requisite blood quantum of 1/8th or more. When we pass this bill, another 500 members will be included in the tribal membership. This increase in numbers under the lowered blood quantum requirements would help to ensure that the offspring of tribal members who fall within those requirements would also qualify for tribal membership.

This is not rocket science. I don't have any charts and pictures to show you. All I have to offer is a profound sense of how important it is for individuals born to this tribe to belong to a family a culture and a people with a distinct place and tradition in America.

I urge you to support this bill and vote to reduce the blood quantum requirement for the Tiqua Indian tribe.

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

Mr. WALDEN of Oregon. 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1460.

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.

## GUAM WAR RESTITUTION ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 755) to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes, as amended.

The Clerk read as follows:

H.R. 755

*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 "Guam War Claims Review Commission Act".

### SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Guam War Claims Review Commission" (hereinafter referred to as the "Commission").

(b) MEMBERS.—The Commission shall be composed of 5 members who by virtue of their background and experience are particularly suited to contribute to the achievement of the purposes of the Commission. The members shall be appointed by the Secretary of the Interior not later than 60 days after funds are made available for this Act. Two of the members shall be selected as follows:

(1) One member appointed from a list of three names submitted by the Governor of Guam.

(2) One member appointed from a list of three names submitted by the Guam Delegate to the United States House of Representatives.

(c) CHAIRPERSON.—The Commission shall select a Chairman from among its members. The term of office shall be for the life of the Commission.

(d) COMPENSATION.—Members of the Commission shall not be paid for their service as members, but in the performance of their duties, shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

### SEC. 3. STAFF.

The Commission may appoint and fix the pay of an executive director and other staff as it may require. The executive director and other staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter II of chapter 53 of such title, relating to the classification and General Schedule pay rates, except that the compensation of any employees of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-15 of the General Schedule under section 5332(a) of such title.

### SEC. 4. ADMINISTRATIVE.

The Secretary of the Interior shall provide the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

### SEC. 5. DUTIES OF COMMISSION.

The Commission shall—

(1) review the facts and circumstances surrounding the implementation and administration of the Guam Meritorious Claims Act and the effectiveness of such Act in addressing the war claims of American nationals residing on Guam between December 8, 1941, and July 21, 1944;

(2) review all relevant Federal and Guam territorial laws, records of oral testimony previously taken, and documents in Guam and the Archives of the Federal Government regarding Federal payments of war claims in Guam;

(3) receive oral testimony of persons who personally experienced the taking and occupation of Guam by Japanese military forces, noting especially the effects of infliction of death, personal injury, forced labor, forced march, and internment;

(4) determine whether there was parity of war claims paid to the residents of Guam under the Guam Meritorious Claims Act with war claims paid to United States citizens or nationals who lived in or had holdings in foreign countries and other possessions of the United States occupied by the Japanese during World War II;

(5) estimate the total amount necessary to compensate the people of Guam for death, personal injury, forced labor, forced march, and internment; and

(6) not later than 9 months after the Commission is established submit a report, including any comments or recommendations for action, to the Secretary of the Interior, the Committee on Resources and the Committee on the Judiciary of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate.

#### SEC. 6. POWERS OF THE COMMISSION.

Subject to general policies that the Commission may adopt, the Chairman of the Commission—

(1) shall exercise the executive and administrative powers of the Commission; and

(2) may delegate such powers to the staff of the Commission.

#### SEC. 7. TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after submission of its report.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$500,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

#### GENERAL LEAVE

Mr. WALDEN of Oregon. 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. 755, as amended.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 755, the Guam War Restitution Act.

H.R. 755 will establish a temporary commission to review an important matter for the people of Guam that has been unresolved since World War II. An American territory, Guam, was invaded and occupied by Japan during the Second World War, and the U.S. nationals of Guam suffered immensely because of their loyalty to the United States.

Although there was an intention to provide restitution to the people of

Guam for loss of life and property due to the war, post-war restitution acts by Congress inadvertently excluded the U.S. nationals of Guam.

H.R. 755 would create a temporary Federal commission lasting no more than 10 months and costing no more than half a million dollars. The commission would estimate the amount appropriate to compensate the people of Guam for their deaths, permanent injury, forward labor, forced marches, and internment during World War II.

The administration supports H.R. 755, and I ask my colleagues to vote in support of this very important piece of legislation.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, today is a momentous occasion for the people of Guam. With the passage of this legislation, the Guam War Claims Review Commission, the people of Guam will move one step closer to being healed from the brutalities of enemy occupation during World War II.

For nearly 3 years the people of Guam were subjected to horrendous acts inflicted by an enemy occupier. Many were executed by firing squads or beheadings. The entire island was in fact an internment camp, and families whose lives were once consumed with farming and subsistence living were now forced to labor to the needs of its occupiers.

But the will of the people of Guam was much stronger than the infliction cast upon them by the Japanese. They concealed the presence of U.S. military men who remained on the island by moving them from house to house. They composed songs, such as "Uncle Sam, please come back to Guam," and made makeshift American flags from tattered rags as a reminder that America would soon return.

Some even organized small militia units, often only teenaged boys, to bedevil Japan soldiers, hoping to ease the matter for the return of U.S. military forces, and America did. In July of 1944, U.S. naval forces began the liberation of Guam. For days they bombarded the island to draw out the enemy, and paved the way for America's invasion. Marines stormed the beaches of Guam's capital, Hagatna, and the southern villages of Asan, Sumay, and Agat. The liberation of Guam was achieved on July 21, 1944.

Soon after, the acting Secretary of the Navy, H. Strive Hensel, recommended to Congress that legislation be enacted to provide relief to the people of Guam through the settlement of meritorious claims. Congress responded by enacting the 1945 Guam Meritorious Claims Act, and authorized the Navy to adjudicate claims for property resulting from Japanese occupa-

tion. Claims in excess of \$5,000 or for personal injury or death were to be forwarded to Congress for settlement.

Several years later, there was a civilian commission appointed by the Secretary of the Navy, referred to as the Hopkins Commission, to study and make recommendations on the naval administration of Guam. The Commission reported that the settlements and payments for war damage claims on property, personal injury, and death had proceeded slowly, and that immediate steps should be taken to hasten this process and to resolve unfair and unsound distinctions in the allowance for claims.

It was clear at this time that the Guam Meritorious Claims Act, as acknowledged even in 1947, was falling short of what the original intent was.

The Commission went on to report that because claims exceeding \$5,000 needed to be forwarded to Congress, locals were more inclined to reduce their claim in order to receive financial help immediately.

Their final recommendation was that review in Washington of claims between \$5,000 and \$10,000 did not seem to serve any useful purpose, and that sufficient reliance and trust should be placed with naval authorities in Guam to safeguard the national interests.

Congress failed to act on the Commission's recommendation, and that is why we are here today. H.R. 755 establishes a Federal Commission to review the historical records of claims made by the people of Guam in the wake of World War II. The Commission will make its recommendation to Congress as to how we can finally resolve the issue of war claims for Guam.

For more than two decades, this issue has been aggressively pursued by the leaders of Guam. Locally, a Commission had been established to establish a record of claims that merited awards.

On the Federal level, each one of my predecessors has introduced legislation to address this issue. Their combined efforts have helped bring us to the point we are at today, the closest we have been. I am hopeful that once the work of the Commission is completed, we can finally heal this very painful memory and bring justice to the World War II generation in Guam.

I want to especially thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), for his assistance in bringing this matter to the floor, and our senior Democrat, the gentleman from California (Mr. GEORGE MILLER), for his steadfast support and cosponsorship of this measure, as well as the chairman, the gentleman from Illinois (Mr. HYDE), who has been very supportive of this endeavor.

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It has been with their help that we have been able to address past concerns on this issue and move forward legislation that brings us a step closer to justice.

Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD), the chief sponsor and author of this legislation for yielding me this time.

Mr. Speaker, as has been so eloquently stated by the gentleman from Guam (Mr. UNDERWOOD) and others before me, reparations to the people of Guam, who were subjected to death, personal injury, forced labor, forced march and internment during World War II is long, long overdue.

Mr. Speaker, before the military occupation of Guam, for some reason, it escapes me, at least this Member, the United States Territory of Guam was in existence. I have always asked the question why was it that these loyal Americans were not evacuated, properly evacuated before the occupation forces of Japan took over this island. Why was it that only U.S. citizens were evacuated? This bugs the heck out of me, Mr. Speaker.

As has been noted, Guam was the only land under the jurisdiction of the United States to be occupied by Japanese military forces during World War II. The people of Guam could have, I suppose, greeted this new force with open arms, and perhaps spared themselves some of the misery they suffered during 3 years of brutal occupation by military forces of the Japanese government. But these loyal Americans did not. They were proud Americans before the occupation, during the occupation, and after the occupation.

In response to their loyalty, Mr. Speaker, 55 years later, we are still debating whether we should establish a commission to study whether the people of Guam who suffered from such atrocities during this occupation period should receive proper reparations.

Mr. Speaker, it has been 55 years. Even the Navy supported reparations decades ago, and direct action on the part of this Congress is still long overdue.

Mr. Speaker, it is my understanding that legislation has been introduced for how many years now. I support this legislation but still feel compelled to speak out that we should be doing more. This bill was introduced 19 months ago. Today, with 19 legislative days left in the Congress, we are finally getting around to passing a bill which still has to go to the Senate.

Mr. Speaker, we can and we should do better than this. I urge my colleagues to support this bill.

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

Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for those very kind comments. Just on a personal note, I think this is a very emotional piece of

legislation for the people of Guam in terms of my own family. My parents endured the occupation. I am the only member of my family that was born after World War II. I think the imprint of the war experience on our lives as a people and our lives as family members are very strong.

This will bring a justice and sense of fairness to a long struggle for the people of Guam and for all of the families of Guam.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of H.R. 755—the Guam War Claims Review Commission Act. I thank Mr. UNDERWOOD for his work on this substitute version of H.R. 755 which addresses concerns that have been raised in previous Congresses. This legislation has been, in one form or another, offered by every delegate from Guam to Congress since the people of Guam began electing delegates to Congress in the 1970's.

In my years of service on the Resources Committee, I have had the privilege of meeting many from Guam who traveled a great distance to share their wartime memories of Japanese occupation. Their stories are compelling and regrettable. Their experiences often sounded unbelievable but they were very real. I recall an elder woman who came to testify before our Committee—Mrs. Beatrice Elmsley. She bore a scar along her neck. A permanent reminder of her attempted beheading at the hands of Japanese soldiers.

To the American public, Guam's story is not widely well-known. The island's loyalty to the United States before, during, and after World War II has never been questioned. Our fellow citizens are proud and patriotic Americans and if they were not fully made whole from the atrocities they faced from Japanese occupation, then we should make a good faith effort to correct those errors.

That we have been able to overcome concerns raised in the past over this legislation, while still recognizing the validity of reexamining war claim awards made to the people of Guam in the wake of World War II, is truly a milestone. We would not have reached this point if it weren't for the patience, diligence, and tenacity of Mr. UNDERWOOD. I congratulate him for his persistence and ask my colleagues to give this measure their full support.

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

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 755, as amended.

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

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

A bill to establish the Guam War Claims Review Commission.

A motion to reconsider was laid on the table.

## FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income, as amended.

The Clerk read as follows:

H.R. 4986

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

### SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "FSC Repeal and Extraterritorial Income Exclusion Act of 2000".

(b) AMENDMENT OF 1986 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 the Internal Revenue Code of 1986.

### SEC. 2. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed.

### SEC. 3. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

#### "SEC. 114. EXTRATERRITORIAL INCOME.

"(a) EXCLUSION.—Gross income does not include extraterritorial income.

"(b) EXCEPTION.—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

"(c) DISALLOWANCE OF DEDUCTIONS.—

"(1) IN GENERAL.—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

"(2) ALLOCATION.—Any deduction of the taxpayer properly apportioned and allocated to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

"(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

"(B) the extraterritorial income derived from such transaction which is not so excluded.

"(d) DENIAL OF CREDITS FOR CERTAIN FOREIGN TAXES.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

"(e) EXTRATERRITORIAL INCOME.—For purposes of this section, the term 'extraterritorial income' means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer."

(b) QUALIFYING FOREIGN TRADE INCOME.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

#### "Subpart E—Qualifying Foreign Trade Income

"Sec. 941. Qualifying foreign trade income.



"Sec. 942. Foreign trading gross receipts.

"Sec. 943. Other definitions and special rules.

**"SEC. 941. QUALIFYING FOREIGN TRADE INCOME.**

"(a) QUALIFYING FOREIGN TRADE INCOME.—For purposes of this subpart and section 114—

"(1) IN GENERAL.—The term 'qualifying foreign trade income' means, with respect to any transaction, the amount of gross income which, if excluded, will result in a reduction of the taxable income of the taxpayer from such transaction equal to the greatest of—

"(A) 30 percent of the foreign sale and leasing income derived by the taxpayer from such transaction,

"(B) 1.2 percent of the foreign trading gross receipts derived by the taxpayer from the transaction, or

"(C) 15 percent of the foreign trade income derived by the taxpayer from the transaction.

In no event shall the amount determined under subparagraph (B) exceed 200 percent of the amount determined under subparagraph (C).

"(2) ALTERNATIVE COMPUTATION.—A taxpayer may compute its qualifying foreign trade income under a subparagraph of paragraph (1) other than the subparagraph which results in the greatest amount of such income.

"(3) LIMITATION ON USE OF FOREIGN TRADING GROSS RECEIPTS METHOD.—If any person computes its qualifying foreign trade income from any transaction with respect to any property under paragraph (1)(B), the qualifying foreign trade income of such person (or any related person) with respect to any other transaction involving such property shall be zero.

"(4) RULES FOR MARGINAL COSTING.—The Secretary shall prescribe regulations setting forth rules for the allocation of expenditures in computing foreign trade income under paragraph (1)(C) in those cases where a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

"(5) PARTICIPATION IN INTERNATIONAL BOYCOTTS, ETC.—Under regulations prescribed by the Secretary, the qualifying foreign trade income of a taxpayer for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) an amount equal to such income multiplied by the international boycott factor determined under section 999, and

"(B) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the taxpayer directly or indirectly to an official, employee, or agent in fact of a government.

"(b) FOREIGN TRADE INCOME.—For purposes of this subpart—

"(1) IN GENERAL.—The term 'foreign trade income' means the taxable income of the taxpayer attributable to foreign trading gross receipts of the taxpayer.

"(2) SPECIAL RULE FOR COOPERATIVES.—In any case in which an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products sells qualifying foreign trade property, in computing the taxable income of such cooperative, there shall not be taken into account any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

"(c) FOREIGN SALE AND LEASING INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'foreign sale and leasing income' means, with respect to any transaction—

"(A) foreign trade income properly allocable to activities which—

"(i) are described in paragraph (2)(A)(i) or (3) of section 942(b), and

"(ii) are performed by the taxpayer (or any person acting under a contract with such taxpayer) outside the United States, or

"(B) foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside the United States.

"(2) SPECIAL RULES FOR LEASED PROPERTY.—

"(A) SALES INCOME.—The term 'foreign sale and leasing income' includes any foreign trade income derived by the taxpayer from the sale of property described in paragraph (1)(B).

"(B) LIMITATION IN CERTAIN CASES.—Except as provided in regulations, in the case of property which—

"(i) was manufactured, produced, grown, or extracted by the taxpayer, or

"(ii) was acquired by the taxpayer from a related person for a price which was not determined in accordance with the rules of section 482,

the amount of foreign trade income which may be treated as foreign sale and leasing income under paragraph (1)(B) or subparagraph (A) of this paragraph with respect to any transaction involving such property shall not exceed the amount which would have been determined if the taxpayer had acquired such property for the price determined in accordance with the rules of section 482.

"(3) SPECIAL RULES.—

"(A) EXCLUDED PROPERTY.—Foreign sale and leasing income shall not include any income properly allocable to excluded property described in subparagraph (B) of section 943(a)(3) (relating to intangibles).

"(B) ONLY DIRECT EXPENSES TAKEN INTO ACCOUNT.—For purposes of this subsection, any expense other than a directly allocable expense shall not be taken into account in computing foreign trade income.

**"SEC. 942. FOREIGN TRADING GROSS RECEIPTS.**

"(a) FOREIGN TRADING GROSS RECEIPTS.—

"(1) IN GENERAL.—Except as otherwise provided in this section, for purposes of this subpart, the term 'foreign trading gross receipts' means the gross receipts of the taxpayer which are—

"(A) from the sale, exchange, or other disposition of qualifying foreign trade property,

"(B) from the lease or rental of qualifying foreign trade property for use by the lessee outside the United States,

"(C) for services which are related and subsidiary to—

"(i) any sale, exchange, or other disposition of qualifying foreign trade property by such taxpayer, or

"(ii) any lease or rental of qualifying foreign trade property described in subparagraph (B) by such taxpayer,

"(D) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

"(E) for the performance of managerial services for a person other than a related person in furtherance of the production of foreign trading gross receipts described in subparagraph (A), (B), or (C).

Subparagraph (E) shall not apply to a taxpayer for any taxable year unless at least 50 percent of its foreign trading gross receipts (determined without regard to this sentence) for such taxable year is derived from activities described in subparagraph (A), (B), or (C).

"(2) CERTAIN RECEIPTS EXCLUDED ON BASIS OF USE; SUBSIDIZED RECEIPTS EXCLUDED.—The term 'foreign trading gross receipts' shall not include receipts of a taxpayer from a transaction if—

"(A) the qualifying foreign trade property or services—

"(i) are for ultimate use in the United States, or

"(ii) are for use by the United States or any instrumentality thereof and such use of qualifying foreign trade property or services is required by law or regulation, or

"(B) such transaction is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured, produced, grown, or extracted.

"(3) ELECTION TO EXCLUDE CERTAIN RECEIPTS.—The term 'foreign trading gross receipts' shall not include gross receipts of a taxpayer from a transaction if the taxpayer elects not to have such receipts taken into account for purposes of this subpart.

"(b) FOREIGN ECONOMIC PROCESS REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in subsection (c), a taxpayer shall be treated as having foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by paragraph (2).

"(2) REQUIREMENT.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to the gross receipts of a taxpayer derived from any transaction if—

"(i) such taxpayer (or any person acting under a contract with such taxpayer) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

"(ii) the foreign direct costs incurred by the taxpayer attributable to the transaction equal or exceed 50 percent of the total direct costs attributable to the transaction.

"(B) ALTERNATIVE 85-PERCENT TEST.—A taxpayer shall be treated as satisfying the requirements of subparagraph (A)(ii) with respect to any transaction if, with respect to each of at least 2 subparagraphs of paragraph (3), the foreign direct costs incurred by such taxpayer attributable to activities described in such subparagraph equal or exceed 85 percent of the total direct costs attributable to activities described in such subparagraph.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) TOTAL DIRECT COSTS.—The term 'total direct costs' means, with respect to any transaction, the total direct costs incurred by the taxpayer attributable to activities described in paragraph (3) performed at any location by the taxpayer or any person acting under a contract with such taxpayer.

"(ii) FOREIGN DIRECT COSTS.—The term 'foreign direct costs' means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

"(3) ACTIVITIES RELATING TO QUALIFYING FOREIGN TRADE PROPERTY.—The activities described in this paragraph are any of the following with respect to qualifying foreign trade property—

"(A) advertising and sales promotion,

"(B) the processing of customer orders and the arranging for delivery,

"(C) transportation outside the United States in connection with delivery to the customer,

"(D) the determination and transmittal of a final invoice or statement of account or the receipt of payment, and

"(E) the assumption of credit risk.

"(4) ECONOMIC PROCESSES PERFORMED BY RELATED PERSONS.—A taxpayer shall be treated as meeting the requirements of this subsection with respect to any sales transaction involving any property if any related person has met such requirements in such transaction or any other sales transaction involving such property.

“(C) EXCEPTION FROM FOREIGN ECONOMIC PROCESS REQUIREMENT.—

“(1) IN GENERAL.—The requirements of subsection (b) shall be treated as met for any taxable year if the foreign trading gross receipts of the taxpayer for such year do not exceed \$5,000,000.

“(2) RECEIPTS OF RELATED PERSONS AGGREGATED.—All related persons shall be treated as one person for purposes of paragraph (1), and the limitation under paragraph (1) shall be allocated among such persons in a manner provided in regulations prescribed by the Secretary.

“(3) SPECIAL RULE FOR PASS-THRU ENTITIES.—In the case of a partnership, S corporation, or other pass-thru entity, the limitation under paragraph (1) shall apply with respect to the partnership, S corporation, or entity and with respect to each partner, shareholder, or other owner.

**“SEC. 943. OTHER DEFINITIONS AND SPECIAL RULES.**

“(a) QUALIFYING FOREIGN TRADE PROPERTY.—For purposes of this subpart—

“(1) IN GENERAL.—The term ‘qualifying foreign trade property’ means property—

“(A) manufactured, produced, grown, or extracted within or outside the United States,

“(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business for direct use, consumption, or disposition outside the United States, and

“(C) not more than 50 percent of the fair market value of which is attributable to—

“(i) articles manufactured, produced, grown, or extracted outside the United States, and

“(ii) direct costs for labor (determined under the principles of section 263A) performed outside the United States.

For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation, and the direct costs for labor under clause (ii) do not include costs that would be treated under the principles of section 263A as direct labor costs attributable to articles described in clause (i).

“(2) U.S. TAXATION TO ENSURE CONSISTENT TREATMENT.—Property which (without regard to this paragraph) is qualifying foreign trade property and which is manufactured, produced, grown, or extracted outside the United States shall be treated as qualifying foreign trade property only if it is manufactured, produced, grown, or extracted by—

“(A) a domestic corporation,

“(B) an individual who is a citizen or resident of the United States,

“(C) a foreign corporation with respect to which an election under subsection (e) (relating to foreign corporations electing to be subject to United States taxation) is in effect, or

“(D) a partnership or other pass-thru entity all of the partners or owners of which are described in subparagraph (A), (B), or (C).

Except as otherwise provided by the Secretary, tiered partnerships or pass-thru entities shall be treated as described in subparagraph (D) if each of the partnerships or entities is directly or indirectly wholly owned by persons described in subparagraph (A), (B), or (C).

“(3) EXCLUDED PROPERTY.—The term ‘qualifying foreign trade property’ shall not include—

“(A) property leased or rented by the taxpayer for use by any related person,

“(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not pat-

ented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property,

“(C) oil or gas (or any primary product thereof),

“(D) products the transfer of which is prohibited or curtailed to effectuate the policy set forth in paragraph (2)(C) of section 3 of Public Law 96-72, or

“(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term ‘unprocessed timber’ means any log, cant, or similar form of timber.

“(4) PROPERTY IN SHORT SUPPLY.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, the President may by Executive order designate the property as in short supply. Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President’s determination that the property is no longer in short supply.

“(b) OTHER DEFINITIONS AND RULES.—For purposes of this subpart—

“(1) TRANSACTION.—

“(A) IN GENERAL.—The term ‘transaction’ means—

“(i) any sale, exchange, or other disposition,

“(ii) any lease or rental, and

“(iii) any furnishing of services.

“(B) GROUPING OF TRANSACTIONS.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

“(2) UNITED STATES DEFINED.—The term ‘United States’ includes the Commonwealth of Puerto Rico. The preceding sentence shall not apply for purposes of determining whether a corporation is a domestic corporation.

“(3) RELATED PERSON.—A person shall be related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

“(4) GROSS AND TAXABLE INCOME.—Section 114 shall not be taken into account in determining the amount of gross income or foreign trade income from any transaction.

“(c) SOURCE RULE.—Under regulations, in the case of qualifying foreign trade property manufactured, produced, grown, or extracted within the United States, the amount of income of a taxpayer from any sales transaction with respect to such property which is treated as from sources without the United States shall not exceed—

“(1) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(B), the amount of the taxpayer’s foreign trade income which would (but for this subsection) be treated as from sources without the United States if the foreign trade income were reduced by an amount equal to 4 percent of the foreign trading gross receipts with respect to the transaction, and

“(2) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(C), 50 percent of the amount of the taxpayer’s foreign trade income which would (but for this subsection) be treated as from sources without the United States.

“(d) TREATMENT OF WITHHOLDING TAXES.—

“(1) IN GENERAL.—For purposes of section 114(d), any withholding tax shall not be treated as paid or accrued with respect to extraterritorial income which is excluded from gross income under section 114(a). For purposes of this paragraph, the term ‘withholding tax’ means any tax which is imposed on a basis other than residence and for which credit is allowable under section 901 or 903.

“(2) EXCEPTION.—Paragraph (1) shall not apply to any taxpayer with respect to extraterritorial income from any transaction if the taxpayer computes its qualifying foreign trade income with respect to the transaction under section 941(a)(1)(A).

“(e) ELECTION TO BE TREATED AS DOMESTIC CORPORATION.—

“(1) IN GENERAL.—An applicable foreign corporation may elect to be treated as a domestic corporation for all purposes of this title if such corporation waives all benefits to such corporation granted by the United States under any treaty. No election under section 1362(a) may be made with respect to such corporation.

“(2) APPLICABLE FOREIGN CORPORATION.—For purposes of paragraph (1), the term ‘applicable foreign corporation’ means any foreign corporation if—

“(A) such corporation manufactures, produces, grows, or extracts property in the ordinary course of such corporation’s trade or business, or

“(B) substantially all of the gross receipts of such corporation may reasonably be expected to be foreign trading gross receipts.

“(3) PERIOD OF ELECTION.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked by the taxpayer. Any revocation of such election shall apply to taxable years beginning after such revocation.

“(B) TERMINATION.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (A) or (B) of paragraph (2) for any subsequent taxable year, such election shall not apply to any taxable year beginning after such subsequent taxable year.

“(C) EFFECT OF REVOCATION OR TERMINATION.—If a corporation which made an election under paragraph (1) revokes such election or such election is terminated under subparagraph (B), such corporation (and any successor corporation) may not make such election for any of the 5 taxable years beginning with the first taxable year for which such election is not in effect as a result of such revocation or termination.

“(4) SPECIAL RULES.—

“(A) REQUIREMENTS.—This subsection shall not apply to an applicable foreign corporation if such corporation fails to meet the requirements (if any) which the Secretary may prescribe to ensure that the taxes imposed by this chapter on such corporation are paid.

“(B) EFFECT OF ELECTION, REVOCATION, AND TERMINATION.—

“(i) ELECTION.—For purposes of section 367, a foreign corporation making an election under this subsection shall be treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

“(ii) REVOCATION AND TERMINATION.—For purposes of section 367, if—

“(I) an election is made by a corporation under paragraph (1) for any taxable year, and

“(II) such election ceases to apply for any subsequent taxable year, such corporation shall be treated as a domestic corporation transferring (as of the 1st day of the first such subsequent taxable year

to which such election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

“(C) ELIGIBILITY FOR ELECTION.—The Secretary may by regulation designate one or more classes of corporations which may not make the election under this subsection.

“(f) RULES RELATING TO ALLOCATIONS OF QUALIFYING FOREIGN TRADE INCOME FROM SHARED PARTNERSHIPS.—

“(1) IN GENERAL.—If—

“(A) a partnership maintains a separate account for transactions (to which this subpart applies) with each partner,

“(B) distributions to each partner with respect to such transactions are based on the amounts in the separate account maintained with respect to such partner, and

“(C) such partnership meets such other requirements as the Secretary may by regulations prescribe,

then such partnership shall allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from any transaction to which this subpart applies on the basis of such separate account.

“(2) SPECIAL RULES.—For purposes of this subpart, in the case of a partnership to which paragraph (1) applies—

“(A) any partner’s interest in the partnership shall not be taken into account in determining whether such partner is a related person with respect to any other partner, and

“(B) the election under section 942(a)(3) shall be made separately by each partner with respect to any transaction for which the partnership maintains separate accounts for each partner.

“(g) EXCLUSION FOR PATRONS OF AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—Any amount described in paragraph (1) or (3) of section 1385(a)—

“(1) which is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

“(2) which is designated by the organization as allocable to qualifying foreign trade income in a written notice mailed to its patrons during the payment period described in section 1382(d),

shall be treated as qualifying foreign trade income of such person for purposes of section 114. The taxable income of the organization shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.”

#### SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(1) The second sentence of section 56(g)(4)(B)(i) is amended by inserting before the period “or under section 114”.

(2) Section 245 is amended by adding at the end the following new subsection:

“(d) CERTAIN DIVIDENDS ALLOCABLE TO QUALIFYING FOREIGN TRADE INCOME.—In the case of a domestic corporation which is a United States shareholder (as defined in section 951(b)) of a controlled foreign corporation (as defined in section 957), there shall be allowed as a deduction an amount equal to 100 percent of any dividend received from such controlled foreign corporation which is distributed out of earnings and profits attributable to qualifying foreign trade income (as defined in section 941(a)).”

(3) Section 275(a) is amended—

(A) by striking “or” at the end of paragraph (4)(A), by striking the period at the end of paragraph (4)(B) and inserting “, or”, and by adding at the end of paragraph (4) the following new subparagraph:

“(C) such taxes are paid or accrued with respect to qualifying foreign trade income (as defined in section 941).”, and

(B) by adding at the end the following new sentence: “A rule similar to the rule of section 943(d) shall apply for purposes of paragraph (4)(C).”

(4) Paragraph (3) of section 864(e) is amended—

(A) by striking “For purposes of” and inserting:

“(A) IN GENERAL.—For purposes of”, and

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

“(B) ASSETS PRODUCING EXEMPT EXTRATERRITORIAL INCOME.—For purposes of allocating and apportioning any interest expense, there shall not be taken into account any qualifying foreign trade property (as defined in section 943(a)) which is held by the taxpayer for lease or rental in the ordinary course of trade or business for use by the lessee outside the United States (as defined in section 943(b)(2)).”

(5) Section 903 is amended by striking “164(a)” and inserting “114, 164(a).”

(6) Section 999(c)(1) is amended by inserting “941(a)(5),” after “908(a).”

(7) The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 115 the following new item:

“Sec. 114. Extraterritorial income.”

(8) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart E and inserting the following new item:

“Subpart E. Qualifying foreign trade income.”

(9) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart C.

#### SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply to transactions after September 30, 2000.

(b) NO NEW FSCS; TERMINATION OF INACTIVE FSCS.—

(1) NO NEW FSCS.—No corporation may elect after September 30, 2000, to be a FSC (as defined in section 922 of the Internal Revenue Code of 1986, as in effect before the amendments made by this Act).

(2) TERMINATION OF INACTIVE FSCS.—If a FSC has no foreign trade income (as defined in section 923(b) of such Code, as so in effect) for any period of 5 consecutive taxable years beginning after December 31, 2001, such FSC shall cease to be treated as a FSC for purposes of such Code for any taxable year beginning after such period.

(c) TRANSITION PERIOD FOR EXISTING FOREIGN SALES CORPORATIONS.—

(1) IN GENERAL.—In the case of a FSC (as so defined) in existence on September 30, 2000, and at all times thereafter, the amendments made by this Act shall not apply to any transaction in the ordinary course of trade or business involving a FSC which occurs—

(A) before January 1, 2002, or

(B) after December 31, 2001, pursuant to a binding contract—

(i) which is between the FSC (or any related person) and any person which is not a related person, and

(ii) which is in effect on September 30, 2000, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

(2) ELECTION TO HAVE AMENDMENTS APPLY EARLIER.—A taxpayer may elect to have the amendments made by this Act apply to any transaction by a FSC or any related person to which such amendments would apply but for the application of paragraph (1). Such election shall be effective for the taxable

year for which made and all subsequent taxable years, and, once made, may be revoked only with the consent of the Secretary of the Treasury.

(3) RELATED PERSON.—For purposes of this subsection, the term “related person” has the meaning given to such term by section 943(b)(3) of such Code, as added by this Act.

(d) SPECIAL RULES RELATING TO LEASING TRANSACTIONS.—

(1) SALES INCOME.—If foreign trade income in connection with the lease or rental of property described in section 927(a)(1)(B) of such Code (as in effect before the amendments made by this Act) is treated as exempt foreign trade income for purposes of section 921(a) of such Code (as so in effect), such property shall be treated as property described in section 941(c)(1)(B) of such Code (as added by this Act) for purposes of applying section 941(c)(2) of such Code (as so added) to any subsequent transaction involving such property to which the amendments made by this Act apply.

(2) LIMITATION ON USE OF GROSS RECEIPTS METHOD.—If any person computed its foreign trade income from any transaction with respect to any property on the basis of a transfer price determined under the method described in section 925(a)(1) of such Code (as in effect before the amendments made by this Act), then the qualifying foreign trade income (as defined in section 941(a) of such Code, as in effect after such amendments) of such person (or any related person) with respect to any other transaction involving such property (and to which the amendments made by this Act apply) shall be zero.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

Mr. STARK. Mr. Speaker, I oppose the bill, and I would like to claim the time in opposition.

The SPEAKER pro tempore. Is the gentleman from New York (Mr. RANGEL) opposed to the motion?

Mr. RANGEL. No, I am not, Mr. Speaker. I support the bill.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) is not opposed to the motion. Therefore, the gentleman from California (Mr. STARK) may claim the 20 minutes of debate reserved for opposition to the motion under clause 1(c) of Rule XV.

Mr. RANGEL. Mr. Speaker, I ask whether the gentleman from California (Mr. STARK) would yield 10 minutes of his time for those of us on the committee that support the motion.

Mr. STARK. I am not prepared at this point, Mr. Speaker, to yield any time.

The SPEAKER pro tempore. Under the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

#### GENERAL LEAVE

Mr. ARCHER. 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. 4986.

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

There was no objection.

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

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Texas (Chairman ARCHER) for yielding me this time and for this opportunity in working with him on this very important issue that has affected our Foreign Sale Corporation legislation.

As most everyone knows, the World Trade Organization has required the administration and, indeed, this Congress to work together to replace a tax treatment consistent with our trade agreements.

I would like to commend the Republicans and Democrats on this committee, the leadership, as well as the administration, to commend Treasury Undersecretary Stuart Eizenstat and Assistant Secretary John Talisman in the way they approached this very sensitive situation, which, of course, the World Trade Organization has made such an issue.

We in Congress could have ignored the WTO ruling down in April much as the European Union has ignored many of the issues and beef hormones and other disputes. But we have sought to work it out diplomatically. When that has failed, we have now come with a legislative resolution.

It is a very sensitive situation, and I thank the gentleman from Texas (Chairman ARCHER) so much for giving me the opportunity to support the overwhelming majority of the people on the committee as well as this leadership on this issue.

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

Mr. Speaker, whether or not one agrees that tobacco, pharmaceutical, and military industries should be exempt from receiving this subsidy, which is referred to as the foreign sales credit, everyone should be opposed to the bill before us today.

Whether or not one agrees that the new tax scheme is, in fact, an export subsidy, which most of us feel it is, as does the World Trade Organization, in a form of egregious corporate welfare, one should be opposed to the bill.

This bill spends \$5 billion of taxpayers' money every year in perpetuity, and our leadership is allowing a mere 40 minutes of debate and not allowing amendments.

I can understand why the administration and my colleagues want to rush this legislation through, and I understand they want as little debate as possible to avoid public disclosure that will aid the European Union in their case before the World Trade Organization.

However, our commitment first and foremost should be to our constituents. Our first commitment should be to the health and welfare of our seniors and children. Does not every taxpayer have a right to know how their hard-earned taxpayer dollars are being spent? Of course they do.

The new FSC has a new name and a new face, but it is the same old subsidy. If it quacks like a subsidy and walks like a subsidy, it still is a subsidy. The new scheme essentially leaves the export benefit in place, but now the Treasury will forego an additional \$300 million a year to subsidy our exporters. The Treasury will give more than \$5 billion a year to help Boeing, R.J. Reynolds and Monsanto peddle their products overseas. The exporters will receive lower tax rate on income from export sales than they do from domestic sales. Clearly this is prohibited under the WTO Agreement on Subsidies and Countervailing Measures.

Proponents of the FSC claim that it is needed to compete with Europe's value-added tax. That is simply nonsense.

International trade allows rebates on consumption taxes such as the VAP and U.S. excise and State sales tax. That is a level playing field.

Europe's corporate income tax is comparable to ours and in fact investors often criticize Europe for imposing too high a corporate income tax.

The FSC replacement is an export subsidy that will help industry such as the pharmaceutical, tobacco, and military weapons industries capitalize on the generosity of the Congress and on taxpayers.

Let us start, for example, with the pharmaceutical industry. Is there anyone who says that we should encourage the U.S. pharmaceutical companies to sell cheaper drugs to foreigners while selling them at higher prices here at home to our uninsured and our seniors? That is exactly what we will be doing if we vote for H.R. 4986.

□ 1630

The pharmaceutical company does not need another corporate subsidy at the expense of the American taxpayer. This offers incentives for the pharmaceutical companies to sell their products in other developed countries for less than they sell them here at home. Drug companies already reap huge tax benefits that lower their average effective rate 40 percent below other U.S. industries in America.

The richest drug company had greater profits than the entire airline industry and more than twice the profits of the entire engineering and construction industry. Yet, studies show that American seniors without drug coverage often pay twice as much as people in Canada and Mexico.

Last week, the Committee on Ways and Means rejected my amendment, which would have prohibited pharmaceutical companies from receiving this FSC subsidy if they charged American consumers 5 percent more than what they charge foreign consumers. That amendment made sense. Why should our seniors who go without their prescription drugs further have to subsidize the pharmaceutical companies who sell them abroad? It is an insult to American seniors and all taxpayers.

I urge my colleagues to vote to help the seniors obtain affordable prescription drugs and to do away with this egregious corporate welfare.

Without an option to offer or an amendment, no amendments are allowed under today's rules, the American public will be forced to help a pharmaceutical industry that cares nothing about the well-being of American citizens. The tobacco industry indeed will get subsidized exporting their poison to help kill and addict millions of children around the world.

The weapons industry, who does nothing to encourage the sale of their weapons of destruction because those sales are made for them by the Department of Defense and by the U.S. State Department, why should they get a subsidy to sell nuclear materials or tanks or weapons of destruction when that is arranged for them? Why should we subsidize this arms race?

The answer is we should not. We should not go through this, and when we want to promote world law, we should not be here with a second-rate subterfuge trying to call a subsidy something it is not. We should give up. We should recognize that the World Trade Organization is correct. We should allow our American industry to compete as they can on quality and on ingenuity and not have to subsidize these large manufacturers as a mere give-away just before election.

Mr. Speaker, as the only member of the Ways and Means to vote against H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, I must explain the reasons for my vote.

I believe that this bill will not suffice under the scrutiny of the World Trade Organization. H.R. 4986 is as much of a subsidy as the current FSC. The entire process was undemocratic, constituting backroom consultations with private industry and select members of Congress. Finally, the bill is expanded and additional taxpayer dollars will be lost under the new scheme. It is not right that we ask U.S. taxpayers to pay for an export subsidy for large pharmaceutical corporations when the U.S. pharmaceutical industry is charging less in wealthy foreign markets for the same prescription drugs that our seniors are unable to afford here.

PROCESS

Select members of the House Ways and Means Committee and Senate Finance Committee were consulted on revising the Foreign Sales Corporation (FSC) prior to the World Trade Organization's October 2000 deadline. In addition, those who will benefit from the new subsidy were also consulted—private industry. However, there were many members of the Ways and Means Committee who were not consulted on the details of the new proposal. This hardly reflects the democratic process under which this legislative body is supposed to operate.

I was one of the members who was not consulted on repealing and replacing the current FSC for a new plan, yet

I was one of the members who was here to vote in 1984 to repeal the Domestic International Sales Corporation and replace it with the Foreign Sales Corporation.

#### BENEFITS TO MILITARY WEAPONS EXPORTERS

In 1976, I led Congress in voting to decrease the benefit to weapons dealers. Therefore, I was dismayed to see that the new FSC benefit will actually be expanded to increase the benefit of the subsidy to military weapons exporters.

The U.S. already spends about \$8 billion annually to subsidize U.S. weapons manufacturers. These subsidies include taxpayer-backed loans, grants, and government promotional activities that assist U.S. weapons makers to sell their products to foreign customers. Under the current Foreign Sales Corporation scheme, weapons exporters may qualify for up to 50 percent of the FSC benefit. Under the new scheme, arms dealers will be able to reap the full benefit of the subsidy. It is incomprehensible that we would allow an industry that already receives more than its fair share of pork barrel spending to receive increased subsidies through the new FSC plan.

#### BENEFITS TO PHARMACEUTICAL INDUSTRY

The pharmaceutical industry is another branch of corporate America that clearly does not need an export subsidy at the expense of the American taxpayer. H.R. 4986 offers export incentives to pharmaceutical companies who sell their products to other developed countries for less than the U.S. consumer can purchase the exact same drugs.

Drug companies already reap huge benefits that lowered their average effective tax rates nearly 40 percent relative to the other major U.S. industries from 1990 to 1996. Fortune magazine again rated the pharmaceutical industry the most profitable industry in 1999. Merck, the richest drug company, had greater profits than the entire airline industry and more than twice the profits of the engineering-construction industry. Drug spending increased more than 15 percent in 1998, 18 percent in 1999 and is expected to continue to increase at phenomenal rates in the future. Yet, studies have shown that American seniors without drug coverage often pay about twice as much as people in Canada and Mexico.

The Ways and Means Committee rejected my amendment which would have prohibited pharmaceutical companies from receiving the full FSC benefit if they discounted more than 5 percent to foreign consumers relative to U.S. consumers. This amendment simply makes sense. It is only fair to the millions of U.S. seniors who go without their much needed prescription drugs. Why subsidize an industry already receiving huge corporate tax credits? We should have exempted pharmaceutical companies. The members of the Ways and Means Committee chose otherwise. This is an insult not only to American seniors, but to all U.S. taxpayers.

#### EXPORT SUBSIDY

Finally, H.R. 4986 does not address the concerns of the WTO dispute panel. The new scheme attempts to allay the European Unions' concerns by allowing some foreign operations to also receive the subsidy. The new scheme eliminates the requirement on a firm to sell its exports through a separately chartered foreign corporation in order to receive the benefit. The only portion that is eliminated is the paper subsidiary. Instead of creating a tax haven, U.S. exporters will be able to receive the benefit outright. The new scheme doesn't prevent arms exporters or any other industry from receiving the entire benefit of the subsidy.

The new scheme essentially leaves the export benefit in place but now the U.S. Treasury will forego an additional \$300 million per year to subsidize U.S. exporters. The U.S. Treasury will forego more than \$3 billion per year to help companies like Boeing and R.J. Reynolds peddle their products. Exporters will continue to receive a lower tax rate on income from export sales than from domestic sales. This is clearly prohibited under the WTO Agreement on Subsidies and Countervailing Measures.

It is a sad commentary on the Ways and Means Committee that is willing to fight a WTO ruling all in the name of corporate profits but ignores environmental, human rights and labor interests.

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

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

Mr. Speaker, the one thing this bill is not is corporate welfare. The one thing this bill is not is a subsidy to corporations.

Almost every one of our foreign competitors singly taxes the earnings of their corporations overseas. We double tax in an ill-advised, antiquated system the earnings of our corporations overseas and place them at a gigantic disadvantage against their foreign competitors.

The FSC program simply mollifies to a small degree this giant disadvantage to our corporations, a disadvantage which is so great that it is causing one by one major corporations to move overseas instead of having their headquarters in the U.S., signified recently by Chrysler having to become a German corporation.

The gentleman from California (Mr. STARK) can speak his rhetoric, but he is ill-advised when he calls this a subsidy or corporate welfare.

This bill is critical for continued U.S. competitiveness in the global marketplace. It is critical for our economy. And most important, it is critical to preserve as many as five million jobs for American workers and their families. That is right, approximately 4.8 million American jobs are directly related to the manufacture of products benefiting from the Foreign Sales Corporation provisions in the Tax Code.

So while this is a complex issue, we must succeed for the most basic reasons.

This bill enables the U.S. to comply with a decision of the World Trade Organization, which last year held that our FSC provisions of the Internal Revenue Code violated certain provisions of the WTO rules which prohibit export subsidies. The Clinton administration and the Congress strongly disagreed with this decision and the case was appealed. Unfortunately, the appeal was not granted.

Unless Congress changes the law to comply with the decision, U.S. consumers and businesses face the possibility of retaliation by the European Union on or after October 1. This would negate the ability of our domestically produced goods to enter the European market in an amount of anywhere from 4 to \$40 billion a year with devastation on the workers in those industries in this country.

I believe the approach in this legislation is the best way to comply with the decision, continue to honor our trade agreements consistent with the obligations they impart, and maintain our global competitiveness.

This legislation enjoys strong bipartisan support in both Houses of Congress and is strongly supported by the administration.

Deputy Treasury Secretary Eizenstat has been involved in the construction of this legislation from the very beginning, as well as Members and staff from both the majority and the minority.

I also mention the extraordinary work of the Joint Committee on Taxation to develop this product in a short period of time. This bill is the product of extensive deliberations of a bipartisan, bicameral, and administration working group which consulted with both tax and trade experts on how best to fashion a measure to allow the U.S. to comply with the WTO decision.

This bill is also supported by U.S. companies and their workers who would be most negatively impacted by the WTO ruling.

I also hope that this legislation ends the longstanding challenge by the EU to our tax system. It is an important step in making our tax system not only compliant with our obligations under the WTO rules but in also making our system relevant to the global marketplace in which our citizens and businesses must compete.

I look forward to continuing to work in a bipartisan fashion to see this bill signed into law to help preserve American jobs, businesses, and our economy in the next century.

Starting this week, America's Olympic athletes will compete against the world's best in Sydney, Australia, and all competitors will play by the rules.

In the far fiercer global economic competition of the 21st century, we must work hard to give U.S. workers and companies that same opportunity. That is exactly what this bill is designed to do.

I urge all Members to support this vital legislation.

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

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in opposition to H.R. 4986.

While I believe that we must promote U.S. competitiveness in global markets, I strongly object to forcing American taxpayers to support the export of tobacco and tobacco addiction.

The most recent IRS statistics reveal that tobacco companies have used the FSC for a tax break of more than \$100 million a year. Under the new system unveiled in this bill, they will benefit even more. This is wrong.

The dangers of nicotine are well known, and these dangers do not stop at our borders. Smoking causes more than 3.5 million deaths each year throughout the world. That number is expected to rise to 10 million people within 20 years, with 70 percent of all smoking-related deaths projected to occur in developing countries that are the newest targets of the tobacco industry.

This Congress has done nothing to address the tobacco epidemic that rages both here and abroad. Tragically, this bill only helps big tobacco promote it. We could easily address this problem by allowing for consideration of the Doggett amendment to exempt manufacture of tobacco from the bill. Instead, the bill was added to the suspension calendar, which allows no amendments and very limited debate.

Mr. Speaker, we have FSC exemption for national security. We have exemptions to protect certain domestic industries. It is long overdue to have an exemption for public health.

The American taxpayers should not be a partner in the export of death and disease. We should not be enabling big tobacco to escape public health restrictions in our market by peddling cigarettes to children around the globe.

I urge my colleagues to oppose this bill because the procedure does not allow us to engage in a meaningful debate on this issue or to vote on the Doggett amendment.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS), a respected member of the Committee on Ways and Means.

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

Mr. THOMAS. Mr. Speaker, I thank the chairman very much for yielding me the time.

Mr. Speaker, first of all, I want to compliment the chairman and the ranking member. There has been an unprecedented degree of cooperation not only between the Democrats and the Republicans in the House, but between the House and the Senate and the administration in responding to what is clearly a crisis in our international responsibilities.

Very often adults are prone in dealing with children to in essence say, Do as I say, not as I do. And today we are seeing an example of this country telling the rest of the world, Do as we do, not as we say.

In stark contrast, for example, to the Europeans and their abject failure to respond to adverse decisions in the World Trade Organization, continuing to drag their feet when the international community says they are wrong, what we have here is an example of the United States moving with clear rapidity to make fundamental changes to bring us into compliance. Do not just take my word for it.

Mr. Speaker, I include for the RECORD the following text of a letter from Deputy Secretary Eizenstat to the European Union Commissioner for Trade:

DEP SEC. EIZENSTAT FSC LETTER,  
DATE: AUGUST 11, 2000-INSIDE US  
TRADE,  
July 28, 2000.

Mr. PASCAL LAMY,  
Commissioner for Trade, Rue du la Loi 200, B-1049, Brussels, Belgium.

DEAR PASCAL: Following passage yesterday by the House Ways and Means Committee of legislation to repeal the FSC, I am writing to you to enclose a copy of the proposal and briefly explain the details of this new proposal.

The new proposal embodied in the Chairman's mark represents a major departure from the FSC and, furthermore, a significant evolution from the proposal I discussed with you in May. This proposal directly addresses the issues raised by the WTO Appellate Body. Further, it addresses additional concerns raised by the EU, as expressed in our meeting on May 2, in your letter to me of May 26, and in our telephone call of July 14.

In compliance with the Appellate Body decision, the FSC provisions are to be repealed from the Internal Revenue Code. The new tax provisions embodied in the Chairman's mark have the following key elements.

The Chairman's work provides an exclusion of tax on certain extraterritorial income. Because this would be our general rule, there is no foregone revenue that is otherwise due and thus no subsidy.

Further, because it treats foreign sales alike, whether the goods were manufactured in the U.S. or abroad, it is not export-contingent. Thus, a company would receive the same tax treatment on foreign sales regardless of whether it exports.

The Chairman's mark excludes qualifying foreign trade income directly at the level of the entity that produces the relevant good or produces the qualifying service. It does not require foreign sales transactions to be routed through separate offshore companies. Thus it eliminates the Administrative Pricing Rules for transfer pricing between affiliated companies, which the EU alleged violated the arms length provision of the Subsidies Agreement. Further, it eliminates the dividends received deduction.

Likewise, this approach address EU concerns about alleged incentives to use low or no-tax jurisdictions since a separated affiliate would not be necessary for this exclusion.

The Chairman's mark is the product of an unprecedented bipartisan effort in which Congress and the Administration worked together both to develop a proposal that is WTO compliant and to act quickly in an effort to comply with the October 1 deadline set by the WTO.

The House Ways and Means Committee voted 34-to-1 yesterday to support this legislation that meets our WTO obligations. Our key Congressional tax and trade committees understand that we have left the door open to further consultation with the EU as this legislation moves forward. We remain prepared to negotiate a solution on the basis of this proposal.

I hope that we can work together to avoid an escalation of this conflict. It would not be in the interest of either the U.S. or Europe to engage in a major trade war over this issue. Both U.S. and European businesses would needlessly suffer the consequences.

The legislation I am attaching herewith represents a serious effort on the part of the U.S. to comply with the Appellate Body's decision before its October 1st deadline. As we move to pass this legislation before that deadline, I hope that we can have a dialogue to resolve this conflict on the basis of this new proposal.

For your review I'm attaching three documents: (1) A copy of the statement I delivered at the Committee mark up, (2) the joint Tax Committee's description of the bill, and (3) the text of the legislation as reported by the Ways and Means Committee; please note that the formal bill is not yet available.

I look forward to talking with you again about these matters.

Yours Very Truly,  
STEVE E. EIZENSTAT.

Mr. Speaker, a portion of that letter states: "The Chairman's mark is the product of an unprecedented bipartisan effort in which Congress and the administration worked together both to develop a proposal that is WTO compliant and to act quickly in an effort to comply with the October 1 deadline set by the WTO."

He goes on to quote, "The House Ways and Means Committee voted 34-1 to support this legislation."

I believe what we are seeing worked out on the floor is the result of that 34-1 vote.

Let me say also to everyone in this country that when we are dealing on an international basis, one of the things we need to do is to show bipartisanship.

I want to compliment the ranking member from New York who has done that. I want to compliment the chairman.

For those friends of ours who are listening and not part of our system, I do want to refer to a section of the Constitution. It is in Article I, section VI. To a degree, what is occurring here today is going to be covered, thankfully, for some of the participants by that portion of section VI, which says: "And for any speech or debate in either House, they shall not be questioned in any other place."

That is, on the floor of the House, we are allowed to say certain things for which we can never be questioned anywhere else.

As we discuss this bill and statements are made, keep in mind the speech-and-debate clause, which allows some folks to say what they are saying.

Mr. STARK. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).



□ 1645

Mr. DEFAZIO. Mr. Speaker, this is an extraordinary debate, a \$5 billion per year perpetual tax break to the largest, most profitable corporations in the world; forty minutes of debate and that is it. No amendments are allowed.

This bill was secretly negotiated, this bipartisan group, very secret and small group, revealed to members of the committee on the same day that the secret negotiations were concluded; perfunctory markup was held and now it is being rushed through.

We cannot agree on marriage penalty relief. We cannot agree on small business relief. We cannot agree on inheritance tax relief but, by God, the administration, the Republican leadership, they can put this one together behind closed doors because it benefits the largest, most profitable corporations in this country.

Over the last decade, almost \$2 billion of these proceeds went to two companies, Boeing and General Electric, mostly for arms manufacturers. Now, we need to help our arms manufacturers. They already dominate the world market, but we need to give them another leg up because not 100 percent of the arms being bought out there by our enemies and our allies are U.S. made yet. We have to give them a leg up.

The pharmaceutical manufacturers, well, they need an incentive to export because overseas they sell drugs cheaper than they sell them to the Americans who subsidize their manufacture here. So we have to give them a little tax break to export those cheap drugs to foreigners but not provide affordable drugs here at home.

The tobacco companies, of course we want to export tobacco. Maybe that will hurt the productivity of our competitors around the world as they become sick and die from this product that is being promoted through this tax break.

This is outrageous. We are taking \$5 billion of hard-earned taxpayers' money and shifting it to some of the largest, most profitable corporations in this country under the dubious assumption that somehow this is countering unfair things the Europeans are doing. If they are doing unfair and illegal things, you people wanted this rules-based trade agreement, you wanted a WTO with a secret, deliberative body that would adjudicate these complaints. I did not. I voted against it.

Well then file a complaint against the Europeans. Do not extend an unfair subsidy that does not even meet the laugh test. This does not comply with the last ruling. The Europeans will still get to penalize U.S. industries if this goes into effect, and they may well not penalize with tariffs the industries that are getting the tax break. Other U.S. manufacturers might be hurt.

You are doing this country a double disservice today with this legislation. It is extraordinary that this would be rushed through in this manner while there is virtually nobody in this Cham-

ber; virtually half the Members are probably not even in town yet. They are still enjoying the hospitality of some of our airlines.

If it is an Endangered Species Act provision, by God, we have to comply. If it is a Clean Air Act provision, by God, the U.S. has to comply. If we can make the Europeans eat beef that has been treated with bovine growth hormone, which they have protested against because of health concerns, by God, they have to comply. But when it comes to corporate tax breaks, we will not comply.

This is the highest and best use of trade policy. That is what it is all about. Trade policy was written for, by, and about the largest corporations in this country; and we will do anything behind closed doors or even here on the floor of the House under very restrictive conditions to defend those tax breaks in the name of free trade.

If you have a problem with the European tax system, file a complaint. Answer that one. Why not file a complaint against OPEC? They are violating the WTO. It is awfully strange that we will not use this rules-based organization. Well, we are told we had a gentleman's agreement on taxes, gentleman's agreement.

I voted against entering into the WTO. I never heard any discussion on the floor about gentleman's agreements that were binding as part of this that went to the Tax Code. Pretty strange way to have an enforceable rules-based trade agreement with gentlemen's agreements that no one knows about.

If you have a problem with the Europeans, file a complaint. Do not use the tax dollars of American taxpayers to continue this outrageous subsidy, double the subsidy to arms manufacturers, extend it to pharmaceuticals and tobacco. It is outrageous.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to briefly respond to the gentleman from Oregon (Mr. DEFAZIO).

The gentleman speaks passionately but he does not speak the facts, and passion is no substitute for the facts. The facts are that the current law already gives incentives to overcome the double taxation that our corporations face competing overseas, and this replaces that in the code. It does not cost \$5 billion. He knows that.

If there is such opposition to the existing incentives that are in the code or the reduction of the barriers that are in the code, why were they not out front a long time ago? Why are there not amendments offered over and over again in committee? And they were not.

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

Mr. ARCHER. I do not have the time, as the gentleman knows.

Mr. DEFAZIO. I did introduce legislation to repeal these provisions of law.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman is not recognized.

Mr. ARCHER. Mr. Speaker, they come forward now, claim secret clandestine negotiations, when we had a full, open markup in the Committee on Ways and Means, as a matter of public record. As my colleague from California said, the Constitution protects whatever one wants to say on the floor of the House.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a respected colleague and member of the Committee on Ways and Means.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, listen, it is wrong, wrong, wrong to say secret or totally Republican. This was a measured response to an injustice by the WTO and it was a measured response from the President, from the Trade Commission, from the Democrats and from the Republicans.

This thing was not done in secret, and it is for all businesses in this country that are legal. We should not question that. It is for America.

Know what? This bill replaces the FSC in its entirety. It changes it. In its place, it adopts key features of the certain European tax systems moving the United States closer to a territorial system. It eliminates administrative pricing rules which the European Union objected to. Most importantly, this legislation is not export contingent.

I sincerely hope that this legislation will end our dispute with the European Union. They must understand they cannot use the WTO to impose a permanent tax advantage over United States companies. We are doing this for America, for the people of America, for the businesses in America. God bless America.

Mr. STARK. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT) to discuss a bill which is not yet complete and which nobody in this room has read.

Mr. DOGGETT. Mr. Speaker, God bless America and God bless the democracy that involves public participation—a concept at the core of what our American government is all about. Such public participation was not very evident in the process that produced this bill.

This bill was conceived behind closed doors with no public participation, no public hearings, no public involvement. It was designed to continue what is, in essence, a legal scheme of tax avoidance for the world's largest corporations by channeling some of their profits through foreign tax havens.

This bill is basically a product of meetings between the Treasury Department and those who benefit from the tax subsidy. The lobbyists have met with the Treasury Department, but the Treasury Department official responsible for the bill was unwilling to answer questions in public from even the members of the Committee on Ways and Means.

I voted for this bill in committee. I am committed to promoting international trade, but it was a very contrived circumstance that produced this bill, and the arrogance and the deception associated with this bill as well as the additional information that I now have about this bill cause me today to reconsider my position and to oppose strongly H.R. 4986.

This bill is not actually the bill that our committee considered. Rather this is a bill that the lobby has massaged for another few weeks after the initial bill was approved in the Committee on Ways and Means. This particular version has never had a hearing or a vote. There are not three Members on this floor today that can say they have even read the particular bill that is before us today.

The cost of this bill, however, is \$4 million to \$6 million, according to the best estimates we can get: every year that has to be made up by other American taxpayers. With this bill, the Congress would be saying basically that local stores that sell groceries or clothes to people on any Main Street or at any mall in America, those businesses would have to pay higher taxes so that multinational corporations that sell tobacco and cigarettes and machine guns abroad can pay lower taxes.

Even then, an independent analysis of this bill by the Congressional Research Service says that it has "a negligible effect on the trade balance." That its overall impact in creating trade is practically nil.

Now, it was suggested that only some ill-informed people here on the floor were condemning this bill as corporate welfare. Well, perhaps the gentleman is unfamiliar with the recommendation of his own Republican Congressional Budget Office, I think for about 3 years in a row, suggesting that the Foreign Sales Corporation Act be repealed just as the gentleman from Oregon (Mr. DEFAZIO) has proposed in his own separate legislation. Perhaps he did not listen to Senator JOHN MCCAIN on ABC's This Week when in February he said he was opposed to the Foreign Sales Corporation Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Texas (Mr. DOGGETT) will refrain from characterizing positions of individual Senators.

The gentleman may proceed.

Mr. DOGGETT. A distinguished Arizona citizen commenting on ABC's This Week program made very clear his opposition to foreign sales corporations, as did the Washington Times which referred to the bipartisan involvement, called it "an almost unanimous blunder." Let us be very clear about what this bill does.

An eligible product need have little or no U.S. manufactured content in order to qualify for this special new tax treatment. If one has a pair of Levis and it is made entirely outside the United States but one slaps on a label that says "Levis," under this bill's supporters are

unable to say that this foreign manufactured product will not qualify for special tax relief.

If one has a Marlboro cigarette that does not have one percentage point of tobacco from American tobacco farmers in it but one slaps "Marlboro" on it, and that gives it more than 50 percent value, it qualifies for a tax break. If one has a zocor tablet that is manufactured outside the United States but one puts "zocor" on it and adds 50 percent of the value, it qualifies for a tax break.

Every one of those under this bill is going to receive a special tax subsidy, and that is not going to help American workers, and it certainly is unfair to American consumers who have to pay the highest pharmaceutical costs in the entire world; to pay a higher cost here and then to add insult to injury by being forced to provide a tax subsidy on top of that for the pharmaceutical company to sell it to someone else at a lesser price in another country.

It is particularly outrageous that this bill would be taken up on the floor of the Congress on the very day that a new study is announced showing that tobacco is even more addictive for children than we ever knew previously. Only a couple of weeks of contact with cigarettes can addict children to a life of nicotine, posing the resulting threat of death and disease, very painful disease.

This bill allows Phillip Morris to continue marketing to children around the world and addicting them as a part of what is becoming a pandemic that will kill 10 million people every year in this world as a result of our promotion of tobacco. Today the American people are asked to be an unwilling accomplice, to give \$100 million a year to Phillip Morris and the other big tobacco companies that are in the addiction business to go around the world promoting their tobacco to other people's kids. Well, those other children of the world have value, too, and we ought to be concerned about their health and their lives. We certainly ought not to encourage these tobacco companies with \$100 million per year in tax subsidy to cause death and disease for children around this world.

Mr. ARCHER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL), the minority leader of the Committee on Ways and Means, and I ask unanimous consent that he be able to yield the time as he sees fit.

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

There was no objection.

□ 1700

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise to express my views on the adverse effect that the loss of FSC will have to my district, but I am in support of H.R. 4986.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. LEVIN), the ranking Democrat on the Subcommittee on Trade.

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan.

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

Mr. LEVIN. Mr. Speaker, let me try quickly to put this in perspective. The U.S. has a worldwide taxation system; we tax income on earnings wherever earned. The Europeans have a territorial system, and I will not go into a lot of detail. In essence, what that does is to favor exports over other transactions, especially domestic transactions, so they have a system that nurtures exports.

We responded by creating a system, a DISC system that was an effort to put our producers of goods, manufacturing goods and agricultural goods, on a level playing field with Europe. It went into effect, and it lasted for a couple of decades; and then it was decided by the European community, I think, partly tactically to challenge it, and the WTO said it was an illegal subsidy. So what we are faced with is an October 1 deadline; and it is being faced by producers of goods, manufacturing goods and agricultural goods.

We have been striving to find a replacement, and now we have one here facing the October 1 deadline. I want to make it clear this bill does not provide an incentive for U.S. producers to move their operations overseas. No more, under this provision, than 50 percent of the fair market value of such property can consist of a non-U.S. component plus non-U.S. direct labor.

This provision has been carefully reviewed by Democrats, by Republicans, by the Treasury Department, and by outside groups. Let me be clear, if we fail to enact this bill by October 1, and that is the constraint we are under, there is a serious risk that the EU will go back to the WTO and seek authority to retaliate by raising tariffs on potentially billions of dollars of goods made in the U.S. and exported from the U.S., causing great harm to the U.S., both businesses, workers and farmers.

Look, there are other issues, tobacco issues, pharmaceutical issues. They cannot be considered within this context. If we need to amend U.S. laws, we can do so later on. We have a constraint, October 1; and if we fail to act by that date, we are going to hurt American businesses and the workers who work for them; and we are simply going to help European competitors, nothing to do with tobacco, nothing to do with pharmaceuticals, nothing at all.

If we want to help European producers, vote against this. If we want to help American workers, businesses, manufacturing goods, we are not talking about services, vote in favor of this bill; and then we will go on to these other issues at some other point.

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

Mr. Speaker, I think it is great that we in the Congress can take issue with

our domestic policy, our foreign policy, our trade policy. That is what makes America such a great country, and we should always be able to challenge the procedure in which legislation is brought to the House, but I know that sometimes when I have series problems with my country's foreign policy, one place I do not have a problem with it, and that is in foreign countries. This is not a question of liberals against conservatives, Republicans against Democrats, or the Congress against the administration. It is the European Union that has challenged us, and we can bet our life, they are not concerned with our economic health.

They are not concerned with pharmaceuticals. They are not concerned with arms. They are concerned in having a better-than-an-equal chance to compete against the United States of America.

We had plenty of opportunity to work out our differences. We had approaches that we have taken to them, and this is one time that we came behind the administration and said try to work this out and avoid an economic crisis. And it has been rejected.

What the administration has asked those of us on the Committee on Ways and Means to do is to come together with a piece of legislation, to say that we stand behind the United States of America in trying to resolve the differences we have with the European Union and the World Trade Organization.

If we do nothing, if we debate among ourselves, if we say let us see what is going to happen, then sanctions come against us; and there is no other body for us to take this to. I think it is a great country. We have internal differences, political differences, and they should be worked out; but it just seems to me that when other countries are challenging our country, whether they are challenging our foreign policy or whether they are challenging our trade policy, when that flag goes up with the United States of America, that the President should be supported by the administration, and this Congress should support the administration.

We are a long way from resolving this issue; but if we do nothing and find that our corporations are unable to effectively compete, we will not have the opportunity to say but we had concerns about the policy. I hope nobody in this Chamber ever is completely satisfied with any policy of any administration, but there has to come a time when we do come together to say America first, America first with exports for the jobs that are provided and America when that flag goes up.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding time to me, and I want to say that today this is supposedly an effort on the part of the United States to comply with the rul-

ing by the WTO in an effort to expedite this action is actually an effort that purports to repeal the corporate tax subsidy called the Foreign Sales Corporation.

Unfortunately, what happens when we turn around we are going to actually increase this subsidy. There has been little dispute and far-ranging agreement that existing FSCs have long been a tax windfall to companies like Boeing, General Motors, Big Tobacco, many in the pharmaceutical industry and other corporate giants. As they export, those companies need only set up offshore paper companies and subsidiaries, and they receive the benefit. And that has been a pretty substantial benefit, the single loophole that cost taxpayers more than \$10 billion, with \$8 billion of that flowing to the very largest corporations all for simply funneling it through an offshore office.

Adding insult to injury, the publication *Inside U.S. Trade* recently reported that supporters of this bill have admitted that companies could qualify for the tax preference now even if little or no physical production actually occurs outside the United States. For example, a bluejean company could relocate its operations and American jobs abroad, produce an entirely foreign-manufactured product and still receive this subsidy financed by American taxes simply by slapping its American brand name on the tag.

Since this tax break was originally written with the expressed purpose of keeping jobs here in the United States, such an expansion of the provision would appear to be the product of corporation pandering at its very worst.

Congress is proposing to expand it by another \$1.5 billion over the next 5 years, on top of the \$15.6 billion the loophole has already cost taxpayers. As the gentleman from Texas (Mr. DOGGETT), my colleague, pointed out, this bill amounts to a \$100 million subsidy to the tobacco industry to market their products to children around the world, a practice that they are rightfully forbidden from doing here in the United States.

And as the gentleman from California (Mr. STARK), my colleague, argues correctly, this bill actually subsidizes pharmaceutical companies to charge less for prescription drugs.

With all due respect, this is not an argument about us against them, it is an argument about the workers in this country and setting things straight and not pandering to corporate interests.

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

Mr. Speaker, I include for the RECORD my dissenting views on the bill.

Mr. Speaker, today, in an effort to comply—unsuccessfully, it appears—with a February ruling by the WTO, the majority is suspending its usual rules to expedite a vote on H.R. 4986, a bill that purports to repeal a corporate tax subsidy called the “Foreign Sales Corporation” (FSC).

Wide ranging agreement exists that FSCs have long been a tax windfall to companies like Boeing, GM, Big Tobacco, many in the pharmaceutical industry, and other corporate giants, as exporting companies need only set up an offshore paper subsidiary to receive the tax benefit. And what a benefit it is: in the 1990's alone, this single loophole cost taxpayers more than \$10 billion, with \$8 billion of that flowing to the very largest corporations, all for simply funneling sales through an offshore office.

In an effort to comply with the WTO ruling last February deeming FSCs to be an illegal export subsidy, H.R. 4986 would replace FSCs with an even worse tax boondoggle, this time without the paper subsidiary.

Adding insult to injury, the publication “*Inside U.S. Trade*” recently reported that supporters of the bill have admitted that companies could qualify for the tax preference even if little or no physical production actually occurs in the U.S. For example, a blue-jean company could relocate its operations—and American jobs—abroad, produce an entirely foreign-manufactured product, and still receive this subsidy financed by American taxpayers, simply by slapping its American brand-name on the tag. Since this tax break was originally written with the express purpose of keeping jobs here in the United States, such an expansion of the provision would appear to be the product of corporate pandering at its very worst.

Now Congress is proposing to expand it by another \$1.5 billion over the next five years, on top of \$15.6 billion the loophole already will cost taxpayers.

As my colleague from Texas, Mr. DOGGETT has argued, this bill also amounts to a \$100 million subsidy to the Tobacco Industry to market their products to children around the world, a practice they are rightfully forbidden to do here in the U.S. And, as my colleague from California, Mr. STARK correctly argues, this bill actually subsidizes pharmaceutical companies to charge less for prescription drugs overseas than they do here in the U.S., where such drugs prices have skyrocketed out of the range of what many Americans seniors can afford.

As the EU rejected the terms of H.R. 4986 last month (with the WTO likely soon to follow), it sends the wrong message to WTO, implying that we do not wish to seriously negotiate terms of compliance. It subsidizes corporations that do not need subsidizing. It subsidizes corporations that should not be subsidized. And perhaps more importantly, were Congress to approve this bill, it would represent exactly the sort of behavior which so often leaves voters cynical with regard to political process, further giving evidence to the argument that it is corporations, not the people, whose interests Congress represents.

Second, while exports are, indeed, increased, such a subsidy actually triggers international exchange-rate adjustments, which has the effect of increasing U.S. imports as well, leaving the impact on the trade deficit negligible at best, as witnessed by the recent news that the trade deficit had hit an all-time high.

Lastly, the entire legislative process regarding H.R. 4986 has been the worst sort of backroom dealing with industry virtually writing the bill and many House Members of the committee of jurisdiction, Ways and Means, shut

out of the process. Additionally, leadership in both parties, with the blessing of the Administration, hoped to expedite the process by shutting the bill through Congress with limited debate and no amendments.

While the U.S. should conform to WTO guidelines by the October 2000 date the organization has set, this corporate welfare bill is certainly not the right approach, substantively or tactically.

Not only is the argument that FSCs are not a subsidy not credible, but the arguments that VATs are, verges on laughable. VATs are equivalent to an added sales tax that European countries rebate to companies when such goods are exported. Since the U.S. doesn't apply a sales tax to exports in the first place, the argument is effectively moot.

The rationale behind tax policy such as FSC is that it encourages other countries to buy our exports by bringing prices down (for foreigners) and thus reduces the trade deficit. But here, too, its defenders' argument is not supported by the facts. In the first place, to the extent that export prices actually fall, this is a transfer of benefits from U.S. taxpayers to foreign consumers.

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

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

Mr. DOGGETT. Mr. Speaker, I include for the RECORD additional views that I offered individually to the Committee on Ways and Means report on H.R. 4986 and the additional views that I offered on behalf of myself, the gentleman from Georgia (Mr. LEWIS), and the gentleman from California (Mr. STARK) to the same report.

Mr. Speaker, I also include for the RECORD a copy of the story in today's Washington Post entitled "Tobacco Exports Get Aid in Bill Set for House Vote."

#### ADDITIONAL VIEWS BY MR. DOGGETT

In what is hardly a model of the way the democratic process should operate, this legislation has involved no public participation, no hearings, and no involvement of any but a handful of Committee members. This bill is basically a product of meetings between the Treasury Department and groups that will benefit from preferential tax treatment. The Chairman even went so far as to attempt to preclude the Committee members from making comments or offering amendments. The members were even denied the right to question Secretary Eizenstat, the principal Administration official responsible for this bill.

The cost of this legislation to the Treasury, which must be paid for by American taxpayers, is between \$4 billion and \$6 billion per year, and growing. In response to the European community's criticism that tax advantages to American businesses are illegal, this legislation seeks to generously increase those advantages by \$300 million a year.

With this legislation, the Committee has basically made a public policy statement that local stores, which sell groceries or clothing to customers within our country, should pay higher taxes than multinational corporations, which sell cigarettes or machine guns abroad. Contrary to proponents' arguments that small and medium sized businesses share significantly in this tax break, the Internal Revenue Service Statistics of Income Division reports that 78% of

FSC tax benefits go to companies with assets exceeding \$1 billion. Another study based on a sample of corporate financial statements published in Tax Notes, August 14, 2000, indicates that, "the top 20% of FSC beneficiaries (ranked by size of reported FSC benefit in 1998) obtained 87% of the FSC benefits."

Moreover, there is substantial question as to the benefits that Americans truly will receive from this legislation. The Congressional Research Service summarized the most recent Treasury analysis of the Foreign Sales Corporation tax benefit by concluding that "[r]epealing this provision would have a negligible effect on the trade balance." Treasury determined that such a repeal would reduce U.S. exports by 3/10 of one percent and U.S. imports by 2/10 of one percent.

#### ENCOURAGING FOREIGN ARMAMENTS SALES

Because the benefits to ordinary Americans of this costly tax advantage are at best remote, every aspect of this law deserves the type of scrutiny that was wholly lacking during committee consideration. One glaring example of both what is wrong with this legislation and what is wrong with the process that produced it is the generosity shown to arms manufacturers. Their tax savings are doubled by this bill. The supposed justification for such largesse to those who promote arms sales abroad was previously rejected by the Treasury Department in August 1999:

We have seen no evidence that granting full FSC benefits would significantly affect the level of defense exports, and indeed, we are given to understand that other factors, such as the quality of the product and the quality and level of support services, tend to dominate a buyer's decision whether to buy a U.S. defense product.

Ironically, in 1997, the Congressional Budget Office, whose director was appointed by Republican leaders had reached a similar conclusion:

U.S. defense industries have significant advantages over their foreign competitors and thus should not need additional subsidies to attract sales. Because the U.S. defense procurement budget is nearly twice that of all Western European countries combined, U.S. industries can realize economics of scale not available to other competitors. The U.S. defense research and development budget is five times that of all Western European countries combined, which ensures that U.S. weapon systems are and will remain technologically superior to those of other suppliers.

Even the Department of Defense conceded the same in 1994:

The forecasts support a continuing strong defense trade performance for U.S. defense products through the end of the decade and beyond. In a large number of cases, the U.S. is clearly the preferred provider, and there is little meaningful competition with suppliers from other countries. An increase in the level of support the U.S. government currently supplies is unlikely to shift the U.S. export market share outside a range of 53 to 59 percent of worldwide arms trade.

In 1999, without the bonanza provided by this bill, US defense contractors sold almost \$11.8 billion in weapons overseas—more than a third of the world's total and more than all European countries combined.

A paper prepared for the Cato Institute in August 1999 by William D. Hartung, President's Fellow at the World Policy Institute, highlights the bad judgment shown here: "If the government wanted to level the playing field between the weapons industry and other sectors, it would have to reduce weapons subsidies, not increase them." (These subsidies include thousands of federal employees at the Pentagon and other agencies whose very purpose is to increase arms sales.) He continued, "Considering those

massive subsidies to weapon manufacturers, granting additional tax breaks to an industry that is being so pampered by the U.S. government makes no sense."

With no evidence to warrant its action, the Committee rejected fiscal responsibility in favor of wholly unjustified preferential tax treatment that means millions in savings to defense contractors. This costly decision is also bad for our country's true security interests. Instead of subsidizing arms promotion, our nation should be encouraging arms control. American armaments too often contribute to one arms race after another around the globe.

Doubling this subsidy only encourages the sales of more arms overseas and creates more challenges to the maintenance of our own "military superiority"—and, of course, more pressure for additional costly increases in the defense budget. As Lawrence Korb, President Reagan's Assistant Secretary for Defense for Manpower, Reserve Affairs, Installations and Logistics, has said:

It has become a money game: an absurd spiral in which we export arms only to have to develop more sophisticated ones to counter those spread out all over the world . . . It is very hard for us to tell other people—the Russians, the Chinese, the French—not to sell arms, when we are out there peddling and fighting to control the market.

Former Costa Rican President and 1987 Nobel Peace Prize winner, Oscar Arias offers another reason for rejecting the Committee's decision to increase the arms subsidy:

By selling advanced weaponry throughout the world, wealthy military contractors not only weaken national security and squeeze taxpayers at home but also strengthen dictators and human misery abroad.

#### ADDITIONAL VIEWS BY MESSRS. DOGGETT, LEWIS AND STARK

#### PROMOTING TOBACCO RELATED DISEASE AND DEATH

The way in which this legislation was rushed through the Committee avoided any explanation as to why American taxpayers should continue to subsidize the tobacco industry, whose product actually kills one-third of the people who use it. The Committee ignored the pleas of the American Medical Association, the American Cancer Society, the American Heart Association, Campaign for Tobacco-Free Kids, and other public health groups that tobacco should be denied a tax benefit. It also rejected the written request of 97 Members of Congress that tobacco be excluded.

Nicotine addiction represents a public health crisis. Within 20 years, almost 10 million people are expected to die annually from tobacco-related illnesses. Seventy percent of these deaths will occur in the developing countries that are being targeted by big tobacco's continued addiction to making money at the expense of human lives. In fact, tobacco will soon become the leading cause of disease and premature death worldwide—bypassing communicable diseases such as AIDS, malaria and tuberculosis.

Instead of being accountable for its deadly products, the tobacco industry has responded by conspiring to undermine the efforts of the World Health Organization to cope with this global pandemic. During recent litigation, Philip Morris was forced to produce documents, which can be found at the Minnesota Tobacco Document Depository, stating that the company sought to "discredit key individuals" and "allocate the resources to stop [WHO] in their tracks." An August 2000 WHO report entitled, Tobacco Company Strategies to Undermine Tobacco Control Activities at the World Health Organization states:

The [industry] documents also show that tobacco company strategies to undermine

WHO relied heavily on international and scientific experts with hidden financial ties to the industry. Perhaps most disturbing, the documents show that tobacco companies quietly influenced other U.N. agencies and representatives of developing countries to resist WHO's tobacco control initiatives.

Geoffrey C. Bible, Chairman of Philip Morris, a company that has often hidden its malicious tobacco influence through its holdings in Kraft Foods, even wrote in 1988 of the "need to think through how we can use our food companies [to help governments] with their food problems and give us a more balanced profile with the government than we now have against WHO's powerful influence."

The tobacco industry certainly cannot justify the public subsidy offered through this proposed legislation. Philip Morris, R.J. Reynolds, and Brown and Williamson have acquired tremendous marketing expertise from decades of success in targeting American children. This offers them tremendous advantage over foreign competitors in addicting children around the world; they hardly need help from the American taxpayer in order to spread death and disease to children in developing countries.

Philip Morris spends millions in American television advertising to contend that it no longer markets to youth. It finally claims to have abandoned tobacco company billboards, transit ads, cartoon characters, cigarette-branded apparel and merchandise, paid placement of its products in movies and television shows, and most brand sponsorship of team sports and entertainment events. But, it has steadfastly declined to apply these modest safeguards in its international operations; indeed, it relies heavily on these and other tactics to target the world's children.

Both petroleum and unprocessed timber are excluded from this legislation. Yet tobacco, the single largest public health menace, will continue to be subsidized at a cost to American taxpayers of about \$100 million per year. This legislation constitutes just another way of forcing American taxpayers to be partners in this export of death and disease. Little wonder that there was so much eagerness to silence discussion of this disgrace.

[From the Washington Post, Sept. 12, 2000]  
TOBACCO EXPORTS GET AID IN BILL SET FOR  
HOUSE VOTE

(By Marc Kaufman)

The Clinton administration has never been shy about trying to cut smoking in the United States. But in a move that has confounded its usual allies, the administration is backing an export subsidy bill this year that would give American tobacco companies about \$100 million in tax breaks yearly for tobacco products they sell abroad.

The bill, which is scheduled for a full House vote today, would continue subsidies for many American industries at a cost of between \$4 and \$6 billion annually. While these tax incentives have generally sparked little opposition in Congress, the willingness to continue export subsidies for tobacco has sparked criticism from public health advocates and other industry critics.

"I think it's a very difficult position for the administration to explain," said Rep. Lloyd Doggett (D-Tex.), who tried unsuccessfully to deny the subsidy to tobacco companies in the Ways and Means Committee. "What we're doing here is promoting and subsidizing the sale of cigarettes to people abroad, and I find it unacceptable for that to be American policy."

Doggett said that during the White House lobbying for the China trade bill earlier this year, President Clinton had told him that he

generally supported the amendment to remove tobacco from the export subsidy list.

But a House Democratic aide familiar with the matter said White House officials did not attempt to dismantle the program's tobacco subsidy for fear of jeopardizing bipartisan accord on the legislation. "The administration is caught a little bit between a rock and a hard place," the aide said.

A senior administration official said yesterday that Doggett's amendment was "consistent with our tobacco policy" but said the administration went along with House Ways and Means Committee Chairman Bill Archer (R-Tex.) in the position "that no amendments be added to the legislation to ensure it be passed on a timely basis."

Trent Duffy, spokesman for Archer, said Democrats and Republicans alike agreed to preserve the general subsidy program to compensate for European countries' favorable tax treatment of their companies' activities abroad. Duffy said the provisions in the bill "are the only way we can stay competitive with our competitors overseas. . . . Once you start changing who receives the benefit of this regime, then you get into rewriting United States tax law, and that's not what this is about."

The export bill deals with a long-standing trade dispute with the European Union. The Europeans have complained that the corporate tax breaks now offered to American exporters constitute an illegal export subsidy, and the World Trade Organization agreed with this position. The bill before the House today would address those concerns, though EU officials say little has changed.

When the bill came before the Ways and Means Committee in July, the American Medical Association, the Campaign for Tobacco-Free Kids and other public health organizations lobbied to remove tobacco from the subsidy list, but the bill passed unchanged with little public debate.

Democratic Ways and Means Committee members Doggett, John Lewis (Ga.) and Fortney "Pete" Stark (Calif.) published a sharp critique of the bill's handling as part of the committee report on the legislation. They pointed out that both petroleum and unprocessed timber do not qualify for the export tax incentives although tobacco does.

"This legislation constitutes just another way of forcing American taxpayers to be partners in this export of death and disease," they wrote. Critics of the subsidies said they would try to remove them when the bill comes up for consideration in the Senate.

Sales of cigarettes have been stable or declining in the U.S. market for some time, but rose dramatically abroad until last year. Tobacco is now a \$6 billion export industry.

Today's administration support of the export bill with tobacco subsidies contrasts sharply with earlier efforts to reduce government support for tobacco sales abroad. The administration sent cables to all American embassies last year directing them not to promote cigarette sales because of public health concerns.

Doggett plans to denounce the tobacco subsidy in today's House debate, and said he may vote against the entire export subsidy bill because of its inclusion. His earlier amendment eliminating the tobacco subsidy had won the support of 96 other representatives, mostly Democrats.

But Democrats are unlikely to have a chance to change the bill once it reaches the House floor. It is slated to be brought up under suspension of the rules, which requires a two-thirds vote for approval with no amendments allowed.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), noting that it is now

the 1-hour anniversary since this bill was printed, at 4:09 this afternoon, to celebrate that momentous occasion to close debate on this in opposition.

Mr. DOGGETT. Mr. Speaker, to those who say it is not significant, nor should it be debated today that the American taxpayers will be asked to be unwilling accomplices to the tobacco industry at a cost of \$100 million per year; that the pharmaceutical industry will get about \$123 million per year as a reward for selling pharmaceuticals at lower prices abroad than they do here at home; that military contractors will get a doubling of their tax subsidy under this bill as they sell machine guns and land mines and other armaments around the world to fuel the world's arms races; that all of these things should be ignored, because in order to protect American jobs, we have to beat the clock before October 1, one wonders why it is that we do not even have this bill presented until 4:09 in the afternoon on September 12, if we, indeed, face such a crisis. In fact, we do not face such a crisis.

The United States has never asked the Europeans for an extension of this deadline in order to explore other alternatives, and our country has every right to make that request. An opinion article in an authority no more extreme than Business Week on September 4 correctly said "it's time to call a halt to such waste by both sides . . . the administration should drop its plan to expand FSC, get back to the negotiating table, and start proposing some real solutions such as eliminating export subsidies."

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, the international playing field is tilted against our employers and their workers. Without the Foreign Sales Corporation rule in our tax code, the situation will only be made worse—to the point of being intolerable.

With the World Trade Organization's ruling disallowing FSC, we face a double edge sword.

By refusing to repeal the FSC, the United States will be inviting massive retaliation against U.S. export trade but if we repeal FSC without adopting alternative legislation, our exporters and their employees will be left high and dry.

I urge my colleagues to support the Foreign Sales Corporations Extraterritorial Income Exclusion Act of 2000, which corrects the problems that the WTO had with FSC while protecting American workers.

This legislation grandfathers transactions begun prior to Oct. 1 and allows for manufacturing and/or a binding contract to continue under current FSC law until the end of next year.

FSC was made necessary only because the U.S. maintains an archaic worldwide tax system which taxes foreign-source income and because the U.S. taxes export income.

Allowing FSC to stand or abolishing it will make an already tough global market next to

impossible to compete in for U.S. employers. We must act now to avoid putting American workers onto a playing field for which they are not equipped.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, there has been a great deal of rhetoric today on the floor, but let us try to cut through all of it. If this bill does not pass, the FSC provisions that have been railed against by the opponents will continue to be in the law. None of that will change.

What they call a subsidy, which is actually a reduction of the impediment of double taxation on our companies, will still be in the law. Nothing will change. They act like suddenly everything will change, but what will happen is this: American products will have sanctions put against them between \$4 billion and \$40 billion a year by the Europeans, all justified by the WTO. And who will then be hit?

Will it be the big corporations? The first sanction will be on agriculture. Our farmers will be hit. Then they will put sanctions on man-made staple fibers. Our textile industry will be hit. Then they will put sanctions on cotton and yarns and woven fabrics. Then they will put sanctions on fruits and vegetables and likely our wine, which competes with the French wine.

They will pick the sensitive spots to apply these sanctions, but the FSC provisions that have been railed against will still be in the code. This is our only opportunity to protect American workers so that we can continue to export, even in those areas which do not currently get FSC treatment, the injury to the U.S. and the potential beginning of the mother of all trade wars is something to be avoided and avoided by this bill. It is the only option before us, vote yes.

Mrs. CHRISTENSEN, Mr. Speaker, I rise to speak on H.R. 4986, the Foreign Sales Corporation Repeal and Extraterritorial Income Act of 2000 because of the effect it will have on my district, the U.S. Virgin Islands.

Mr. Speaker, almost from the inception of the Foreign Sales Corporation Act of 1984, the U.S. Virgin Islands positioned itself to act as the premiere location where U.S. companies that were exporting U.S.-made goods could locate to reduce their tax liability. Approximately 3,900 of a total 7,000 FSC's are located in the U.S. Virgin Islands where they provide approximately 40 direct jobs to Virgin Islands residents and indirect employment in the thousands, through 12 law and management firms that serve them. They provide similar benefits on our sister territory of Guam—both of us being a part of this country.

FSC companies in the Virgin Islands generate about \$7 to \$10 million dollars annually and they have contributed almost \$70 million to the cash-strapped treasury of the Government of the Virgin Islands since 1983. Through no fault of our own, and despite our working with the relevant agencies to mitigate the adverse effects, with passage of this bill, we will lose an important tool of our economy at a time when we can least afford it—when the government of the Virgin Islands is facing a severe financial crisis. Our accumulated

budget deficit, as of January of last year was estimated to be in excess of \$250 million and the Government's debt obligations has reached an unimaginable \$1.12 billion.

While Virgin Islands Governor Turnbull has made strides in addressing this problem, the loss of revenues generated by FSC's to our Territory will be a major blow.

I am therefore looking forward to working with Chairman ARCHER and Ranking Member RANGEL to find a way to assist us in replacing the loss of revenue that this bill will mean to the Virgin Islands. I hope for the support of all my colleagues in this effort.

Mr. PAUL. Mr. Speaker, H.R. 4986, brought up under suspension, deserves serious consideration by all Members.

There are three reasons to consider voting against this bill. First, it perpetuates an international trade war. Second, this bill is brought to the floor as a consequence of a WTO ruling against the United States. Number three, this bill gives more authority to the President to issue Executive Orders.

Although this legislation deals with taxes and technically actually lower taxes, the reason the bill has been brought up has little to do with taxes per se. To the best of my knowledge there has been no American citizen making any request that this legislation be brought to the floor. It was requested by the President to keep us in good standing with the WTO.

We are now witnessing trade war protectionism being administered by the World (Government) Trade Organization—the WTO. For two years now we have been involved in an ongoing trade war with Europe and this is just one more step in that fight. With this legislation the U.S. Congress capitulates to the demands of the WTO. The actual reason for this legislation is to answer back to the retaliation of the Europeans for having had a ruling against them in favor of the United States on meat and banana products. The WTO obviously spends more time managing trade wars than it does promoting free trade. This type of legislation demonstrates clearly the WTO is in charge of our trade policy.

The Wall Street Journal reported on 9/5/00, "After a breakdown of talks last week, a multi billion-dollar trade war is now about certain to erupt between the European union and the U.S. over export tax breaks for U.S. companies, and the first shot will likely be fired just weeks before the U.S. election."

Already, the European Trade Commissioner, Pascal Lamy, has rejected what we're attempting to do here today. What is expected is that the Europeans will quickly file a new suit with the WTO as soon as this legislation is passed. They will seek to retaliate against United States companies and they have already started to draw up a list of those products on which they plan to place punitive tariffs.

The Europeans are expected to file suit against the United States in the WTO within 30 days of this legislation going in to effect.

This legislation will perpetuate the trade war and certainly support the policies that have created the chaos of the international trade negotiations as was witnessed in Seattle, Washington.

The trade war started two years ago when the United States obtained a favorable WTO ruling and complained that the Europeans refused to import American beef and bananas from American owned companies.

The WTO then, in its administration of the trade war, permitted the United States to put on punitive tariffs on over \$300 million worth of products coming in to the United States from Europe. This only generated more European anger who then objected by filing against the United States claiming the Foreign Sales Corporation tax benefit of four billion dollars to our corporations was "a subsidy".

On this issue the WTO ruled against the United States both initially and on appeal. We have been given till October 1st to accommodate our laws to the demands of the WTO.

That's the sole reason by this legislation is on the floor today.

H.R. 4986 will only anger the European Union and accelerate the trade war. Most likely within two months the WTO will give permission for the Europeans to place punitive tariffs on hundreds of millions of dollars of U.S. exports. These trade problems will only worsen if the world slips into a recession when protectionist sentiments are strongest. Also, since currency fluctuations by their very nature stimulate trade wars, this problem will continue with the very significant weakness of the EURO.

The United States is now rotating the goods that are to receive the 100 to 200 percent tariff in order to spread the pain throughout the various corporations in Europe in an effort to get them to put pressure on their governments to capitulate to allow American beef and bananas to enter their markets. So far the products that we have placed high tariffs on have not caused Europeans to cave in. The threat of putting high tariffs on cashmere wool is something that the British now are certainly unhappy with.

The Europeans are already well on their way to getting their own list ready to "scare" the American exporters once they get their permission in November.

In addition to the danger of a recession and a continual problem with currency fluctuation, there are also other problems that will surely aggravate this growing trade war. The Europeans have already complained and have threatened to file suit in the WTO against the Americans for selling software products over the Internet. Europeans tax their Internet sales and are able to get their products much cheaper when bought from the United States thus penalizing European countries. Since the goal is to manage things in a so-called equitable manner the WTO very likely could rule against the United States and force a tax on our international Internet sales.

Congress has also been anxious to block the Voice Stream Communications planned purchase by Deutch Telekom, a German government-owned phone monopoly. We have not yet heard the last of this international trade fight.

The British also have refused to allow any additional American flights into London. In the old days the British decided these problems, under the WTO the United States will surely file suit and try to get a favorable ruling in this area thus ratcheting up the trade war.

Americans are especially unhappy with the French who have refused to eliminate their farm subsidies—like we don't have any in this country.

The one group of Americans that seem to get little attention are those importers whose businesses depend on imports and thus get hit by huge tariffs. When 100 to 200 percent



tariffs are placed on an imported product, this virtually puts these corporations out of business.

The one thing for certain is this process is not free trade; this is international managed trade by an international governmental body. The odds of coming up with fair trade or free trade under WTO are zero. Unfortunately, even in the language most commonly used in the Congress in promoting "free trade" it usually involves not only international government managed trade but subsidies as well, such as those obtained through the Import/Export Bank and the Overseas Private Investment Corporation and various other methods such as the Foreign Aid and our military budget.

Free trade should be our goal. We should trade with as many nations as possible. We should keep our tariffs as low as possible since tariffs are taxes and it is true that the people we trade with we are less likely to fight with. There are many good sound, economic and moral reasons why we should be engaged in free trade. But managed trade by the WTO does not qualify for that definition.

U.S., EU RISK TRADE WAR OVER EXPORT TAX SHELTERS—EUROPE IS LIKELY TO SEEK THE WTO'S PERMISSION TO LEVY PUNITIVE TARIFFS

(By Geoff Winestock of the Wall Street Journal)

BRUSSELS.—After a breakdown of talks last week, a multibillion-dollar trade war is now almost certain to erupt between the European Union and the U.S. over export tax breaks for U.S. companies, and the first shot will likely be fired just weeks before the U.S. elections.

European Trade Commissioner Pascal Lamy rejected on Thursday the latest U.S. proposal for resolving a dispute over a \$4 billion-a-year tax shelter for U.S. exporters that the World Trade Organization ruled illegal in February.

With chances now slim for an agreement on how to bring the U.S. tax code into line with WTO rules, the EU will likely file a new suit with the WTO in October. And this time, the EU will seek permission to retaliate against U.S. companies with trade sanctions. At a minimum, EU officials say, they will ask for punitive tariffs on \$4 billion of U.S. goods.

The U.S. Congress is considering a bill designed to bring U.S. tax law into line with WTO rules. But hopes that this would yield a quick solution disappeared last week when Mr. Lamy sent a letter criticizing the bill to Deputy Treasury Secretary Stuart Eizenstat. Mr. Lamy said the proposal for amending the U.S. tax code "failed to render it compatible with international trade rules," according to an EU briefing note. Indeed, EU officials say, the bill was marginally worse than a White House proposal that the EU rejected in May.

Describing the EU letter as "disappointing" and "unconstructive," a senior U.S. official says the EU's attitude could sour trans-Atlantic trade ties. "What we're trying to do is avert a trade war," the official says. "We're doing everything we can to avoid it. If there's to be one, it will be in their hands, not in ours."

The official says that the White House would continue to support the bill, which he says would be fully WTO-compliant. Unless the U.S. makes some change to the tax program by the WTO's Oct. 1 deadline, the official says, the U.S. will have no chance of avoiding a confrontation with the EU or winning its case in the WTO. The EU will have 30 days after Oct. 1 to lodge a complaint with the WTO, which will then take a few months

to rule on what, if any, retaliation can be taken.

At the core of the dispute is a tax-law provision that allows U.S. companies to channel overseas sales of domestically produced goods through so-called foreign sales corporations—offshore subsidiaries, usually in tax havens, whose profits on those exports are subject to lower federal income taxes than are other profits. The FSC shelter saved U.S. companies about \$4 billion last year. Boeing Corp., which used the shelter to save \$230 million last year, included a warning about the trade dispute in its annual financial reports.

The U.S. says the congressional bill would replace the WTO-illegal tax breaks with a much broader exemption for all foreign-source income, both from exports and from goods manufactured abroad. The U.S. official says this is comparable with tax exemptions offered by EU countries, including the Netherlands and France.

But EU officials and some U.S. analysts say the analogy is inaccurate and that the proposed revision simply repackages the FSC program, retaining its preference for exports over domestic sales. "U.S. industries which are benefiting from FSCs are being very stubborn," says Peter Morici, a senior fellow at the Economic Strategy Institute, a Washington, D.C. think tank. "They do not want to make a real fundamental change in the law."

Mr. DEFAZIO. Mr. Speaker, let's briefly review why we find ourselves here today to debate replacing a rather arcane section of the tax code that allows corporations to avoid a portion of their tax bill by establishing largely paper entities in a filing cabinet in a tax haven like Barbados with the equally arcane tax provisions of H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.

Creating this new, expanded loophole to assist corporations in escaping their fair share of the tax burden in the U.S. makes a mockery of pleas by my colleagues to simplify the tax code and improve fairness.

For nearly two decades, beginning with the Revenue Act of 1971 (P.L. 92-178), the U.S. provided tax incentives for exports. However, our trading partners complained that these incentives violated our commitments under the General Agreement on Tariffs and Trade (GATT). While not conceding the violation, in 1984, Congress scrapped the Domestic International Sales Corporation (DISC) provisions and created the Foreign Sales Corporation (FSC) provisions. The differences are highly technical and probably only understood by international tax bureaucrats.

Under the FSC provision, corporations can exempt between 15 and 30 percent of their export income from taxation by routing a portion of their exports through a FSC. Our trading partners, specifically the European Union (EU), were not satisfied with the somewhat cosmetic changes made to the U.S. tax code.

Going back on a verbal gentleman's agreement not to challenge our respective tax codes under global trading rules, the EU filed a complaint with the World Trade Organization (WTO), successor to GATT, essentially arguing the same thing that was argued about DISCs. Namely that export subsidies were illegal under global trading rules by conferring an unfair advantage on recipient companies.

A secretive WTO tribunal ruled against the U.S. Dutifully, the U.S. appealed the decision. Earlier this year, the WTO appeals panel upheld the earlier decision and ordered the U.S. to repeal the FSC provision or risk substantial retaliatory measures.

Specifically, the WTO appeals panel wrote, "By entering into the WTO Agreement, each Member of the WTO has imposed on itself an obligation to comply with all terms of that Agreement. This is a ruling that the FSC measure does not comply with all those terms. The FSC measure creates a 'subsidy' because it creates a 'benefit' by means of a 'financial contribution', in that government revenue is foregone that is 'otherwise due.' This 'subsidy' is a 'prohibited export subsidy' under the SCM Agreement [Agreement on Subsidies and Countervailing Measures] because it is contingent on export performance. It is also an export subsidy that is inconsistent with the Agreement on Agriculture. Therefore, the FSC measure is not consistent with the WTO obligations of the United States."

In other words, it is unfair and illegal under global trade rules for the U.S. tax code to provide welfare for corporations by allowing them to escape taxes that would otherwise be due.

At this point, one would expect that my colleagues who, on most occasions eloquently defend the need for "rules based trade" and "free markets", to adhere to the WTO directive and repeal FSC. Because I assumed my colleagues would want to be intellectually consistent, I introduced legislation shortly after the WTO ruling to repeal FSC.

After all, precedent proved the U.S. was more than willing to bend to the will of the WTO. When the WTO ruled against a provision of the 1990 Clean Air Act, the Environmental Protection Agency gutted its clean air regulations in order to allow dirtier gasoline from Venezuela to be sold in the U.S.

Similarly, when Mexico threatened a WTO enforcement action on a 1991 GATT case it had won that eviscerated the Dolphin Protection Act, the U.S. went along to get along. In fact, the Clinton Administration sent a letter to Mexican President Ernesto Zedillo declaring that weakening the standard by which tuna must be caught in "dolphin-safe" nets "is a top priority for my administration and me personally."

The WTO also ruled against the Endangered Species Act provisions that required U.S. and foreign shrimpers to equip their nets with inexpensive turtle excluder devices if they wanted to sell shrimp in the U.S. market. The goal was to protect endangered sea turtles. The Clinton Administration agreed to comply with the ruling.

Given this record of acquiescing to the WTO, one could be forgiven for assuming the Clinton Administration and Congress would behave in a similar manner when losing a case on tax breaks for corporations.

Of course, sea turtles and dolphins don't make massive campaign contributions, or any campaign contributions for that matter. But, the large corporations who would be impacted by the WTO decision against FSCs do.

Apparently not bothered by the hypocrisy, immediately after the ruling by the WTO appeals panel, the Clinton Administration, a few Members of Congress, and the business community openly declared the need to maintain the subsidy in some form and began meeting in secret to work out the details on how to circumvent the WTO ruling and maintain these valuable, multi-billion dollar tax incentives.

Now, it is well-known that I am not a big fan of the WTO. It is an unaccountable, secretive, undemocratic bureaucracy that looks out solely for the interests of multinational corporations

and investors at the expense of human rights, labor standards, national sovereignty, and the environment.

But, by pointing out that export subsidies like FSCs are corporate welfare, however, the WTO has done U.S. taxpayers a favor. Unfortunately, this legislation before us today only does wealthy corporations a favor.

I have several problems with H.R. 4986 besides the intellectual inconsistency. I will touch on each of these now.

First, and perhaps most importantly, there is little or no economic rationale for export subsidies like FSCs or the provisions of H.R. 4986. In its April 1999 Maintaining Budgetary Discipline report, the Congressional Budget Office (CBO) noted "Export subsidies, such as FSCs, reduce global economic welfare and may even reduce the welfare of the country granting the subsidy, even though domestic export-producing industries may benefit."

Similarly, in August 1996, CBO wrote "Export subsidies do not increase the overall level of domestic investment and domestic employment . . . In the long run, export subsidies increase imports as much as exports. As a result, investment and employment in import-competing industries in the United States would decline about as much as they increased in the export industries."

Need further evidence? The Congressional Research Service (CRS) has written "Economic analysis suggests that FSC does increase exports, but likely triggers exchange rate adjustments that also result in an increase in U.S. imports; the long run impact on the trade balance is probably nil. Economic theory also suggests that FSC probably reduces aggregate U.S. economic welfare."

Of course, protests will be heard from supporters of H.R. 4986 that it gets rid of the export requirement. In testimony before the Ways and Means Committee, Deputy Secretary Eizenstat said the Chairman's mark is "not export-contingent." Of course, that claim is absurd. If a company sells products solely in the U.S., they don't qualify for the tax subsidy. That is, by definition, an export subsidy. Therefore, the criticisms of export subsidies previously mentioned would apply to this new legislation as well.

President Nixon originally prosed export subsidies, which became the DISC and then FSC, because he was alarmed at the size of the U.S. trade deficit, which was \$1.4 billion in 1971, a number that seems almost quaint by today's standards. As Paul Magnusson noted in the September 4, 2000, Business Week FSC "produced some hefty tax savings for big U.S. exporters, but it never did actually do much to narrow the trade deficit, which hit a record \$339 billion last year." And which, I should add, has continued to set new records virtually every month this year.

I can't understand why it makes sense to subsidize U.S. exporters to the tune of \$5 billion or more when the economic impact is "probably nil" or worse.

The economic rationale further deteriorates when one realizes, as the previous quotes suggest, that export subsidies discriminate against mom-and-pop stores who don't have the resources to export and against U.S. industries that must compete with imports. This means that export subsidies distort markets by pre-ordaining winners and losers. The winners? Large exporters and foreign consumers who get to enjoy lower priced U.S. products

subsidized by U.S. taxpayers. The losers? Small businesses, U.S. taxpayers, and import-competing industries.

I find it interesting while Treasury has spent a great deal of time figuring out how to combat corporate tax shelters that have no economic rationale, as discussed in a July 1999 report, that they would push this corporate welfare, which also has no economic rationale.

So, who specifically benefits? The journal Tax Notes conducted a revealing study of FSCs in its August 14, 2000, edition. The article profiled the 250 companies that reported \$1.2 billion in FSC tax savings in 1998. The top 20 percent of the companies in the sample claimed 87 percent of the benefits. The two largest FSC beneficiaries were the General Electric Company and Boeing, which saw their tax bills reduced by \$750 million and \$686 million, respectively from 1991-1998.

What are some of the other top FSC corporate welfare queens? Motorola, Caterpillar, Allied-Signal, Cisco Systems, Monsanto, Archer Daniels Midland, Oracle, Raytheon, RJR Nabisco, International Paper, and ConAgra. The list reads like a who's who of extraordinarily profitable multinational corporations. Hardly companies that should need to feed from the taxpayer trough.

Furthermore, American subsidiaries of European firms take advantage of U.S. taxpayers through export subsidies. British Petroleum, Unilever, BASF, Daimler Benz, Hoescht, and Rhone-Poulenc are all FSC beneficiaries. The fact that foreign companies can also claim export benefits pokes a large hole in the argument that these tax benefits are needed to ensure the competitiveness of U.S. businesses.

Similarly, isn't it a bit odd that economist and U.S. policymakers like to lecture European nations about their high tax burdens, but now, suddenly their tax burden is too low and, therefore, U.S. companies need subsidies in order to compete?

Let's be clear, this legislation is not about the competitiveness of large, wealthy, multinational corporations based in the United States. It is about wealthy campaign contributors wanting to keep and expand their \$5 billion-plus tax subsidies and elected officials willing to do their bidding.

Not only does H.R. 4986 allow these companies to continue receiving billions in tax breaks, but it actually expands them. This legislation will cost U.S. taxpayers another \$300 million a year or more.

It is also unfortunate that this legislation subsidizes a number of industries—such as defense contractors, tobacco companies, and pharmaceutical firms—that have no business receiving any more taxpayer hand-outs.

Take the defense industry, for example. Under the current FSC regime, defense contractors can only claim 50 percent of the tax available to other industries. The legislation before us today allows the defense industry to claim the full benefit available to others.

Leaving aside the fact that U.S. taxpayers are already overly generous to defense contractors, which no doubt they are, expanding this corporate welfare will have no discernible impact on overseas sales. The Treasury Department noted in August 1999, "We have seen no evidence that granting full FSC benefits would significantly affect the level of defense exports."

In 1997, the CBO made a similar point, "U.S. defense industries have significant ad-

vantages over their foreign competitors and thus should not need additional subsidies to attract sales."

Even the Pentagon has acknowledged this fact by concluding in 1994, "In a large number of cases, the U.S. is clearly the preferred provider, and there is little meaningful competition with suppliers from other countries. An increase in the level of support the U.S. government currently supplies is unlikely to shift the U.S. export market share outside a range of 53 to 59 percent of worldwide arms trade."

As Ways and Means Committee Member, Representative DOGGETT, noted in his dissenting views on H.R. 4986, "In 1999, without the bonanza provided by this bill, U.S. defense contractors sold almost \$11.8 billion in weapons overseas—more than a third of the world's total and more than all European countries combined."

The U.S. should stop the proliferation of weapons and war, not expand it as this bill intends.

The pharmaceutical industry is another industry that does not need or deserve additional subsidies from U.S. taxpayers. The industry already receives substantial research and development tax credits as well as the benefits flowing from discoveries by government scientists. As Representative STARK noted in his dissenting views, drug companies lowered their effective tax rate by nearly 40 percent relative to other industries from 1990 to 1996 and were named the most profitable industry in 1999 by Fortune Magazine.

The industry sells prescription drugs at far cheaper prices abroad than here in the U.S. For example, seniors in the U.S. pay twice as much for prescriptions as those in Canada or Mexico. It is an affront to U.S. taxpayers to force them to further subsidize an industry that is already gouging them at the pharmacy as this bill would do.

In direct contradiction of various federal policies to combat tobacco related disease and death in the U.S., this legislation would force U.S. taxpayers to subsidize the spread of big tobacco's coffin nails to foreign countries. This violates the American taxpayers' sense of decency and respect. Their money should not be used to push a product onto foreign countries that kills one-third of the people who use it as intended.

By placing H.R. 4986 on the suspension calendar, debate is prematurely cut off and amendments to reduce support for drug companies, the defense industry or tobacco companies can not be considered. But, I guess that's just par for the course for a process that has taken place in relative secrecy between a few Members of Congress, the Administration, and the industries that stand to benefit from this legislation.

You may not hear this in the debate much, but it is important to point out that the EU has already put the U.S. on notice that H.R. 4986 does not satisfy its demands. According to the EU, H.R. 4986 still provides an export subsidy, maintains a requirement that a portion of a product contain U.S.-made components, and does not repeal FSCs by the October 1st deadline. Therefore, it is likely the EU will ask the WTO to rule on the legality of the U.S. reforms. Most independent analysts agree with the EU critique of H.R. 4986.

So, it is reasonable to assume the WTO will again rule against the U.S. and allow the EU to impose retaliatory sanctions against U.S.

products. According to some press accounts, the EU would be able to impose 100 percent tariffs on around \$4 billion worth of U.S. goods. These would be the largest sanctions ever imposed in a trade dispute. In other words, this inadequate reform of export subsidies will open up the U.S. to retaliatory action by the EU, which will harm exports as much or more than any perceived benefit that would be provided by H.R. 4986. Of course, the exporters that will be hurt by retaliatory sanctions probably won't be the same businesses that will enjoy the tax windfall provided by this legislation.

Mr. Speaker, ADM is not suffering. Cisco Systems is not suffering. Raytheon is not suffering. Microsoft is not struggling mightily to keep its head above water. But, the American people are. Schools are crumbling, 45 million Americans have no health insurance, individuals are working longer hours for less money with the predictable stress on families, millions of seniors do not have access to affordable prescription drugs, and poverty remains stubbornly high, particularly among children.

Rather than debating how to preserve billions in tax subsidies for some of our largest corporations, we should be figuring out how to address some of these issues. How many times over are we going to spend projected, and I stress projected, surpluses, if we want to pay down the national debt, provide prescription drugs, shore up Social Security and Medicare, and increase funding for education, Congress cannot keep showering wealthy corporations with unjustifiable tax subsidies.

I will end with a quote from a newspaper I'm not normally inclined to agree with editorially, the Washington Times. In an editorial on September 5, 2000, the Washington Times wrote, "The Ways and Means Committee boasts that support for its revised FSC bill was bipartisan and near unanimous. It remains a bipartisan and near unanimous blunder."

I urge my colleagues to vote against H.R. 4986.

Mr. UNDERWOOD. Mr. Speaker, I rise to express my concern about the impact of H.R. 4986, The FSC Repeal and Extraterritorial Income Exclusion Act of 2000, on the U.S. territories, particularly the U.S. Virgin Islands and Guam.

Since the WTO decision last fall on Foreign Sales Corporations (FSCs), I know that the Administration has worked closely with House Ways and Means Committee Chairman ARCHER and Representative RANGEL, the ranking member, to ensure that the United States passes legislation to meet the October 1, 2000, deadline set by the WTO to comply with its ruling.

As many of you know, the WTO panel issued a ruling last fall that subsidies for Foreign Sales Corporations under U.S. tax laws violated the WTO Subsidies Agreement. U.S. negotiators have since worked in good faith on a proposal to retain many of the tax benefits of the FSC structure, while establishing a new structure which would be responsive to the European Union's challenge.

However, I simply want to express my concern over the impact that H.R. 4986 would have on the U.S. territories. Under the current FSC system, U.S. territories have been able to benefit through tax exemptions for U.S. exporting industries. With the repeal of the FSC system, we will no longer be able to offer this incentive although I understand that current contracts will be honored.

In Guam, there are around 211 FSC licensees, generating around \$170,000 to the Government of Guam. However, license fees are only some of the direct benefits from FSCs. Other direct benefits include compensation for Guam attorneys and other professionals, bank deposits, and funds generated through the hotel and restaurant industries that host FSC corporate meetings. Indirect benefits would be the cumulative effect that FSCs and other tax incentives have on attracting U.S. businesses to Guam.

Be it as it may, the writing is on the wall for FSCs as we now know it. Therefore, I am appealing to the Clinton Administration, particularly the Treasury Department, to offset the economic impact of today's legislation with the means necessary to allow the U.S. territories to promote economic self-sufficiency during any negotiations with the Congress on any final omnibus budget or tax package.

Apart from H.R. 3247, which would provide empowerment zones for the U.S. territories, I have worked closely with my colleagues to enact legislation that I authored which would level the playing field for foreign investors in Guam through the passage of the Guam Foreign Direct Investment Equity Act (H.R. 2462/S. 2983).

My legislation would provide Guam with the same tax rates as the fifty states under international tax treaties. Since the U.S. cannot unilaterally amend treaties to include Guam in its definition of united States, my bill amends Guam's Organic Act, which has an entire tax section that "mirrors" the U.S. Internal Revenue Code.

As background, under the U.S. Code, there is a 30% withholding tax rate for foreign investors in the United States. Since Guam's tax law "mirrors" the rate established under the U.S. Code, the standard rate for foreign investors in Guam is 30%.

The Guam Foreign Direct Investment Equity Act provides the Government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties with foreign countries since Guam cannot change the withholding tax rate on its own under current law. Under U.S. tax treaties, it is a common feature for countries to negotiate lower withholding rates on investment returns. Unfortunately, while there are different definitions for the term "United States" under these treaties, Guam is not included. Such an omission has adversely impacted Guam since 75% of Guam's commercial development is funded by foreign investors. As an example, with Japan, the U.S. rate for foreign investors is 10%. That means while Japanese investors are taxed at a 10% withholding tax rate on their investments in the fifty states, those same investors are taxed at a 30% withholding rate on Guam.

While the long term solution is for U.S. negotiators to include Guam in the definition of the term "United States" for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the Government of Guam to tax foreign investors at the same rates as the fifty states. Other territories under U.S. jurisdiction have already remedied this problem through delinkage, their unique covenant agreements with the federal government, or through federal statute. Guam, therefore, is the only state or territory in the United States which is unable to take advantage of this tax benefit.

Section 3 of H.R. 2462, which I introduced last year, and has bi-partisan support, passed the House on July 25, 2000. Senators AKAKA and INOUE introduced a companion measure, S. 2983, on July 27, 2000.

As we consider today's measure on the repeal of FSCs, I simply ask that my colleagues support my legislation on equal tax treaty rates for Guam and I implore the Clinton Administration to also support such economic relief for the people of Guam. Please include equitable tax treatment for foreign investors in Guam during any final omnibus budget or tax package.

□ 1715

The SPEAKER pro tempore (Mr. STEARNS). All time has expired.

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

The question was taken.

Mr. STARK. 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 until tomorrow.

#### EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE HERBERT H. BATEMAN, MEMBER OF CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

Mr. BLILEY. Mr. Speaker, I offer a privileged resolution (H. Res. 573) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 573

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia.

*Resolved*, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BLILEY) is recognized for 1 hour.

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

Mr. Speaker, it is with great sadness we are here today to honor our late colleague, Representative Herb Bateman of Newport News, Virginia. Herb represented the First District of Virginia, better known, as he used to say, as "America's First District," because

of the important role it has played in our Nation's history.

Herb lived to serve his country and fellow citizens. After receiving his bachelor of arts from the College of William and Mary in 1949, he taught at Hampton High School from 1949 to 1951.

Herb answered the call of duty by enlisting in the United States Air Force during the Korean War, eventually earning the rank of first lieutenant, and was discharged in 1953.

Herb attended law school and earned a law degree from Georgetown University Law Center in 1956. After a clerkship with the United States Court of Appeals in Washington, Herb joined a Newport News law firm, where he practiced for 25 years.

Prior to coming to Congress, Herb served 15 years in the Virginia Senate, where he gained a solid reputation for leadership and committee work on such diverse subjects as agriculture, energy, education, and the budget.

Herb will be remembered for the lifetime of service he gave to his country and his constituents. Herb dedicated his life in defense of our national security, because he realized America was the only true world superpower. He recognized America had global responsibilities, and he took America's responsibilities seriously because he worked tirelessly to ensure the naval superiority of the United States.

Herb's tireless efforts during his 18-year career in Congress helped preserve America's greatness, in which we all saw communism defeated and America stand as the last superpower. Herb's efforts behind the scenes helped to sustain his constituents working at Newport News Shipbuilding and the local military community.

Herb's long Congressional record included fighting for the authorization and construction of several aircraft carriers and submarines, including the U.S.S. *Ronald Reagan*, the U.S.S. *John C. Stennis*, the U.S.S. *Harry S. Truman*, and the Navy's next generation of aircraft carriers, 12 Los Angeles Class attack submarines and the new Virginia class submarines.

Herb's loss is truly a national loss. We mourn his loss as a House and as a Nation. I mourn his loss as a friend.

For Herb's family, we feel the loss his wife, Laura, and his two children, Bert and Laura, and his three grandchildren are enduring today.

A Nation is indebted to the unselfish work of Herb Bateman. You are in our prayers, and may God bless you and your family.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from the Fourth District of Virginia (Mr. SISISKY), a colleague of Herb's on the Committee on Armed Services.

Mr. SISISKY. Mr. Speaker, I have known Herb Bateman for many, many years. I served 9 years in the Virginia General Assembly with him, and, of course, 18 years in Congress. He was a great friend and a great leader for Virginia.

We will miss his leadership on the House Committee on Armed Services. He was a staunch advocate for the readiness of our Armed Forces, and he was a strong supporter of the shipbuilding industry, not only in Virginia, but throughout the United States.

One of the greatest reasons for his success and achievements was his bipartisanship. Make no mistake, Herb was a man of his party, but, even more than that, he was a great patriot, who first and foremost stood for this country.

He believed in a strong military and a strong Navy. He always understood the need for adequate training before sending our forces into harm's way. He was relentless in the pursuit of military excellence, and he could work with anybody on any side of an issue. He worked with the Depot Caucus and was fair and evenhanded with private and public employees. Most importantly, when meeting the challenges faced by this great country, party reality made no difference.

So we, personally, and this country will miss Herb Bateman. He had such a precise and logical way of thinking that sometimes listening to him was like hearing someone dictate a legal brief. But, most important, his sense of humor and the warmth of his friendship are things for which I will always be grateful.

He was a close friend of mine and, of course, my wife; and we extend heartfelt condolences to Laura and their family.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from the Tenth District of Northern Virginia, (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I join the fellow members of the Virginia delegation in remembering Herb Bateman, a true gentleman and a dedicated public servant.

I had been planning to come to the floor later this month to pay tribute to Herb, to talk about his long and distinguished record of service to Virginia and the Nation, and to wish him Godspeed as he retired from the Congress at the end of the session. His untimely passing yesterday reminds us all of our own mortality and how important it is to live our lives with honor and integrity and to make the most of every opportunity we have to serve our fellow men.

Herb Bateman lived his life that way. It was a privilege to serve with him the entire 18 years he was in Congress.

While we grieve today that Herb is no longer with us, we can find comfort in knowing that at the end of his days, he could hear the voice of God saying, "Well done, good and faithful servant."

Herb loved being a Member of Congress. He was a decent, hard-working, and likeable man who reached across the aisle to work together for the best interests of America. He loved representing the people of Virginia's First Congressional District, and beamed with pride in calling his district "America's First District."

He worked tirelessly for his district. As Chairman of the Committee on Armed Services Subcommittee on Military Readiness, he was a diligent champion for the defense interests, not only of the Tidewater area of Virginia, which he represented, but for a strong defense for our Nation.

He was a protector of our national defense, and he initiated the practice of listening to the field commanders of our Armed Forces, the captains, the colonels, the majors, and not solely relying on the Pentagon brass to get the real picture of the Nation's defense. He worked to protect the welfare of the men and women in uniform and their families, and those who have retired from the service and their country.

Herb was deeply concerned about the deterioration of our military readiness; and if we can do anything to honor his memory, it would be to heed the warnings he gave about the need to invest in improving and maintaining our nation's defense readiness.

Herb worked for the commuters in the First District. Through a seat on the Committee on Transportation and Infrastructure, he focused on improving highways and bridges in Tidewater and in protecting the Chesapeake Bay.

This Congress, the Commonwealth of Virginia, and this Nation have lost a faithful servant and wonderful man, but our lives are forever enriched for having had Herb Bateman as our friend and colleague.

In closing, our deepest sympathies are extended to Congressman Bateman's family: his wife, Laura Yacobi Bateman; his daughter, Laura Margaret Bateman; his son, Herbert H. "Bert" Bateman, Jr., and his wife, Mary, and their three children, Emmy, Hank, and Sam; and also to his Congressional family, his staff here on Capitol Hill and in his district offices. We all share in your loss.

Mr. BLILEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Newport News, Virginia (Mr. SCOTT), a member of the Virginia delegation who has had a long association with Congressman Bateman, who succeeded Congressman Bateman in the Virginia State Senate, and who now is with us in the House.

Mr. SCOTT. Mr. Speaker, I rise to join my colleagues in the Virginia delegation and the House in support of the resolution and to praise Herb Bateman for his hard work and dedication to the constituents of the First Congressional District of Virginia, which he always referred to as "America's First District."

Herb and I served neighboring districts in the House, and during my service in the Virginia Legislature, he was either my State senator or my congressman, so we had many opportunities to work together to represent the interests of the residents of the Hampton Roads, Virginia area.

Having worked side-by-side, I can tell you that Herb Bateman was a decent, hard-working, and effective legislator.

During his many years of public service, he conscientiously promoted the needs of a district with a strong military and Federal presence.

As a Member of the Committee on Armed Services, he made military readiness and concerns of military families his highest priorities. Because of his total dedication, America enjoys a strong military, and school districts with a large military presence receive additional Federal funding through Impact Aid.

In the Hampton Roads area, we have been particularly grateful for Herb's leadership because we continue to build aircraft carriers and submarines. NASA budgets reflect a higher priority for the aeronautics research proudly done at NASA Langley Research Center, and the Thomas Jefferson National Accelerator Facility continues to excel.

The Virginia delegation is particularly saddened by Herb's passing. He was well thought of and highly respected by all of us. The delegation has always worked cooperatively and in a bipartisan fashion on issues affecting Virginia, and Herb steadfastly contributed to that spirit.

I want to extend my deepest sympathies to his wife Laura; his children, Laura and Bert; and his grandchildren, as well as to his staff in the Washington, D.C. and Newport News offices.

America's First District and the United States House of Representatives have lost a friend.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Rocky Mount, Virginia (Mr. GOODE).

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

Mr. GOODE. Mr. Speaker, I rise tonight to pay tribute to a valued friend, a patriot, a veteran Member of this body, a distinguished Virginian, and a devoted husband, father, and grandfather.

When someone dies, floods of thoughts and recollections about that individual come to mind. Such it was yesterday morning when I learned of Herb Bateman's passing. I remember vividly how Herb helped me over the years. When I was elected to the State Senate of Virginia, Herb gave me valuable insights into how the Senate worked and how I might work within the Senate to help my district. Four years ago when I came to this body, Herb was one of the first to extend his knowledge and guidance to help me on my way.

Herb Bateman loved this country. He enlisted in the Air Force during the Korean War and was discharged as a lieutenant. In the Senate of Virginia and the House of Representatives, Herb represented areas that have significant military installations. He worked tirelessly on behalf of a strong military and the needs of America's service men and women.

In the Senate of Virginia and in this the Congress of the United States, Herb

always worked for fiscal restraint, making the best use of money available.

It was he who sponsored legislation in the Senate of Virginia to establish J-LARC—the Joint, Legislative, Audit and Review Commission. This commission has served over the years to eliminate waste and abuse in Virginia government and to uncover overlapping in the work of agencies. J-LARC is the model upon which other states have created their own similar commissions.

Throughout his years of public service, Herb has been supported faithfully by his wife, Laura, and their union was blessed by two children, both of whom are grown and leading successful lives. And, the children have given Herb and Laura three grandchildren, who were the apples of Herb's eyes.

Herb, we will miss you. I will miss you. Be assured that the light of your legacy will continue to shine through your family and the many people whose lives you touched and guided.

□ 1730

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

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

Mr. Speaker, this is a sad moment for me. I know it is a sad moment for Virginians, and it is a sad moment for Americans who serve in the Armed Forces of our country. Herb Bateman was a friend. He was a colleague. We served on the Committee on Armed Services together, and I saw him through the years apply his considerable knowledge and his considerable efforts in the pursuit of maintaining a strong national security. He was the chairman of the Subcommittee on Military Readiness and took that position quite seriously. We have, as a result, considerably more readiness; and the men and women of our uniformed services are all the better for his work.

Herb was a man of integrity, a man of knowledge, a man of ability who gave his country his best. We have enjoyed serving with him here in the Congress of the United States. We have enjoyed being his friend. My wife, Suzie, and I join with Members today in extending our sincere sympathy to his wife, Laura, and to his family, and to that very, very fine staff that he has, especially those who are across the hall from my office in the Rayburn Building. Our sympathy and condolences go out to them.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Virginia, my friend, for yielding me this time.

Just last week, Mr. Speaker, back on the back rail, I said to Herb, you will be missed, in response to his announced intention to retire from this body. He said, oh, I will be back. This tells us, Mr. Speaker, how fragile, how indefinite, how uncertain life can be.

As has been said by other speakers, Herb's congressional legacy will be for-

midable and impressive. One of his most salient contributions was his steadfast advocacy for a strong national defense. His district, after all, is home to one of the nerve centers of our defense community. I say to the gentleman from Richmond, Virginia (Mr. BLILEY), my friend, I fondly recall an occasion when I delivered the OCS graduation address at the Coast Guard Reserve Training Center in Yorktown, which is in Herb's district. After the ceremony, Herb came to me and said, I so much enjoy coming to this place. It is beautifully located on the banks of the York River, and Herb expressed such pride in that Coast Guard installation; but he was equally proud of all of the military installations in his district; and as has been indicated by the other speakers, they are numerous.

Herb was, indeed, proud of our defense family. He was proud of his district. He was proud of his State. I am not sure the gentleman from Virginia (Mr. BLILEY) mentioned this, but he was, in fact, born in North Carolina. He may have said that early on. He was proud of this House, the people's House. Herb often referred to it in those words, the people's House, the Chamber closest to the people.

Finally, he was proud of his family. I know that my colleagues will join me in extending to Laura and Herb's children our expressions of sympathy during this time of their bereavement. I again thank the gentleman from Virginia (Mr. BLILEY) for having taken this time out in honor of Herb.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Alexandria, Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to thank the very distinguished gentleman from Virginia (Mr. BLILEY) for bringing forth this resolution to pay tribute to our friend and colleague, Herb Bateman.

Mr. Speaker, Herb was a quintessential Virginia gentleman. He was unfailingly polite and gracious to the people around him. He always had a kind word for Members and staff, and he was easy to approach on any issue that one needed to speak with him about. Herb embodied the spirit of civility and bipartisanship that we strive for but too seldom achieve. These personal qualities help to explain why Herb Bateman was so well liked on both sides of the aisle.

Beyond his simple decency, Herb was a very effective Member of Congress. He was particularly a champion for the Navy, for its shipbuilding program, for the men and women who serve in all of our Armed Forces. As a ranking member of the old House Merchant Marine and Fisheries Committee, Herb was a forceful advocate for a strong U.S. merchant fleet and its role in our national security and economic livelihood. Generations of Virginians will long appreciate his work to promote economic development throughout our State, both as a Member of Congress and as a member of the Virginia State Senate.

I happened to host the congressional luncheon we had for the congressional delegation last week, last Thursday. Herb was the first one there. Every Member that came in, he greeted them warmly; he was fully cognizant of all of the issues that each of us was concerned about in our own districts. He was just a warm and terrific guy. He will be sorely missed, and we extend our condolences to Herb's wife, Laura, their children, and their many friends.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services, a committee on which Herb served so faithfully.

Mr. SPENCE. Mr. Speaker, it saddens me deeply to speak of the passing of our good friend and colleague, Herb Bateman. I have known him for a long time, he and his wife, Laura. We have traveled to many places together, experienced many things together. He meant a lot to me personally and to this Nation. Our Nation has lost a respected legislator and a stalwart defender of the men and women of our Armed Forces.

During Herb's time in the Congress, he devoted his full time and energy to addressing the needs of the United States military. Without exception, his actions always reflected his sense of duty to the United States and to our Armed Forces.

When I became Chairman of the Committee on Armed Services, one of the first acts on my part was to ask Herb to chair the Subcommittee on Military Readiness, and also a panel concerning our sea power. Under his leadership, the Subcommittee on Military Readiness has addressed countless difficult issues, including the declining state of the United States military readiness. One of his most enduring efforts as chairman of that subcommittee was a series of field hearings he held throughout the world on military readiness that he chaired in an effort to personally evaluate readiness problems throughout the force.

He went to the source of our problems and got it firsthand and brought it back to us and to our military and the Pentagon. Thanks largely to his efforts, the administration and the senior Pentagon leadership finally admitted to significant readiness problems in 1998. We owe a lot to Herb for doing that. As a Nation, we owe him thanks for his role in exposing the truth about our Nation's military.

As his friends and colleagues, we will miss him and mourn the passing of Herb Bateman. He touched the lives of thousands in his quest to improve our Nation's Armed Forces. Our country has lost a true patriot; our Congress and our committee will miss his counsel, and I have lost a good friend.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Roanoke, Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the chairman of our Virginia

delegation for yielding me this time and for bringing forth this resolution to pay tribute to my friend, Herb Bateman, who I have known for 20 years.

I first met Herb when he was a member of the Virginia Senate and campaigned for the Office of Lieutenant Governor of our State, and I remember meeting him in Roanoke 20 years ago and being impressed then with the conviction of his beliefs and his dedication to public service. Herb did not win that nomination for lieutenant governor; but shortly thereafter, with the election of Paul Tribble to the U.S. Senate, Herb ran for and won the election to the first congressional district seat. He was so honored to represent the people of that district, which he called not Virginia's First Congressional District, but because it included Jamestown and Williamsburg and Yorktown, he called it America's First Congressional District.

He was a man of great courage and convictions. I serve on the whip team here in the House, and Herb was one of the individuals that I would go to before every major vote to find out how he planned to vote and Herb always had a well-founded reason why he was voting for whatever it was that he was going to vote on, and an independent spirit and streak that made him more than happy to stand up and disagree with the majority on an issue if he felt it was straying from the principle that he felt should be adhered to. He was one that I was proud to go to for advice on many occasions, and he always took a deep interest in whatever it was that I was doing or other Members of the House were doing, and always tried to be helpful.

So I am going to miss my good friend, and I know everyone else here will as well, someone who stood up for our Nation's defenses, was a strong supporter of our space program, and a good friend to all of us.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLILEY) for bringing forth this resolution for our good friend, Herb Bateman.

Herb and I were elected to the Congress together back in 1982, and I can remember right down the hall the night that we had dinner with the leadership, the candlelight dinner with the Marine Violin Corps playing for us, and all of us who were elected, 26 Republicans at that time, how touched we were by being Members of the United States Congress for the first time in our lives. I remember Herb and Laura were really touched by the way we were received by the leadership and what a thrill it was for all of us to be Members of the 98th Congress of the United States.

Herb was very well aware of history, as has been mentioned by my colleagues. He was so proud that he represented the "First District of America" where Washington and Monroe and others came from and who later became President of the United States. He was a man of integrity. He was a man who, if he gave his word on anything, you could take it to the bank. Herb was not one of those guys that played both sides of the fence. He was a man of integrity, impeccable integrity, and one that all of us respected. He really had a grasp for the law; and when he came down here to speak in the well, we knew that he knew what he was talking about because he researched it very, very well and spoke from the heart.

□ 1745

He spoke from the heart. He was always patriotic and concerned about what was best for America first.

One of the things about Herb that I liked was he loved the game of golf. He was not the best golfer in the world, but he sure did like it.

As a matter of fact, he and Laura and I were together the day before yesterday down at Leesburg playing golf, and we had a great time together and had dinner together. He was in good spirits. He went over to the hotel where we were going to stay for the night, and I can recall vividly as we checked in, I said, "Herb, we have to be up early tomorrow morning because the gentleman from California (Mr. PACKARD) is having an event and we have to be there at 8 o'clock." He said, "I will see you then. I will see you tomorrow." But unfortunately, he was not with us the next morning.

So all I can say in closing is that we have lost not only a great friend but a great American, a man who was above reproach, a man we all respected.

I would like to say to his wife and his family, to Laura and his family, we send our deepest sympathy to her, and we are going to miss Herb.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Virginia (Chairman BLILEY) for arranging this opportunity for us to pay our respects to our good friend, Herb Bateman.

It is with a great deal of sadness that I join my colleagues this evening in mourning the passing of a dear friend and a dedicated Member of the Congress, the gentleman from Virginia, Herb Bateman. Herb was first elected to Congress in 1982, but very quickly became known to all of us for his expertise in the field of military expenditures, and often reminded many of us of the need to do much more in that direction.

Representing the defense-dependent Tidewater region of Virginia, Herb's knowledge of the budgetary needs of



the Pentagon made significant invaluable contributions as chairman of the Committee on Armed Services' Subcommittee on Military Readiness.

It was Herb Bateman who began the practice of having field commanders testify directly before House committees, in addition to their Pentagon superiors, which has had a direct and lasting impact on the manner in which this body conducts its business.

Herb Bateman was also a senior member of the Committee on Transportation and Infrastructure, where he accomplished a great deal to make certain that the future of our Nation's commercial waterways was going to be attended to. As an Air Force veteran of the Korean War, Herb was well positioned to assume a leadership role in the field of military preparedness.

As a graduate of William and Mary College in his own region in Virginia, and as a graduate of Georgetown University Law School, Herb brought with him an extensive, impressive background with which to grapple the issues facing the Congress and our Nation.

Upon his discharge from the Air Force at the conclusion of the Korean War, Herb worked both as a practicing attorney and as a teacher, instilling in him both a love for the legal traditions and an appreciation of the importance of a strong education for our young people.

Herb brought with him to the Congress 15 years of experience in the Virginia State Senate. Legislative experience is an important aspect of congressional life today, as we all know. We are fortunate that Herb Bateman brought with him that kind of an insight into the legislative process.

My spouse, Georgia, joins with me in extending our heartfelt condolences to Herb's widow, Laura, with whom we traveled, both Herb and Laura, on many trips; to their daughter, Laura; to their son, Herb, Junior; to their daughter-in-law, Mary; and to their grandchildren, Emmy, Hank, and Sam. The Bateman family can console itself with the knowledge that many of us here in the House share their sense of loss, and that Herb Bateman was a true gentleman, an outstanding public servant who is going to long be missed.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCREST).

Mr. GILCREST. Mr. Speaker, we rise here today to say good-bye to Congressman Herb Bateman, and to extend the depths of our condolences to Mrs. Bateman and to his family.

Mr. Bateman was known around here, the House floor, simply as Herb. He was a quiet statesman. I served on the Subcommittee on Water Resources and Environment with Herb, and also on the Committee on Transportation and Infrastructure, and I can tell the Members that Herb was very generous with his opinions. In fact, I can tell the Members that there are few people who are more pleasantly opinionated than

Herb Bateman, and we endured and enjoyed each other's company through the legislative process.

But Herb was also generous with something else. This is what I will always remember him by. That is, his smile and his greeting on the House floor. When we came up to Herb, he would smile, put his hand on our shoulder, and say good morning, and then use our name. Then we would say good morning back.

Herb was, and will always be, a quiet statesman who has done great things for America.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Fairfax County, Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to a great friend, statesman, and colleague from Virginia, Herb Bateman, who served this body with dignity, honor, and dedication since his election in 1982.

I first met Herb Bateman in the 1970s when he was a Democratic State Senator from Newport News and I was a young legislative aide in Richmond. I met him at a meeting where I was on staff and we were revising the Juvenile Code of Virginia.

I will never forget the first meeting. He said, "I don't know anything about this subject. They put me on it." Everybody else was instant experts in the room. At the end of the study, Herb Bateman wrote most of the revisions of the Code. He was a doer. He was a detailed legislator. He wanted to understand all the ramifications of what happened.

Many times when we would have tough votes here on the floor and we would go to Herb, he would talk about how things were being implemented, how the bill would affect different people, how it would play out, how it would work. Never did I hear him say, what are the politics of this? This was a man who rose above the politics of the moment. This body could use a few more people like him, who never engaged in the harsh partisanship that sometimes characterizes this body, particularly now that it is so closely divided.

Herb was a gentleman always, a great patriot. I will never forget his kind and valuable tutelage when I first came here to the House, his leadership on the Committee on Transportation and Infrastructure, and of course, his leadership on military affairs, something many of my colleagues have spoken about here, and his undying support for the Newport News shipyard, where he was just a staunch defender here in the House of Representatives, and the teamwork with Senator WARNER I think has saved that institution and made it much of what it is today, through some very trying times.

On a political and ideological level there was much to learn from Herb: his fiscal conservatism, his commitment to restraining big government and protecting the taxpayers' interests. I will never forget, one year the national tax-

payer groups came out with a rating of what Member of Congress, not just in their votes but in the bills that they cosponsored, what was the total cost, and Herb Bateman was the frugalest of all of the Members.

Never one for fanfare, to put his name on a bill to get him votes here and there, he was always conscious this was the people's money, not his own money to spend. His record bore that out. It did in subtle ways, never with a big press release, but the groups that came in and examined this could confirm Herb's commitment to the taxpayer.

His unwavering support of a strong military and the men and women who dedicate their lives to protecting our Nation seemed to be a part of everything he did here. He was very concerned about what has happened to our military over the last decade. Always first and foremost in his mind is what can we do for defense.

There was his dedication to cleaning up the Chesapeake Bay, his leadership on these issues, and so much more.

I mourn his loss as a friend and colleague, but in truth, the loss of Herb Bateman is a loss to the national landscape. This body could use more legislators like Herb Bateman. More than just a Member of Congress, he will be remembered as a father, a husband, a teacher, an attorney, an Air Force lieutenant, defender of freedom around the world.

I want to extend my deepest sympathies to his wife, Laura, and their children. One of his sons is a Newport News city councilman today. I cannot tell the Members how very much I will miss this great man.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, I thank the gentleman for yielding time to me, and for organizing this.

Mr. Speaker, when I first heard of Herb Bateman's death, it reminded me again never to put off things that we need to do today.

I have had the privilege of serving on Herb Bateman's subcommittee for the last 4 years. The one thing that I wanted to do before his retirement was have the opportunity to take Herb to lunch and thank him for all he has meant to me personally over the last 4 years.

Herb is one of those really unique people that I have met in life that I really think made me a better person, and I know made me a better Congressman. Herb had a way about him on our subcommittee. He had a way of working with new Members to make us feel comfortable, but to also teach us about dedication, teach us about patriotism.

Herb has been a great influence on my life and on the lives of so many other Congressmen here. I only wish that I had had the opportunity to take Herb and specifically tell him how much he has meant to me in my 4 years here.

I will miss Herb Bateman. Virginia has lost a great son. America has lost

a great patriot. I have lost a great friend. I want to tell Laura and the children and all of his family that we will continue to remember them in our prayers, and we thank them for the opportunity of knowing him.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

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

Mr. Speaker, I rise today with a heavy heart to join my colleagues in paying tribute to an accomplished legislator, a genuine patriot, a true gentleman, and a valued friend. Representative Herb Bateman of Virginia departed this world yesterday, but his legacy will endure for many years to come.

Herb's life was one of distinguished public service. Upon graduation from the College of William and Mary, he enlisted in the Air Force and served during the Korean War. He went on to receive a law degree from Georgetown University, and served as a clerk with the United States Court of Appeals.

After returning to his hometown of Newport News, Virginia, to practice law, he ran for and secured a seat in the Virginia Senate, where he served for 15 years, and subsequently he ran for this great U.S. House of Representatives, serving for 9 successive terms.

During that time, Herb emerged as a leading supporter of our men and women in uniform, and a staunch defender of America's national security interests. As chairman of the Subcommittee on Military Readiness of the Committee on Armed Services, on which I served, his judicious approach, his gentlemanly demeanor, his careful attention to detail, and his strong hand helped that subcommittee navigate often rocky shoals.

His chairmanship of the subcommittee in the Committee on Transportation and Infrastructure was marked by a similar focus and dedication. Herb's unshakable commitment to our Nation's servicemen and women, ensuring their readiness, enhancing their working conditions, and improving their quality of life, was a lodestar for our committee.

Much public discussion of late has focused on the readiness challenges facing our military personnel, and this Congress has been moved to augment the resources available to our military to address those woes. Much of the credit for that belongs to Herb Bateman.

As one who served with Herb on both the Committee on Armed Services and the Committee on Transportation and Infrastructure, and who was fortunate to get to travel with Herb and his wife, Laura, on several occasions and get to know them really well personally, I am truly going to miss him deeply.

Our Nation, the commonwealth of Virginia, and his constituents in the First District have lost a true statesman and a strong champion. I extend my most heartfelt sympathies to

Laura, to his children, Herbert Junior, and to Laura, and his beloved grandchildren, whom I know he cherished most of all.

Herb, we will truly miss you.

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Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. PICKETT).

Mr. PICKETT. Mr. Speaker, it is with sadness and grief that I rise in this Chamber today. Herb Bateman was a long-time friend, and someone I enjoyed working with. We began working together when he was in the State Senate and I was in the House of Delegates in the General Assembly of Virginia. I also had the occasion to work with him in the practice of law.

Herb was a talented, thoughtful person who believed that the public's business should be conducted in an open and an objective forum with dignity and respect, both for the process and the individuals participating in it.

He was a thoughtful and articulate man who presented his views with eloquence in a logical, persuasive, and convincing way. But he was not only a knowledgeable and effective advocate, he loved his family and was generous and firm in his support.

He and his wife, Laura, were an entertaining and engaging couple. They were great companions and loved to travel and played golf. They were both genteel and understanding in their friendship and in their willingness to support and help others in times of adversity.

Herb Bateman was a man of character and stature who earned our respect and left a record of hard work and accomplishment. He will be missed by his friends, but he will also be missed by his community, his State, and his Nation.

Herb was a man of ideas and vision. For more than 25 years it was my pleasure to work with him on legislative issues in the General Assembly of Virginia and in the House of Representatives of the United States. I will miss his comfortable friendship, his wise counsel, and his dedicated leadership.

I extend my profound sympathies and condolences to his family with the knowledge that God's grace will see them through this difficult period.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the Chief Deputy Whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Virginia for yielding to me and for taking time to recognize the great service today of our friend, Herb Bateman. Herb, in so many ways, served our country so well, as a Member of the General Assembly, as a Member of the Congress, as a serviceman during the Korean War, and felt so strongly about our country and felt so strongly about his State and felt so strongly about our institutions.

When Herb Bateman talked about the First District, he did not like to talk

about Virginia's First District, he liked to talk about America's First District, as he really enjoyed the tremendous heritage of Newport News and Williamsburg and the great foundation building of our country.

I was able to work with Herb as we worked hard to make some arrangements that helped preserve the original, the boyhood home of George Washington, Ferry Farm, in his district.

Recently we were talking about what we could do to more appropriately honor the memory of James Monroe whose law office was in Fredricksburg in his district.

I had a chance to be part of the delegation to the NATO Parliament with Herb Bateman, a group that is headed by the gentleman from Virginia (Chairman BLILEY) as the president of that group. Herb's support of our country was always so strong and so well presented in those forums where people from other countries came together. He was a man of gentle persuasion, but a man of strong feelings; and he was a man who enjoyed life.

As we talk at my house about our good friends, Herb Bateman and Laura Bateman, we always talk about the superlatives he was able to use to describe almost every event or every day or every happening or every friendship. I do not know that I was ever around anybody who would more frequently use words like magnificent and fantastic and splendid to describe what we have as Americans or to describe his opportunities.

I am glad to be able to join with those here today who remember him as we will continue to work for civil aviation and research and the military in his memory in the remainder of this Congress and the years ahead.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLILEY) for yielding me the time and for introducing a resolution on a very special man.

Herb Bateman represented the First District of Virginia. Well, he is first in the hearts of the people of this Congress and the people of his district and the people of his Nation.

Herb served for 30 years in elective office and then very reluctantly, because of his health, said this would be his last term. Little did he realize it would be his last opportunity to be with his family, with his wonderful wife, Laura, and all of his family and friends, to just relax and not worry about schedules.

He was, in the truest sense, a gentleman who was a patriot. He served in the military. He, in Congress, paid attention to those issues. He was also a gentleman in terms of how he treated others. He was always very fair and compassionate with a sense of humor, the kind of thing that we need, as Lincoln said, to bring out the better angels of our nature; and Herb Bateman did that.

We will all miss him. I hope that we will all look to him as a role model, particularly when we deliberate issues and recognize that there are issues that really require us to all come together.

So to Laura and to his family, he will live on in love. We will miss him.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PACKARD).

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

Mr. Speaker, I did not come here to the floor with the intention of speaking, but I could not help but participate in this discussion to honor Herb Bateman and his wife and family. They came to Congress with me. We were classmates together. We quickly became very close friends. My wife, Jean, and Laura Bateman became close friends quickly. I have been into his district many, many times, at least once a year, and saw the love and the appreciation that his constituency had for him and the work that he was doing.

But he was one of those who I would consider one of the real gentleman of the Congress. He got along with both sides of the aisle. He worked with all people. He was gentle in his approach. He was my kind of a gentleman in the Congress. He was a statesman. I learned to love him a great deal and appreciate the work he has done and his commitment and loyalty to America and the principles that we stand for. He will be sorely missed.

I was shocked yesterday to find that he was scheduled to be involved in an event that I was sponsoring only to find that he was taken to the hospital and later died. I want to pay tribute to him as a gentleman, a man of conviction, as a great American, and one that I love dearly.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, while it deeply saddens me to stand in the well here to pay tribute to my dear friend and former colleague, Mr. Bateman, I can do so with fond memories, as I pass the love and thoughts and prayers from Joni and my family to Laura and Herb's family.

It is individuals like Herb Bateman that give the American system of government, indeed this legislative body, honor, dignity and respect. His character embodied by faith, hard work, discipline and commitment serve as an example to us all.

He distinguished himself with a sense of justice and sound judgment. He was known for his superior knowledge, ethics, and both physical and moral courage. Above else, he was a man of integrity.

As a Member of Congress, he possessed the political prowess and saviness that is necessary in the legislative process. But he did it to help ensure this Nation's military readiness was the best in the world.

As a young veteran in Korea, in the war, he demonstrated the unselfish commitment and sacrifice, like many of our great forefathers that have come before us.

As a colleague, he was a mentor and confidant and a true inspiration as I served with him, junior, on the Committee on Armed Services. Most importantly, though, he was a friend; and he will be missed.

Many of us shared Herb's values and beliefs of duty, honor, and courage; commitments to God, country, and family and our fellow man. He will be greatly missed but his legacy will live on.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. Mr. Speaker, with a heavy heart, I rise and support this resolution before the House today to commemorate the life and service of our colleague, Herb Bateman and, at this time, would like to offer my condolences to his lovely wife, Laura; his children; and his grandchildren.

I will never forget the special memories I made with Herb when we were in Europe just a few weeks ago. We were of the legislative delegation visiting our troops in Scotland, Italy, and Germany. As always, Herb was investigating whether the people in the field were getting the equipment which we had paid for.

In Herb's service, one of the things that always impressed me was the attitude towards the soldier in the field.

This institution can be rightly proud that the Chairman of our Committee on Armed Services Subcommittee on Military Readiness, of which I was his ranking man, was led by a man so completely immersed in the needs of the everyday soldier and sailor in the military.

He was an effective advocate for the interests of his district, to be sure, but that quiet advocacy was always applied to seeing to the basic needs of those who wear our military's uniform.

Herb was a real gentleman. Again, to his friends and family, Laura, I offer my condolences.

Herb was a real gentleman, and he treated people with great respect—from presidents to generals to Capitol Hill staffers to new recruits in the field.

While he was a Republican and I am a Democrat, our partisan affiliations never affected how we went about our work.

One of the things that I loved most about Herb was the way he conducted his business without partisan rife.

When the defense authorization bill was in conference, he was always careful to tend to the needs of individual members on the committee—which I appreciated very much.

We did business the same way that way—the national defense of the United States is not a partisan endeavor.

Neither of us are strident partisans, and working toward a larger purpose on our national defense was our common goal.

When we were in the field, he was dogged about seeing that the taxpayer's money was well spent.

Tonight, I am thinking about my friend, Herb Bateman, but my sympathies are with his beautiful family, particularly his lovely wife Laura.

Laura always traveled with Herb and I got to know them as a couple, away from the rigors of Capitol Hill and the legislative grind we face each day.

There will be one legacy that should be forever associated with Herb Bateman—his passion and his commitment to keeping the troops who wear the uniform of the United States ready for war.

Together, we tackled a host of issues that affected the readiness of the U.S. military.

I hope that in Herb's memory, this chamber can celebrate the non-partisan patriotism that his example brought to us.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER) who leads our delegation to the North Atlantic Assembly, with whom Herb traveled frequently.

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

Mr. BEREUTER. Mr. Speaker, when the gentleman from Virginia (Mr. BLILEY) called my office yesterday to inform me of the passing from this life of our colleague Herbert Bateman, my wife Louise and I were shocked and profoundly saddened by his departure from this life, and we want to convey to Laura Bateman and to the family of the Batemans and their close friends our most sincere condolences.

Herbert Bateman is one of those colleagues that I had great pleasure to serve with. He was, in the modern sense of the word, a patriot. He took great pride in representing the people of the First Congressional District of Virginia. So much profound historical importance, so many important personalities came from that part of Virginia that our friend Herb never tired of citing the examples for us to live up to as a result of the heritage of the District that he represented.

It is true, as mentioned by the gentleman from Virginia (Mr. BLILEY) that, in fact, Herbert Bateman was a very active, a very involved Member of the delegation that met with the North Atlantic Assembly, now called the NATO Parliamentary Assembly. He represented the House very well in that capacity, as I am sure he did in all of his activities, especially the Committee on Armed Services, which was very important to Herb, very important to his District.

I admired Herb Bateman for many, many reasons, but among them is the fact that he would, after examining an issue, be true to his commitments. Herb could be the only person voting for an issue if he felt that was the right way to vote.

When one says integrity, when one says conviction, with respect to Herb Bateman, that is not an exaggeration. He provided great service to his District. He provided an example for all of

us to live up to in the course of our service here in the U.S. House of Representatives.

We will miss greatly Herb Bateman. I wish he had had a chance to enjoy his retirement which was upcoming. I know he thought he spent his time well here, and so did all of us.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, when they write the book on the model congressman, I think Herb Bateman should be chapter one. Here is a gentleman who, although soft spoken most of the time, when he saw a wrong-headed position being taken or he saw the Nation's interest being flaunted, there could be no more forceful speaker than Herb Bateman. We have all seen him in our caucus and on this very floor. He would take the floor infrequently, but when he did, we knew something was on his mind, and he spoke it very, very well; and he was forceful.

He was a man, a Representative who I think, in the truest sense of that word, represented his people extremely well here in this body. He paid attention to the needs of his people back home. He knew their problems. He worked their problems. He tended to his people's business here in a most efficient way. He truly was a representative of his people.

□ 1815

Then on national issues, Herb was one of the House's experts on military matters, of course a very forceful advocate for a strong national defense in the Committee on Armed Services and on the floor of this body, and indeed, as the gentleman from Nebraska (Mr. BEREUTER) has said, in places like the NATO Council and the international bodies that he attended overseas, representing this House and representing our country in a most effective and heartfelt way.

There is no more reasonable person than Herb Bateman. There can also be a Herb Bateman that could let you know exactly how he felt from the tip of his toes all the way up. This body will miss this great statesman. We will miss this personal friend. We wish for Laura and the family all the very best.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, when I came to Congress in 1992, among the first committees that I had the pleasure of serving on was the Merchant Marine Committee; and at that time Herb Bateman was the ranking member.

I knew very little about the process, and it may come as a surprise to some that a person like Herb would take time to walk me through a number of

the issues that were critical both to Virginia and the State of Florida.

I join our colleagues in offering condolences to his family. I got to know him in the way that he is, a quietly effective person who, obviously, is a tremendous patriot and statesman and will be missed by all of us here in this Congress.

I am grateful that I had the pleasure of getting to know such a distinguished gentleman as Herbert Bateman.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

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

Mr. REYES. Mr. Speaker, I thank the gentleman from Virginia for yielding me the time.

Mr. Speaker, during these difficult times where we truly understand the relationship that we have with each other, whether or not we agree politically, whether or not we sit on the same side of the aisle, I had the opportunity to learn from Herb Bateman, an individual who served this country in so many different ways.

Earlier when I found out that he was in fact going to be retiring at the end of this term, I asked him, I said, Herb, how do you know when it is time to retire? He said, "Every individual knows individually when it is time to go. For me, I want to go home and I want to spend time with my family and with Laura."

This evening, as we pay tribute to Herb, I want Laura and his two children and his grandchildren to know that Herb was a man that we all deeply respected, a man that we loved, and that, although at times we might have disagreed with him politically, we are truly all in this together, and we feel your loss every bit as much as you do.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON), a member of the Committee on Armed Services.

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

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in shock and disbelief. I never would have imagined last Wednesday and Thursday as we sat on the conference committee between the House and the Senate working out the differences between our two bills on defense sitting next to Herb Bateman, where Herb was aggressively vocal on issues that were important to our military personnel, important to the readiness of our troops, that we would be eulogizing today Herb on the floor.

Just 6 short weeks ago, Herb and Laura were guests of ours in Philadelphia at the convention where we entertained 100 Members of Congress for the entire week at our former military base. Herb was in great spirits and looking forward to his retirement so he

could spend more time with his family. He was planning the kinds of things that he was going to do when he no longer had the pressures that are obvious here in this body.

Unfortunately, today we have to acknowledge Herb's leadership and his passing and he never got to enjoy that retirement with his wife and his family. But what a legacy Herb left for all of us.

He was the ultimate in terms of what a Member of Congress should be. He had integrity. He was hard working. There was not a dishonest bone in his body. He was dedicated both to his Virginia district, but he also was dedicated to the people of America who serve in uniform. He was always looking for the right way to make sure that our troops who were serving around the world were properly prepared and trained and protected to represent this great Nation.

Herb was the consummate Member of Congress. When he got into an issue, you knew that Herb would stay with that issue because he believed it to be the right issue and the right side of that position whether or not our party was for it or against it. Herb had conviction.

Herb was someone you could always count on to be presenting the right thing in terms of our military but for other groups. He was a strong supporter of our fire and EMS community, looking for ways to help support the volunteers and the paid firefighters down in Virginia and around the country. He was someone who all of us could use as a role model, as I did for the years that I have served in this body, having first met Herb as a junior member of both the Merchant Marine Committee and the Committee on Armed Services.

He will be sadly missed. And to Laura and his family, we say, Laura, our thoughts and our prayers are with you. Herb has done a great deed, and he truly is a statesman.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, when Betty Ann and I came to Congress in 1989, Herb and Laura were some of the first people we met. I was on the Committee on Armed Services at the time. And he was a good and decent man. More than that, he was a gentleman and a friend to me, he and Laura to Betty Ann and I.

We traveled many times on CODELS to the NATO meetings with I see the gentleman from Nebraska (Chairman BEREUTER) over there and the gentleman from Virginia (Chairman BLILEY). And I could just simply go on and on.

I am going to say this about Herb Bateman: he looked for the best in others, and he gave us the best he had. He always put his constituents and his country first. And if there were more Members of Congress like Herb Bateman, this place would be a better place

and our country would be the better for it.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

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

Mr. EHLERS. Mr. Speaker, it is an honor to speak about Herb Bateman, although, there is little I can add to all that has been said already.

I am a junior Member of this body and have not worked with him for long. But I have been with him on the Committee on Transportation and the Infrastructure and always appreciated his forthrightness, his capability, and the attitude with which he attacked the work, particularly that work dealing with the military.

But, in addition to that, I do have to say that Herb was the consummate Virginia gentleman. I always found him to be extremely gentlemanly, very helpful, very thoughtful, very thorough.

My best knowledge of him comes from the trips we have taken to Europe as part of the NATO parliamentary assembly that has been ably led by the gentleman from Nebraska (Mr. BEREUTER). Herb was a regular on those trips, along with his wife Laura; and he always had a major contribution to make.

He was much more diplomatic than I am, because I tend to ask very direct questions and hope for direct answers; but Herb was at his best in dealing with individuals from foreign countries. He would ask those same questions and, hidden underneath the way he asked it, it was still a very direct question; but asked in a very diplomatic and very statesman-like way. In his behavior, in his actions, and particularly in his interaction and questioning with leaders from foreign countries.

I will never forget the lessons that I have learned from him. I deeply appreciated Herb in all aspects of his life that I dealt with him. It is with great sorrow that I learned about his demise this past week.

I certainly wish his family, and especially Laura, God's blessings and comfort at this sad time; and I can only say that Herb was a wonderful man and you can be proud of him as a husband, father, and grandfather.

Mr. TRAFICANT. Mr. Speaker, the House of Representatives suffered an enormous loss yesterday with the death of our colleague Herb Bateman. Herb was the consummate gentleman and a fine American. I had the honor to serve with him for the past fifteen years and have never known a more caring and capable Member.

Herb's list of accomplishments is seemingly never ending. Here are just a few examples of Herb's contribution to this body and this country. As a member of the Military Readiness Subcommittee and the House Merchant Marine Panel, Herb was a leader in helping America make the right decisions in regard to commercial and defense related maritime

issues. He was instrumental in the clean-up of the Chesapeake Bay, bringing more than \$200 million from the federal government to preserve the Bay. Finally, Herb always held steadfast in his fiscal discipline and I have long admired his work on behalf of the nation's taxpayers.

America also lost one of its cherished veterans yesterday. Herb enlisted in the Air Force during the Korean War and for his service, we owe him a debt of gratitude.

My heart and my prayers go out today to Herb's wife Laura, his two children and his extended family. My thoughts also go out to the citizens of the First District of Virginia, to which Herb affectionately referred as "America's First District." They will sorely miss his outstanding leadership.

Mr. YOUNG of Alaska. Mr. Speaker, I was saddened yesterday to hear of the death of my longtime colleague, Herb Bateman. I had the pleasure of serving with Herb on the former Merchant Marine and Fisheries Committee from the beginning of his first term in Congress in 1983 until the Committee was dissolved in 1995, and since that time on the Transportation and Infrastructure Committee. Having seen his work firsthand on these Committees, I can tell you that the United States maritime and shipbuilding industries have had no greater friend. He not only received the Propeller Club of the United States Maritime Industry Salute to Congress Award in 1995, but after announcing his retirement earlier this year, he was awarded the first ever Herbert H. Bateman Award by the American Shipbuilding Association and the Helen Delich Bentley Award by the Propeller Club of the Port of Washington. In his own district, he worked hard to see that the port of Hampton Roads remained competitive, and introduced legislation, which ultimately became law, to deepen the channels there to 55 feet.

During his tenure on the Merchant Marine and Fisheries Committee, he served as the Ranking Member of the Oceanography and Merchant Marine Subcommittees. On the Oceanography Subcommittee, he successfully shepherded through legislation that created the National Oceanographic and Atmospheric Administration's (NOAA) Chesapeake Bay Office, and authorized the Sea Grant oyster disease research program. That research has led to the first small steps that are now being taken to restore oyster populations in the Chesapeake Bay. Much of that work is being done at the Virginia Institute of Marine Science at Gloucester Point. On the Merchant Marine Subcommittee, he authored legislation that established the National Shipbuilding Initiative.

During his freshman term, he served on the Science Committee where he worked to support the interests of the space and aeronautical programs at the National Aeronautics and Space Administration's Langley Research Center in Hampton, Virginia. His wife of 46 years, Laura Yacobi Bateman, worked at Langley before their marriage. He also used those two years to assure that the Department of Energy's Continuous Electron Beam Accelerator Facility would be located in Newport News, Virginia. He was successful in that effort, and the completed facility is now conducting cutting edge research that will help us understand the most basic structure of the physical world. He also led the efforts to rename the facility for his personal political hero,

and it is now the Thomas Jefferson National Laboratory.

For the last 16 years, he served on the Armed Services Committee. On that Committee, he served as the ranking member of the Military Personnel Subcommittee for three terms, and later as the Chairman of the Military Readiness Subcommittee. He also chaired the Armed Services Committee panels on Morale, Welfare and Recreation and the Merchant Marine. In addition to working to assure that U.S. troops were treated fairly, and that the readiness of U.S. forces was maintained, Herb fought to secure construction of new nuclear aircraft carriers and new attack submarines. The construction of these vessels not only meant jobs for the largest employer in his district, Newport News Shipbuilding and Drydock Company, but more importantly assured our ability to project force throughout the world, when needed, and to protect our shores from attack.

While he served on the Committee, two attack submarines were named for the two largest cities in his district, Hampton and Newport News. He was very proud that Laura served as the sponsor of the U.S.S. *Hampton*, which was named for her hometown. In keeping with maritime tradition, she conferred luck on the vessel by christening it on the first swing of the champagne bottle. The U.S.S. *Newport News* was named after Herb's hometown, where he had moved to as a child.

Herb also worked to protect the numerous other military facilities in his district, and was proud that none were closed during the base closing process. The facilities in his district included the Army Training and Doctrine Command at Fort Monroe, the Army Transportation Command at Fort Eustis, the Naval Weapons Center at Dahlgren, the Aegis Training Center at Wallops Island, on Army training facility at Fort A.P. Hill, and Langley Air Force Base in Hampton. Not only did he support military facilities when in Congress, but he also served in the Armed Forces as an Air Force intelligence officer.

Herb was proud to represent Virginia's First Congressional District, which he liked to call "America's First District". The district included not only Jamestown, where American representative government was founded, but also Williamsburg where America's democratic tradition was nurtured and matured, and Yorktown where our country's freedom was finally won. During his first term, a resolution that he sponsored was adopted to commemorate the signing of the Treaty of Paris that formally ended the Revolutionary War. In fact, Herb was honored to represent the U.S. Congress when he joined the Speaker of the British House of Commons, the Honorable Betty Boothroyd, in 1994 to celebrate the 375th Anniversary of the first meeting of an elected representative body in North America, the Virginia House of Burgesses. The House of Burgesses was the predecessor of the Virginia State Senate where Herb served from 1968 until he came to Congress.

At different times, his district also included the James River plantations, the birthplaces of both George Washington and Robert E. Lee, and many Civil War battlefields. These include sites of the two Peninsula campaigns, Chancellorsville, the Wilderness, and the battle of Fredricksburg. He was successful in gaining Federal assistance for the privately-owned George Washington childhood home

site, and funds to acquire additional historic property that was threatened by inappropriate development at the Fredricksburg and Spotsylvania National Battlefield Parks, and adjacent to the Colonial National Parkway.

In addition to the founding of Jamestown, and the defeat of Cornwallis at Yorktown, another major historic event occurred in the waters just off the Virginia Peninsula, the battle of the Monitor and Merrimac, or as the confederates called it, the Virginia. This one-day battle changed the course of Naval warfare forever. Unfortunately, the Monitor was lost soon afterward off the coast of North Carolina. The Monitor was located in 1972, and became the first United States National Marine Sanctuary. The Sanctuary headquarters is located at the Mariners' Museum only a few blocks from Herb and Laura's Newport News home. At Herb's request, Congress required the National Oceanic and Atmospheric Administration (NOAA) to prepare a report on the long-term conservation of the MONITOR. As a result of that study, a multi-year project is underway to stabilize the wreck, and recover, conserve, and display historically significant portions of the vessel. I am sure Herb will be pleased to know that these important historic artifacts will be protected and displayed so near his home.

Also near his home is the Monitor-Merrimac Memorial Bridge Tunnel. He helped secure the funds and permits for this important transportation project as well as the widening of the Coleman Bridge and I-95 improvements in the rapidly growing northern part of the district.

In addition to its military, historic and scientific research facilities, Herb's district includes important natural features. He represented most of Virginia adjacent to the Chesapeake Bay, including much of the James, York, Rappahannock and Potomac Rivers. His district also includes the last significant chain of underdeveloped barrier islands which run along the Atlantic Coast from Chincoteague to Cape Charles. These islands lie off the Eastern Shore of Virginia, a rural area of great natural beauty that Herb was particularly proud to serve. In addition to supporting funding for the federal Chesapeake Bay Program, he also authored legislation that was adopted by Congress to create the Eastern Shore of Virginia National Wildlife Refuge, supported the creation of the Rappahannock National Wildlife Refuge, and successfully sought funds to expand the Chincoteague National Wildlife Refuge. This year, Congress is expected to approve funds he sought to begin construction of a new education and administrative center on Chincoteague, one of the most frequently visited refuges in the country. Herb also authored legislation to ban the use of highly toxic tributyltin paints in shallow waters. That ban has now been in effect for over a decade.

Herb was educated and worked in the historic areas he was so proud to represent. After attending Newport News High School, he, like Thomas Jefferson, graduated from the College of William and Mary. While in the Air Force, he completed a law degree at Georgetown University Law School at night. After leaving the Service, he joined the Newport News, Virginia, law firm of Jones, Blechman, Woltz and Kelly. He retired from the firm as a partner when he was elected to Congress. After coming to Congress, he received an honorary doctorate from his alma mater in 1997. He also received an honorary degree from Christopher

Newport College in 1992 and Mary Washington College in 1999.

This is not a comprehensive list of Herb's work and achievements during his time in Congress, but it shows you how his life and work were intertwined with the parts of tide-water Virginia that he so ably represented for 18 years. I know his constituents will miss him, and it saddens me to think that he will not be able to enjoy the retirement that he planned to begin in January. My sympathy goes out to Laura, his children Bert and Laura, Bert's wife Mary, and Herb's beloved grandchildren, Emmy, Hank and Sam.

Mr. SHUSTER. Mr. Speaker, Herb Bateman was more than an outstanding Congressman. He was an outstanding American and a fine gentleman. We contributed mightily to his District, his state and the nation. He served together on the Transportation and Infrastructure committee where his wise advice was sought and followed. We travelled together on several Delegation trips around the world, and he and his wife, Laura, were a delight to be with.

America is less bright today because of the passing of my friend and colleague, Herb Bateman. But America is better today because of his life. May he rest in peace.

Mr. JENKINS. Mr. Speaker, it is with great sadness and a heavy heart that I come to the floor to pay tribute to our colleague, Congressman Herb Bateman of Virginia.

Herb was a great gentleman and an excellent Congressman. Herb spent much of his life dedicated to the career of public service, serving his country in the United States Air Force during the Korean War, representing the people of Virginia in the Virginia State Senate for 15 years, and representing the First Congressional District of Virginia in the United States Congress for 18 years.

Herb was a man of honor and integrity who was respected by colleagues on both sides of the aisle. He fought for the principles of the people he represented, and he never wavered in those efforts. I am honored to have had the opportunity to work with Herb Bateman over the past four years. He was a good friend and a great Congressman. The United States House of Representatives was a better place with the service of Herb Bateman. I know that I share the entire sentiment of the Congress in offering the condolences of the Congress to Herb's family and friends. He will be sorely missed by all of us.

#### GENERAL LEAVE

Mr. BLILEY. 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 House Resolution 573.

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

There was no objection.

Mr. BLILEY. Mr. Speaker, 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 recommit was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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.

Votes will be taken in the following order:

- H.R. 2090, by the yeas and nays;
- H.R. 4957, by the yeas and nays;
- H.R. 3632, by the yeas and nays;
- H.R. 4583, by the yeas and nays; and
- S. 1374, 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.

#### EXPLORATION OF THE SEAS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2090, 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. 2090, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 8, not voting 35, as follows:

[Roll No. 460]

YEAS—390

Abercrombie	Cardin	Everett
Aderholt	Carson	Ewing
Allen	Castle	Farr
Andrews	Chambliss	Fattah
Archer	Clayton	Fletcher
Armey	Clement	Foley
Baca	Clyburn	Forbes
Bachus	Coble	Ford
Baird	Coburn	Fossella
Baker	Collins	Fowler
Baldacci	Combest	Frank (MA)
Baldwin	Condit	Frelinghuysen
Ballenger	Cook	Frost
Barcia	Cooksey	Gallegly
Barrett (NE)	Costello	Ganske
Barrett (WI)	Cox	Gejdenson
Bartlett	Coyne	Gekas
Barton	Cramer	Gephardt
Bass	Crane	Gibbons
Bentsen	Cubin	Gilchrest
Bereuter	Cummings	Gillmor
Berkley	Cunningham	Gilman
Berman	Danner	Gonzalez
Berry	Davis (FL)	Goode
Biggert	Davis (IL)	Goodlatte
Bilbray	Davis (VA)	Goodling
Bilirakis	Deal	Gordon
Bishop	DeFazio	Goss
Blagojevich	DeGette	Graham
Bliley	Delahunt	Granger
Blumenauer	DeLauro	Green (TX)
Blunt	DeLay	Green (WI)
Boehner	DeMint	Greenwood
Bonior	Deutsch	Gutierrez
Bono	Diaz-Balart	Gutknecht
Boswell	Dickey	Hall (OH)
Boucher	Dicks	Hall (TX)
Boyd	Dingell	Hansen
Brady (PA)	Dixon	Hastings (FL)
Brady (TX)	Doggett	Hastings (WA)
Brown (FL)	Dooley	Hayes
Brown (OH)	Doolittle	Hayworth
Bryant	Doyle	Hefley
Burr	Dreier	Heger
Burton	Duncan	Hill (IN)
Buyer	Dunn	Hill (MT)
Callahan	Edwards	Hilleary
Calvert	Ehlers	Hilliard
Camp	Ehrlich	Hinchey
Canady	Emerson	Hinojosa
Cannon	English	Hobson
Capps	Etheridge	Hoefel
Capuano	Evans	Hoekstra



Holden	Menendez	Sawyer
Holt	Metcalf	Saxton
Hooley	Mica	Scarborough
Horn	Millender-	Schakowsky
Houghton	McDonald	Scott
Hoyer	Miller (FL)	Sessions
Hulshof	Miller, Gary	Shadegg
Hunter	Miller, George	Shaw
Hutchinson	Minge	Shays
Hyde	Mink	Sherman
Inslee	Moakley	Sherwood
Isakson	Mollohan	Shimkus
Istook	Moore	Shows
Jackson (IL)	Moran (KS)	Shuster
Jackson-Lee	Moran (VA)	Simpson
(TX)	Morella	Sisisky
Jefferson	Murtha	Skeen
Jenkins	Myrick	Skelton
John	Nadler	Slaughter
Johnson (CT)	Napolitano	Smith (MI)
Johnson, Sam	Neal	Smith (NJ)
Jones (NC)	Nethercutt	Smith (TX)
Jones (OH)	Ney	Smith (WA)
Kanjorski	Northup	Snyder
Kaptur	Norwood	Spence
Kasich	Nussle	Spratt
Kelly	Oberstar	Stabenow
Kennedy	Obey	Stark
Kildee	Olver	Stearns
Kilpatrick	Ortiz	Stenholm
Kind (WI)	Ose	Strickland
King (NY)	Oxley	Stump
Kingston	Packard	Stupak
Klecza	Pallone	Sununu
Knollenberg	Pascrell	Talent
Kolbe	Pastor	Tancredo
Kucinich	Payne	Tanner
Kuykendall	Pease	Tauscher
LaFalce	Pelosi	Tauzin
LaHood	Peterson (MN)	Taylor (MS)
Lampson	Peterson (PA)	Taylor (NC)
Lantos	Petri	Terry
Largent	Phelps	Thomas
Larson	Pickering	Thompson (CA)
Latham	Pickett	Thompson (MS)
LaTourette	Pitts	Thornberry
Leach	Pombo	Thune
Lee	Pomeroy	Thurman
Levin	Porter	Tiahrt
Lewis (CA)	Portman	Tierney
Lewis (GA)	Price (NC)	Toomey
Lewis (KY)	Pryce (OH)	Trafficant
Linder	Quinn	Turner
Lipinski	Radanovich	Udall (NM)
LoBiondo	Rahall	Upton
Lowe	Ramstad	Visclosky
Lucas (KY)	Rangel	Vitter
Lucas (OK)	Regula	Walden
Luther	Reyes	Walsh
Maloney (NY)	Reynolds	Wamp
Manzullo	Riley	Waters
Markey	Rivers	Watt (NC)
Martinez	Rodriguez	Watts (OK)
Mascara	Roemer	Waxman
Matsui	Rogan	Weldon (FL)
McCarthy (MO)	Rogers	Weldon (PA)
McCarthy (NY)	Rohrabacher	Weller
McCrary	Ros-Lehtinen	Whitfield
McDermott	Roukema	Wicker
McGovern	Roybal-Allard	Wilson
McHugh	Rush	Wolf
McInnis	Ryan (WI)	Woolsey
McIntyre	Ryun (KS)	Wu
McKeon	Sabo	Wynn
McKinney	Salmon	Young (AK)
McNulty	Sanchez	Young (FL)
Meehan	Sanders	
Meek (FL)	Sandlin	

NAYS—8

Barr	Hostettler	Sanford
Chabot	Paul	Sensenbrenner
Chenoweth-Hage	Royce	

NOT VOTING—35

Ackerman	Franks (NJ)	Serrano
Becerra	Johnson, E.B.	Souder
Boehlert	Klink	Sweeney
Bonilla	Lazio	Towns
Borski	Lofgren	Udall (CO)
Campbell	Maloney (CT)	Velazquez
Clay	McCollum	Vento
Conyers	Watkins	Weiner
Crowley	Meeks (NY)	Weygand
Engel	Owens	Wise
Eshoo	Rothman	
Filner	Schaffer	

□ 1848

Mr. RUSH 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. SHAW). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motions to suspend the rules on which the Chair has postponed further proceedings.

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4957.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4957, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 35, as follows:

[Roll No. 461]

YEAS—398

Abercrombie	Burr	Deutsch
Aderholt	Burton	Diaz-Balart
Allen	Buyer	Dickey
Andrews	Callahan	Dicks
Archer	Calvert	Dingell
Armey	Camp	Dixon
Baca	Canady	Doggett
Bachus	Cannon	Dooley
Baird	Capps	Doolittle
Baker	Capuano	Doyle
Baldacci	Cardin	Dreier
Baldwin	Carson	Duncan
Balenger	Castle	Dunn
Barcia	Chabot	Edwards
Barr	Chambless	Ehlers
Barrett (NE)	Clayton	Ehrlich
Barrett (WI)	Clement	Emerson
Bartlett	Clyburn	English
Barton	Coble	Etheridge
Bass	Coburn	Evans
Bentsen	Collins	Everett
Bereuter	Combest	Ewing
Berkley	Condit	Farr
Berman	Cook	Fattah
Berry	Cooksey	Fletcher
Biggart	Costello	Foley
Bilbray	Cox	Forbes
Bilirakis	Coyne	Ford
Bishop	Cramer	Fossella
Blagojevich	Crane	Fowler
Biley	Cubin	Frank (MA)
Blumenauer	Cummings	Frelinghuysen
Blunt	Cunningham	Frost
Boehner	Danner	Galleghy
Bonior	Davis (FL)	Ganske
Bono	Davis (IL)	Gejdenson
Boswell	Davis (VA)	Gekas
Boucher	Deal	Gephardt
Boyd	DeFazio	Gibbons
Brady (PA)	DeGette	Gilchrest
Brady (TX)	DeLahunt	Gillmor
Brown (FL)	DeLauro	Gilman
Brown (OH)	DeLay	Gonzalez
Bryant	DeMint	Goode

Goodlatte	Manzullo	Royce
Goodling	Markey	Rush
Gordon	Martinez	Ryan (WI)
Goss	Mascara	Ryun (KS)
Graham	Matsui	Sabo
Granger	McCarthy (MO)	Salmon
Green (TX)	McCarthy (NY)	Sanchez
Green (WI)	McCrary	Sanders
Greenwood	McDermott	Sandlin
Gutierrez	McGovern	Sanford
Gutknecht	McHugh	Sawyer
Hall (OH)	McInnis	Saxton
Hall (TX)	McIntyre	Scarborough
Hansen	McKeon	Schakowsky
Hastings (FL)	McKinney	Scott
Hastings (WA)	McNulty	Sensenbrenner
Hayes	Meehan	Sessions
Hayworth	Meek (FL)	Shadegg
Hefley	Menendez	Shaw
Heger	Metcalf	Shays
Hill (IN)	Mica	Sherman
Hill (MT)	Millender-	Sherwood
Hilleary	McDonald	Shimkus
Hilliard	Miller (FL)	Shows
Hinchey	Miller, Gary	Shuster
Hinojosa	Miller, George	Simpson
Hobson	Minge	Sisisky
Hoefel	Mink	Skeen
Hoekstra	Moakley	Skelton
Holden	Mollohan	Slaughter
Holt	Moore	Smith (MI)
Hooley	Moran (KS)	Smith (NJ)
Horn	Moran (VA)	Smith (TX)
Hostettler	Morella	Smith (WA)
Houghton	Murtha	Snyder
Hoyer	Myrick	Spence
Hulshof	Nadler	Spratt
Hunter	Napolitano	Stabenow
Hutchinson	Neal	Stark
Hyde	Nethercutt	Stearns
Inslee	Ney	Stenholm
Isakson	Northup	Strickland
Istook	Norwood	Stump
Jackson (IL)	Nussle	Stupak
Jackson-Lee	Oberstar	Sununu
(TX)	Obey	Talent
Jefferson	Olver	Tancredo
Jenkins	Ortiz	Tanner
John	Ose	Tauscher
Johnson (CT)	Oxley	Tauzin
Johnson, Sam	Packard	Taylor (MS)
Jones (NC)	Pallone	Taylor (NC)
Jones (OH)	Pascrell	Terry
Kanjorski	Pastor	Thomas
Kaptur	Paul	Thompson (CA)
Kasich	Payne	Thompson (MS)
Kelly	Pease	Thornberry
Kennedy	Pelosi	Thune
Kildee	Peterson (MN)	Thurman
Kilpatrick	Peterson (PA)	Tiahrt
Kind (WI)	Petri	Tierney
King (NY)	Phelps	Toomey
Kingston	Pickering	Trafficant
Klecza	Pickett	Turner
Knollenberg	Pitts	Udall (NM)
Kolbe	Pombo	Upton
Kucinich	Pomeroy	Visclosky
Kuykendall	Porter	Vitter
LaFalce	Portman	Walden
LaHood	Price (NC)	Walsh
Lampson	Pryce (OH)	Wamp
Lantos	Quinn	Waters
Largent	Radanovich	Watt (NC)
Larson	Rahall	Watts (OK)
Latham	Ramstad	Waxman
LaTourette	Rangel	Weldon (FL)
Leach	Regula	Weldon (PA)
Lee	Reyes	Weller
Levin	Reynolds	Wexler
Lewis (CA)	Riley	Whitfield
Lewis (GA)	Rivers	Wicker
Lewis (KY)	Rodriguez	Wilson
Linder	Roemer	Wolf
Lipinski	Rogan	Woolsey
LoBiondo	Rogers	Wu
Lowe	Rohrabacher	Wynn
Lucas (KY)	Ros-Lehtinen	Young (AK)
Lucas (OK)	Rothman	Young (FL)
Luther	Roukema	
Maloney (NY)	Roybal-Allard	

NOT VOTING—35

Ackerman	Clay	Johnson, E. B.
Becerra	Conyers	Klink
Boehlert	Crowley	Lazio
Bonilla	Engel	Lofgren
Borski	Eshoo	Maloney (CT)
Campbell	Filner	McCollum
Chenoweth-Hage	Franks (NJ)	McIntosh

Meeks (NY) Sweeney  
Owens Towns  
Schaffer Udall (CO)  
Serrano Velazquez  
Souder Vento

□ 1857

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT OF 2000**

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3632, 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3632, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 68, not voting 32, as follows:

[Roll No. 462]  
YEAS—333

Abercrombie Collins Gillmor  
Aderholt Condit Gilman  
Allen Conyers Gonzalez  
Andrews Cook Goodling  
Archer Cooksey Gordon  
Baca Costello Goss  
Bachus Cox Granger  
Baird Coyne Green (TX)  
Baker Cramer Green (WI)  
Baldacci Crowley Greenwood  
Baldwin Cummings Gutierrez  
Ballenger Cunningham Hall (OH)  
Barcia Danner Hall (TX)  
Barrett (NE) Davis (FL) Hansen  
Barrett (WI) Davis (IL) Hastings (FL)  
Barton Davis (VA) Hastings (WA)  
Bass Deal Hayworth  
Bentsen DeFazio Hefley  
Bereuter DeGette Hill (IN)  
Berkley Delahunt Hill (MT)  
Berman DeLauro Hilliard  
Berry Deutsch Hinchey  
Biggert Diaz-Balart Hinojosa  
Bilbray Dickey Hobson  
Billrakis Dicks Hoeffel  
Bishop Dingell Hoekstra  
Blagojevich Dixon Holden  
Bliley Doggett Holt  
Blumenauer Dooley Hooley  
Bonior Doyle Horn  
Bono Dreier Houghton  
Boswell Edwards Hoyer  
Boucher Ehlers Hulshof  
Boyd English Hunter  
Brady (PA) Etheridge Hutchinson  
Brady (TX) Evans Hyde  
Brown (FL) Everett Inslee  
Brown (OH) Farr Isakson  
Burr Fattah Istook  
Burton Fletcher Jackson (IL)  
Buyer Foley Jackson-Lee  
Callahan Forbes (TX)  
Calvert Ford Jefferson  
Canady Fossella John  
Cannon Frank (MA) Johnson (CT)  
Capps Frelinghuysen Johnson, Sam  
Capuano Frost Jones (NC)  
Cardin Gallegly Jones (OH)  
Carson Ganske Kanjorski  
Castle Gejdenson Kaptur  
Chambliss Gekas Kasich  
Clayton Gephardt Kelly  
Clement Gibbons Kennedy  
Clyburn Gilchrist Kildee

Kilpatrick Myrick  
Kind (WI) Nadler  
King (NY) Napolitano  
Klecza Neal  
Knollenberg Ney  
Kolbe Northup  
Kucinich Oberstar  
Kuykendall Obey  
LaFalce Olver  
LaHood Ortiz  
Lampson Oxley  
Lantos Packard  
Larson Pallone  
LaTourrette Pascrell  
Leach Pastor  
Lee Payne  
Levin Pelosi  
Lewis (CA) Peterson (MN)  
Lewis (GA) Peterson (PA)  
Lewis (KY) Phelps  
Lipinski Pickering  
LoBiondo Pickett  
Lowe Pitts  
Lucas (KY) Pomeroy  
Lucas (OK) Porter  
Luther Portman  
Maloney (NY) Price (NC)  
Marky Pryce (OH)  
Martinez Quinn  
Mascara Radanovich  
Matsui Rahall  
McCarthy (MO) Ramstad  
McCarthy (NY) Rangel  
McCrery Regula  
McDermott Reyes  
McGovern Reynolds  
McHugh Riley  
McInnis Rivers  
McIntyre Rodriguez  
McKeon Roemer  
McKinney Rogan  
McNulty Rogers  
Meehan Ros-Lehtinen  
Meek (FL) Rothman  
Menendez Roukema  
Mica Roybal-Allard  
Millender Rush  
McDonald Ryan (WI)  
Miller (FL) Sabo  
Miller, George Salmon  
Minge Sanchez  
Mink Sanders  
Moakley Sandlin  
Mollohan Sawyer  
Moore Saxton  
Moran (VA) Scarborough  
Morella Schakowsky  
Murtha Scott

NAYS—68

Armey Goode Petri  
Barr Goodlatte Pombo  
Bartlett Graham Rohrabacher  
Blunt Gutknecht Royce  
Boehner Hayes Ryun (KS)  
Bryant Herger Sanford  
Camp Hilleary Sensenbrenner  
Chabot Hostettler Sessions  
Chenoweth-Hage Jenkins Shadegg  
Coble Kingston Simpson  
Coburn Largent Smith (MI)  
Combest Latham Stearns  
Crane Linder Stump  
Cubin Manzullo Sununu  
DeLay Metcalf Tancredo  
DeMint Miller, Gary Taylor (NC)  
Duncan Nethercutt Thornberry  
Dunn Norwood Tiahrt  
Ehrlich Nussle Toomey  
Emerson Ose Wamp  
Ewing Paul Watters (OK)  
Fowler Pease Wicker

NOT VOTING—32

Ackerman Johnson, E. B.  
Becerra Klink Souder  
Boehlert Lazio Sweeney  
Bonilla Lofgren Towns  
Borski Maloney (CT) Udall (CO)  
Campbell McCollum Velazquez  
Clay McIntosh Vento  
Engel Meeks (NY) Watkins  
Eshoo Owens Weiner  
Filner Schaffer Weygand  
Franks (NJ) Serrano Wise

Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Sisisky  
Skeen  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Spence  
Spratt  
Stabenow  
Stark  
Stenholm  
Strickland  
Stupak  
Talent  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thune  
Thurman  
Tierney  
Traficant  
Turner  
Udall (NM)  
Upton  
Visclosky  
Vitter  
Walden  
Walsh  
Waters  
Watt (NC)  
Waxman  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wilson  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

□ 1906

Messrs. CAMP, SIMPSON and GRAHAM changed their vote from “yea” to “nay.”

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.

**PERSONAL EXPLANATION**

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 460. Had I been present I would have voted “yes.”

Mr. Speaker, I was unavoidably detained during rollcall vote No. 461. Had I been present I would have voted “yes.”

Mr. Speaker, I was unavoidably detained during rollcall vote No. 462. Had I been present I would have voted “yes.”

**AIR FORCE MEMORIAL FOUNDATION AUTHORIZATION**

The SPEAKER pro tempore (Mr. SHAW). The pending business is the question of suspending the rules and passing the bill, H.R. 4583.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4583, 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 398, nays 0, not voting 35, as follows:

[Roll No. 463]  
YEAS—398

Abercrombie Brown (FL) Davis (FL)  
Aderholt Brown (OH) Davis (IL)  
Allen Bryant Davis (VA)  
Andrews Burr Deal  
Archer Burton DeFazio  
Armey Buyer DeGette  
Baca Callahan Delahunt  
Bachus Calvert DeLauro  
Baird Camp DeLay  
Baker Canady DeMint  
Baldacci Cannon Deutsch  
Baldwin Capps Diaz-Balart  
Ballenger Capuano Dickey  
Barcia Cardin Dicks  
Barr Carson Dingell  
Barrett (NE) Castle Dixon  
Barrett (WI) Chabot Doggett  
Bartlett Chambliss Dooley  
Barton Chenoweth-Hage Doolittle  
Bass Clayton Doyle  
Bentsen Clement Dreier  
Berkley Clyburn Duncan  
Berman Coble Dunn  
Berry Coburn Edwards  
Biggert Collins Ehrlich  
Bilbray Combest Emerson  
Bilirakis Condit English  
Bishop Conyers Etheridge  
Blagojevich Cook Evans  
Bliley Cooksey Everett  
Blumenauer Costello Farr  
Blunt Cox Fattah  
Boehner Coyne Fletcher  
Bonior Cramer Foley  
Bono Crane Forbes  
Boswell Crowley Ford  
Boucher Cubin Fossella  
Boyd Cummings Fowler  
Brady (PA) Cunningham Frank (MA)  
Brady (TX) Danner Frelinghuysen

Frost  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green (TX)  
Green (WI)  
Greenwood  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Heger  
Hill (IN)  
Hill (MT)  
Hilleary  
Hilliard  
Hinchee  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inslie  
Isakson  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Klecza  
Knollenberg  
Kolbe  
Kucinich  
Kuykendall  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Larson  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)

Linder  
Lipinski  
LoBiondo  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (FL)  
Miller, Gary  
Miller, George  
Minge  
Mink  
Moakley  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Ose  
Oxley  
Packard  
Pallone  
Pascrell  
Paul  
Payne  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Reyes  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers

NOT VOTING—35

Ackerman  
Becerra  
Bereuter

Boehlert  
Bonilla  
Borski  
Campbell  
Clay  
Ehlers

Rohrabacher  
Ros-Lehtinen  
Rothman  
Roybal-Allard  
Royce  
Ryan (WI)  
Ryun (KS)  
Sabo  
Salmon  
Sanchez  
Sanders  
Sandlin  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schaffer  
Schakowsky  
Scott  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simpson  
Sisisky  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Spence  
Spratt  
Stabenow  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sununu  
Talent  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tierney  
Toomey  
Traficant  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watt (NC)  
Watts (OK)  
Waxman  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson  
Wolf  
Woolsey  
Wu  
Young (AK)  
Young (FL)

□ 1914

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 463 I stepped out of the Chamber for a discussion and did not return in time to record my vote. Had I been present, I would have voted "yes."

JACKSON MULTI-AGENCY CAMPUS ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1374.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1374, 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 400, nays 0, not voting 33, as follows:

[Roll No. 464]  
YEAS—400

Abercrombie  
Aderholt  
Allen  
Andrews  
Archer  
Army  
Baca  
Bachus  
Baird  
Baker  
Baldacci  
Baldwin  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggett  
Bilbray  
Bilirakis  
Bishop  
Blagojevich  
Bliley  
Blumenauer  
Blunt  
Boehner  
Bonior  
Bono  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (FL)

McColum  
McIntosh  
Meeks (NY)  
Owens  
Roukema  
Rush  
Serrano  
Souder  
Sweeney  
Townes  
Velazquez  
Vento  
Watkins  
Weiner  
Weygand  
Wise  
Wynn  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green (TX)  
Green (WI)  
Greenwood  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Heger  
Hill (IN)  
Hill (MT)  
Hilleary  
Hilliard  
Hinchee  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inslie  
Isakson  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Klecza  
Knollenberg  
Kolbe  
Kucinich  
Kuykendall  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Larson  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Etheridge  
Evans  
Everett  
Ewing  
Farr  
Fattah  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Fowler  
Frank (MA)  
Danner  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gejdenson

Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
Meehan  
Meek (FL)  
Menendez  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (FL)  
Miller, Gary  
Miller, George  
Minge  
Mink  
Moakley  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Ose  
Oxley  
Packard  
Pallone  
Pascrell  
Pastor  
Paul  
Payne  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Reyes  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher

NOT VOTING—33

Ackerman  
Becerra  
Boehlert  
Bonilla  
Borski  
Campbell  
Chambliss  
Clay  
Engel  
Eshoo  
Filner  
Franks (NJ)  
Gutierrez  
Johnson, E. B.  
Klink

Lazio	Roukema	Vento
Lofgren	Serrano	Watkins
McCollum	Souder	Weiner
McIntosh	Sweeney	Weldon (FL)
Meeks (NY)	Towns	Weygand
Owens	Velazquez	Wise

□ 1921

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

Mr. CONYERS. Mr. Speaker, pursuant to clause 7c of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 4205 tomorrow. The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to agree to the provisions contained in title 15 of the Senate amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken tomorrow.

RECOGNITION FOR SLAVE LABORERS WHO WORKED ON CONSTRUCTION OF UNITED STATES CAPITOL

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 368) establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

The Clerk read as follows:

H. CON. RES. 368

Whereas the United States Capitol stands as a symbol of democracy, equality, and freedom to the entire world;

Whereas the year 2000 marks the 200th anniversary of the opening of this historic structure for the first session of Congress to be held in the new Capital City;

Whereas slavery was not prohibited throughout the United States until the ratification of the 13th amendment to the Constitution in 1865;

Whereas previous to that date, African American slave labor was both legal and

common in the District of Columbia and the adjoining States of Maryland and Virginia;

Whereas public records attest to the fact that African American slave labor was used in the construction of the United States Capitol;

Whereas public records further attest to the fact that the five-dollar-per-month payment for that African American slave labor was made directly to slave owners and not to the laborer; and

Whereas African Americans made significant contributions and fought bravely for freedom during the American Revolutionary War: Now, therefore, be it

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

(1) the Speaker of the House of Representatives and the President pro tempore of the Senate shall establish a special task force to study the history and contributions of these slave laborers in the construction of the United States Capitol; and

(2) such special task force shall recommend to the Speaker of the House of Representatives and the President pro tempore of the Senate an appropriate recognition for these slave laborers which could be displayed in a prominent location in the United States Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

Mr. Speaker, first of all, I want to compliment and congratulate the gentleman from Oklahoma (Mr. WATTS), my friend and my conference chairman; and the gentleman from Georgia (Mr. LEWIS), my friend and colleague on the Committee on Ways and Means; one, for the way in which this legislation has been put together; and, two, the time in which we have moved.

It has now become better known that several months ago a local television reporter unearthed some United States Treasury Department pay slips that, strange as it may seem, allows us to have a better understanding of what went on in the early stages of the building of our Capitol. One would think that we would have as complete a documentation as any people could have.

And yet what we found out was that those pay slips showed that there were slave owners who were paid for work in the building of the United States Capitol. Pretty obviously, the labor was not done by the slave owners. In fact, it was slaves that did the work, more than 400, which gives us an even more appropriate reason for recognizing the importance of this particular building, and a continued understanding of the true and honest history of the United States.

The resolution would create a task force to study the history and contributions of those slave laborers. There has been some concern that the legislation is not real specific about the way in which this task force would be appointed, other than, according to the resolution, to have the Speaker of

the House and the President pro tempore of the Senate make the appointments. I would hope everyone understands that this is not to be a political task force. It is not to be some kind of political endeavor to make sure one is politically correct.

The reason we wanted to have the task force was to reach out to those very appropriate professionals who would have knowledge and understanding to assist us in creating whatever the appropriate recognition might be, and we do not want to prejudge what will be presented to us, so that in a prominent location in the Capitol we can, one, give proper credit; two, recognize the fact that it occurred but, more importantly, understand better this particular building and the very human involvement in now yet another dimension not fully appreciated in the creation of our country.

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

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

It is an appropriate and, at the same time, regrettable fact that I rise today in support of this resolution. It is appropriate because I am proud to join my colleagues in an attempt to recognize a terrible wrong, to shed light on a dark chapter in our Nation's history. Sad, because it is a shame that this resolution is even necessary. However, it is necessary; and I commend the gentleman from Georgia (Mr. LEWIS) and the gentleman from Oklahoma (Mr. WATTS), my colleagues, for their hard work in bringing this resolution to the floor.

This resolution, as the chairman has pointed out, will establish a task force to recommend an appropriate recognition of the slave laborers who built the United States Capitol. Not all of the workers were slaves. There were free men that worked by their side; but there were slaves who, as the chairman has pointed out, were not paid for their work; their owners were paid for their work. And their work helped build this Capitol.

That sentence should shock all of our sensibilities. Yes, this temple of liberty was built, in part, on the backs of slave laborers.

□ 1930

That is a tragedy, and was a denial of the statement we made to all the world that we believed that all men were created equal and endowed by their Creator with certain unalienable rights.

Notwithstanding the fact that we published that to the world, we continued slavery in America. Yes, we used slaves in part to build this Capitol. Those workers toiled in the hot D.C. summers to build this monument to freedom, the people's House, the freedom they did not have. Yet, they did not share in the promise of America. There was compensation, as has been pointed out: \$5 a month to the owners.

This tragic piece of our Nation's history needs to be explored and exposed.

We often forget the proud history of slaves in the United States. The government denied them their freedom, but nobody could take away their dignity. They fought bravely in the Revolutionary War to secure our Nation's freedom, yet they were not free. After that noble effort, they worked to build a tribute to this Nation's ideals, this Capitol building, but they were denied the very freedom it symbolized.

As a recent article in the Washington Post explains, little is known about the slaves. We know that for a time Phillip Reid, the only slave that we know the last name of, served as superintendent of the project, but the other slaves are known only by first names jotted in dusty ledgers.

I hope this task force is able to uncover more details about these men who did backbreaking work for a nation that denied them their fundamental rights. We need to know more about George, Thomas, Harry, and Jerry, and all the others who built this temple to democracy and freedom. Without knowing more about their history, Mr. Speaker, our collective history, our Nation's history, will be forever incomplete.

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

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

My colleague, the gentleman from Maryland (Mr. HOYER), mentioned that we do know for sure one of the slave's names, a fellow by the name of Phillip Reed. Talk about irony upon irony, he, given his professional capabilities, helped cast the bronze statue atop our Capitol that was recently refurbished, and of course we know that as the Statue of Freedom.

Mr. Speaker, I ask unanimous consent that the rest of the time be controlled by my friend and colleague, the gentleman from Oklahoma (Mr. WATTS), chairman of the Republican Conference.

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

There was no objection.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support House Concurrent Resolution 368, legislation that I introduced earlier this year and that I believed to be long overdue in highlighting a disturbing but important fact about the history of this magnificent building and symbol of freedom, the United States Capitol.

I want to especially thank my distinguished colleague, the gentleman from Georgia (Mr. LEWIS), for joining in this effort as the bill's original cosponsor, and I want to thank the chairman of the committee on House Administration, the gentleman from California (Mr. THOMAS), and the ranking member, the gentleman from Maryland (Mr. HOYER), for their support of this critically important recognition of the

slave laborers who built this extraordinary structure that houses the deliberations of the oldest democracy on Earth.

Mr. Speaker, every day we are here in session our debates and legislative activities underscore that this is a living building that embodies America's greatest principles of democracy and liberty. However, one significant historical fact about this building is often forgotten. That fact is that much of the construction of this Capitol in the 18th and 19th centuries was done by slave labor.

As we all know, slavery was not eliminated across the United States until the ratification of the Thirteenth Amendment in 1865. Before that date, slave labor was both legal and common throughout the South, including the District of Columbia, Maryland, and Virginia.

Public records attest to the historical fact that African-American slave labor was used in the construction of the United States Capitol, both here on this site and further south, in the Virginia quarries that provided the marble for this very building.

It is time we recognize the contributions of these slave laborers. I am proud we will have the opportunity today to do so by passing this resolution to establish a special congressional task force which will study the history of this period and recommend an appropriate memorial to the labors of these great Americans to be displayed prominently here in our Nation's Capitol.

Mr. Speaker, this year we celebrate the 200th anniversary of the first session of Congress to be held here in this historic building. I think that is a long enough time to go without a public and visible acknowledgment of the incongruous but important historical fact that the blood, sweat, and tears of African-American slave laborers built this House for us all.

Let us reach back today through the thin veil of time and unshackle their hands so we can shake them and say, thank you, ever so belatedly, to these great Americans who built this great monument to freedom.

Mr. HOYER. Mr. Speaker, it is my real honor to yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), a distinguished civil rights leader, Member of Congress, humanitarian, and the cosponsor of this legislation. A gentleman who has been a giant in bringing the reality of the words that I intoned earlier that are included in our Declaration of Independence, and the promises incorporated in our Constitution, to reality for all Americans.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from California (Chairman THOMAS) and the ranking member, the gentleman from Maryland (Mr. HOYER), for bringing this legislation before us today.

I want to thank my friend and my colleague, the gentleman from Oklahoma (Mr. WATTS), for being the chief sponsor of this legislation.

Mr. Speaker, when we walk through the halls of this building, we do not see anything that tells the story that African-American slaves helped build this magnificent building: no drawings, no murals, no paintings, no statues, nothing. Slavery is part of our Nation's history of which we are not proud. However, we should not run away or hide from it. The history of the Capitol, like the history of our Nation, should be complete.

As the gentleman from Oklahoma (Mr. WATTS) pointed out, it was not until this year, 200 years after the opening of the Capitol for the first session of Congress, that records were uncovered which prove what many of us have already known or maybe some of us assumed, that African-American slave labor was used in the building of the United States Capitol.

These men, these slaves, laid the very foundation of our democracy. Yet, they were denied the right to participate in our democracy. Indeed, generations of their offspring were denied the right to vote.

Mr. Speaker, with this resolution, H.R. 368, we will honor the slaves who helped build the Capitol. We will study the history and contributions of the African-Americans who helped construct one of the greatest symbols of democracy in the world, this building, the United States Capitol.

Mr. Speaker, we will have a fitting and lasting tribute to these men, black men, slaves, in a permanent place here in the United States Capitol.

I urge all of my colleagues to vote for the passage of House Concurrent Resolution 368.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from Oklahoma for yielding time to me.

Mr. Speaker, I rise today in support of this resolution. It is interesting, the first day I was here I stood over by the painting of Lafayette. This room was empty, and I was there with a radio reporter from my town. Unbeknownst to myself, I was violating the rules of the House when I conversed and they were recording the tape.

But the point of that conversation was that if one was quiet enough in this Chamber, one could hear the voices of the people who have come before us, and yes, those who built this place came before us, the slaves that the gentleman from Georgia (Mr. LEWIS) talked about, those who have built this country that we have not to date given satisfactory recognition to.

This resolution is a first step. I thank the gentleman for bringing it. I am grateful for the opportunity to support it.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I also want to commend and congratulate the gentleman from Georgia (Mr. LEWIS) and the gentleman from Oklahoma (Mr. WATTS) for their introduction to a very important piece of legislation.

As a matter of fact, it is my hope and my understanding, as well as my desire, that passage of this legislation will help shed additional light on an extreme dark period in the history of this Nation, because as we look back to better understand where we came from, it helps us to recognize how we got to where we are, and then helps propel us into the future in relationship to where we need to be going.

Carter G. Woodson, the founder of Black History Month, African-American History Month, once said that while we should not underestimate the achievements of our Nation's greatest architects, builders, and industrialists, we should give credit to those slaves who so largely supplied the demand for labor.

This resolution will do just that, and I would hope that as historians write, that in the near future we will see in the history books in every classroom throughout this great Nation the contributions of those whose sweat, whose hard labor, whose intense drive helped to produce not only a magnificent edifice, but helped to provide an opportunity for democracy to grow and flourish.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRBACHER).

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

Mr. Speaker, I rise in strong support of this proposal. Americans understand that our black brothers and sisters in this country have been given a raw deal over our country's history, but most Americans do not know exactly what a raw deal it has been and was.

The fact is that black Americans and their achievements quite often have been written out of the history books. I love to read history, and I have seen that in so many cases where black Americans, they pop up here and there, but the average American has no idea that they have done such tremendous things. Just like today, we are giving credit for people who have built this altar of liberty, this altar of freedom for all America to see, and there were black Americans, and to this point very few people knew there were black Americans.

Let us remember that one of the first Americans to be killed during the American Revolution, a man killed during the Boston Massacre which sparked the whole American Revolution, was a black American.

In the last 4 or 5 years I fought a fight for patent reform here in the United States, and I had to study the issue of inventors and people who actually invented great things in our country.

Certainly every American knows about Booker T. Washington. But as I

studied the history of our patent system and the inventors in our country, I was personally surprised to see how many great inventions were invented by black Americans, because patent rights as a property right, even during a time of great discrimination against our fellow Americans, the patent rights were actually provided to black Americans. They excelled in creativity, in creating new machines and new technologies throughout our history.

□ 1945

Not many people know that. Not many people know of the great many American heroes, not only during the Civil War, but other conflicts.

But today we have the opportunity to congratulate those Americans who, again, not many of us heard of before, but did a great service to their country and to the cause of freedom in building this great edifice. So I support the legislation and thank the gentleman from Oklahoma (Mr. WATTS) very much for letting me participate in this debate.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the very distinguished Representative in which this Capitol is located. I am sure the irony is not lost on her that there are residents of this capital of freedom that do not have full voting participation in this Capitol.

Ms. NORTON. Mr. Speaker, I very much thank the gentleman from Maryland for yielding me this time.

Mr. Speaker, I appreciate enormously the work of the gentleman from California (Chairman THOMAS) and the gentleman from Maryland (Mr. HOYER), ranking member, in working together to bring this matter forward. I am enormously grateful, of course, to the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Georgia (Mr. LEWIS), my long-time friend and colleague from the civil rights movement, for their leadership in bringing forward the bill that brings us to the floor today.

I want to recognize the work of a local reporter for Channel 4 News here, Edward Hotaling, who brought this matter to public attention and was responsible for our bringing it, therefore, today to public light, for what we are doing this evening is opening the eyes of America to an important discovery for most in American history.

We know the cliché because we have said it over and over, the slaves helped build America. But there are seldom any specifics to that. What slaves? What part of America? It turns out that the oldest and most treasured parts of America, the most hallowed places are what we are talking about; the White House, yes, and this very place where we meet.

What is true here is probably true for every historic public building south of the Mason-Dixon line. We celebrate the slaves who built the Capitol and the White House, but the same could be said throughout the American South

and much of the American North if the building is old enough.

It is a matter of public record that slaves and free blacks built these two buildings. But it is also true that much of the District of Columbia was built by slaves and free blacks.

My own great grandfather, Richard Holmes, was one such slave. Richard Holmes walked away from slavery in Virginia, got hired before the Civil War to work in the streets of the District of Columbia, got discovered by his white owner who was refused ownership when my great grandfather did not answer to his name when he was discovered and the white foreman refused to allow his return to the owner who had discovered him. I have no information that Richard Holmes worked on the White House or the Capitol, but we do have information that has been lost to history that many black men and free blacks did, in fact, work on these and other places in the District of Columbia. We know them by their works.

We also know that slaves did every job imaginable, including the most highly skilled jobs. We know their owners were compensated. We know that neither they nor their descendants were.

Let me lay to rest whether anybody feels any confusion about whether to be proud or ashamed that our most revered structures were built by slave labor. Let us not be like the Soviets who revise or deny history. Let us, with this bill, put those questions for these purposes aside, put these emotions aside because on one question there can be no disagreement.

We often have recognized what the slaves achieved and the tributes over and over again to these great buildings, and to the 25 million visitors who come every year to the District of Columbia to see this building among others. It is time finally to recognize the men who helped achieve the place where we work, the place that we love.

I thank my colleagues very much for all they have done on this bill.

Mr. WATTS of Oklahoma. Mr. Speaker, I do not have any more speakers on my side, so I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), one of the most distinguished leaders in our House, one of the senior Members of the House and an American who perhaps was most responsible for ensuring that this Nation recognized the contribution of one of its greatest citizens of the world, Martin Luther King, Jr.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) and the gentlemen who have participated in bringing this measure forward.

I was very moved by the remarks of the gentlewoman from the District of Columbia (Ms. NORTON). This plays right into the book recently written by Randall Robinson called *The Debt* in which he, touring the Capitol with his



wife, found this tremendous sculpture about everybody that had contributed, but there were no depictions of slaves and their contribution.

So all of the dialogue tonight has been very, very important in beginning to recognize and bring forward, as scholars are, as forums are going on in our universities, in which we are bringing up the records of the slaves, of their travels across the waters, the insurance records, and a lot of other factual materials.

So it seems to me that we are moving inextricably into the question of how we recognize and study the question of reparations as may affect them. I could not imagine this conversation just going on tonight without us examining what we do in the preparation of a commission to study the history of slaves and their descendants in terms of their contributions and where we might fit into the picture presently.

So I see this as a tapestry, a very important part of it. I see the hate crimes bill shortly being very important in which we take the subject of the lynching, the hate crimes started back in the 1920s when the civil rights movement, the NAACP began the great rush to federalize the lynching of African Americans. Then, after Dr. King's assassination in 1968, we got the first hate crimes bill; and we have another pending in this body now.

So much of our legislation is moving together. This resolution giving recognition to the contribution of people of color, both free and enslaved, is a very important step forward. I commend all who have contributed toward it.

I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Oklahoma (Mr. WATTS) has reserved the balance of his time and has the right to close.

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

Mr. Speaker, I have no additional requests for time. But I know that, on both sides of the aisle, if they were on the floor, all Members would want to rise in support of this resolution. Every Member would want to recognize the importance of the principle involved in the adoption of this resolution, the recognition of those who have been ignored, forgotten, hidden, in part, perhaps, because of the shame that a society shared for on the one hand saying it believed in freedom and on the other hand enslaving a people because of the color of their skin.

This resolution is important in my opinion, Mr. Speaker, not only to recognize those who participated and labored and who helped build this Capitol, but it is also important, it seems to me, because it reminds us of the contradictions between our principles and our performance.

It heightens our awareness, Mr. Speaker, of the gulf that sometimes ex-

ists between our promises and our practice. I introduced, Mr. Speaker, the gentleman from Michigan (Mr. CONYERS). I remember standing with him on the front of this Capitol and supporting him in his leadership of the necessity to recognize the contributions made by Martin Luther King, Jr. who, in 1963, stood just some thousands of yards from where we stand right now and reminded the Nation in a compelling address that we ought to live out the dream and make reality the promises that we had made.

Our Nation responded. This Congress responded. We passed legislation to try to make reality the promises of the 13th Amendment passed 100 years before. Whether it was in employment or housing or public accommodations, we said that America was not a land in which we ought to discriminate against individuals based upon such arbitrary distinction as color of skin or national origin or religion.

In fact, we are still arguing today about artificial distinctions we make between human beings and whether they ought to be discriminated against, not on what they do to us or laws that they break, but on what they may be that is different from us.

Mr. Speaker, that is why this resolution is important, not only as the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Georgia (Mr. LEWIS) have so eloquently pointed out, to recognize the contribution of the individuals who helped build this Capitol and, as the gentlewoman from the District of Columbia (Ms. NORTON) has pointed out, built so many others, including the White House, Monticello, and Mount Vernon. I can go on in listing the dwellings that we know are dwellings in which democracy saw its genesis and its growth.

This resolution is significant because it also teaches us to be aware daily of the necessity of applying our principles in practice.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, again, this bill recognizes the long-ignored role of African American slaves in building the United States Capitol. Again, in closing, I thank the gentleman from Georgia (Mr. LEWIS), I thank the gentleman from California (Chairman THOMAS), the gentleman from Maryland (Mr. HOYER), ranking member, I thank them for their efforts on behalf of this resolution.

Again, this year we celebrate the bicentennial of the United States Government's arrival here in Washington. Proper recognition for these laborers is long past due.

□ 2000

We often, as Members of Congress, get to drive into the grounds or drive onto these grounds; and at night especially driving onto these grounds we see our Nation's dome, the Nation's Capitol and remind ourselves that this

building that we stand in today is recognized as the symbol of freedom for all the world. This resolution today again recognizes the contribution that slave labor played in building the symbol of freedom.

Mr. Speaker, I remind us that, on the Senate side, the Senate version of this bill is sponsored by Senator ABRAHAM from Michigan and Senator LINCOLN from Arkansas. So, on the Senate side, this bill will be known as the Abraham/Lincoln bill. Very fitting.

Again, thanks to my colleagues for this bipartisan support that we have seen in bringing this effort forward and making it happen here this evening.

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

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

Mr. Speaker, I just wanted to respond in part to my friend and colleague, the gentleman from Maryland (Mr. HOYER), in terms of his supposition that perhaps it was out of shame.

I think I will just tell the gentleman that it was far more fundamental than that, and it was that common physical labor is not a high achievement and that we never, even to this day, recognize the fact that without it we would not have what we have today.

The thing I like most about this, given the discussion, the participants, and the reflection on history, is that one of the fundamentals of democracy is in the inherent belief that an individual is worth something simply because they are alive and that what we are doing here is celebrating the obvious acknowledgment of our shared humanity in the best way we can in reaching back and telling those people, thank you, thank you very much for that basic physical labor that produced the opportunity, as Mr. DAVIS so eloquently indicated, the gentlewoman from the District of Columbia (Ms. HOLMES) indicated, we forget about.

So it is in the shared humanity of our recognition that I think we can all share and appreciate.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Oklahoma (Mr. WATTS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 368.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 368.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. REYNOLDS (during debate on H. Con. Res. 368) from the Committee on Rules, submitted a privileged report (Rept. No. 106-844) on the resolution (H. Res. 574) waiving points of order against the conference report to accompany the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SCOUTING FOR ALL ACT

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4892) to repeal the Federal charter of the Boy Scouts of America.

The Clerk read as follows:

H.R. 4892

*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 "Scouting for All Act".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Federal charters are prestigious distinctions awarded to organizations with a patriotic, charitable, or educational purpose.

(2) Although intended as an honorific title, a Federal charter implies Government support for such organizations.

(3) In 1916, the Federal Government granted a Federal charter to the Boy Scouts of America.

(4) Although the Boy Scouts of America promotes the social and civic development of young boys through mentoring, it also sets an example of intolerance through its discriminatory policy regarding sexual orientation.

(5) Federal support for the Boy Scouts of America indirectly supports the organization's policy to exclude homosexuals.

(6) A policy of excluding homosexuals is contradictory to the Federal Government's support for diversity and tolerance and should not be condoned as patriotic, charitable, or educational.

**SEC. 3. REPEAL OF FEDERAL CHARTER OF BOY SCOUTS OF AMERICA.**

(a) REPEAL.—Chapter 309 of title 36, United States Code, which grants a Federal charter to the Boy Scouts of America, is repealed.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 309.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days within which to revise and extend their remarks on H.R. 4892.

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

There was no objection.

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

Mr. Speaker, while I do not support this bill, I do believe it is appropriate that it be brought up for consideration at this time. I rise in opposition to H.R. 4892.

This legislation that has been offered by the gentlewoman from California (Ms. WOOLSEY) is a bill to revoke the 80-year-old Federal charter of the Boy Scouts of America.

Tonight, scouts and scout leaders all across this great country are watching these proceedings. They are watching with amazement that the Congress of the United States is debating a bill to revoke their charter.

Now, why is this bill being offered? Why should it be considered to revoke the charter of the Boy Scouts? It is hard to figure.

First of all, there are no appropriated Federal funds that are used to support the Boy Scouts of America. It is simply a Federal charter that is granted to other patriotic-type organizations that allow them to protect the emblems and symbols that they have.

The Boy Scouts have worked for over 80 years with the youth of our Nation, building leadership and molding character. The charter of the Boy Scouts, granted by this Congress, states that they will promote patriotism, courage, self-reliance, and kindred virtues, virtues that we desperately need in this country.

Millions of scouts are trained under the leadership of this great organization. They provide over 3 million boys and young adults the opportunity to participate in educational programs. In 1998, the Boy Scouts contributed over 52 million community service hours to our Nation and is committed to providing an additional 1 million service hours to preserving the environment at our national parks.

Another reason that this bill is ill-advised is that the Supreme Court of the United States affirmed the first amendment freedom of the Boy Scouts to exclude scout masters who do not support the values of the Boy Scouts of America. We should adhere to the opinion of the United States Supreme Court.

Finally, the Attorney General of this country has given an opinion that the use by Federal lands of the Boy Scouts does not convene even in any executive order of this administration.

Mr. Speaker, the Boy Scouts of America today are under attack by this legislation and by others in America. I believe an organization that supports our values and our freedoms and builds leadership among young people should be supported and we should defend the Boy Scouts of America.

This legislation that is being offered is punitive in nature to revoke their charter, it is ill-advised, and should be defeated.

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

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

Mr. Speaker, I rise today under some very confusing circumstances. I would like to refer to the manager of the bill, the gentleman from Arkansas (Mr. HUTCHINSON). I thought I heard him say that he was moving to suspend the rules and pass a bill that he is now saying that he is opposed to.

I thought he was the one that caused this bill to be brought to the floor and that it was him that is urging its passage.

Did I hear him correctly?

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

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this legislation being offered by Members on their side is being brought under the Suspension Calendar, and in order to debate it and provide the sponsors of the legislation an opportunity to explain their reasons why the Boy Scouts charter should be revoked, is being brought up. And so I procedurally asked that the rules be suspended for its consideration.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I see. I thank the gentleman for that information.

Now, we are both on the Committee on the Judiciary. Did this bill go through the committee?

I continue to yield to the ranking member on the Republican side.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

The legislation has not been reported by the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank you.

Mr. Speaker, I ask the gentleman, have there been any hearings in the Committee on the Judiciary?

Mr. HUTCHINSON. Mr. Speaker, as the ranking member, I think the gentleman is fully aware that we have not conducted any hearings on this legislation.

Mr. CONYERS. Mr. Speaker, I thank the gentleman again for his comments. And so you are against this bill, have not had any hearings, there have been no votes in committee, and you are urging that we rush it through this process when it has never been through the committee.

If that is the case, sir, then I would ask unanimous consent to have this suspension bill removed from the calendar.

The SPEAKER pro tempore. Does the gentleman from Arkansas (Mr. HUTCHINSON) yield for that request?

Mr. HUTCHINSON. Mr. Speaker, I certainly object to the request. I would ask the gentleman to yield for a response.

The SPEAKER pro tempore. The gentleman objects. The unanimous consent is not ordered.

Mr. CONYERS. Mr. Speaker, would the gentleman be willing to have hearings on the bill before the measure is passed which he is apparently very sincerely opposed to?

Mr. HUTCHINSON. Mr. Speaker, if the gentleman would continue to yield, I think the reason, and this is somewhat of an unusual circumstance, well, actually it is not unusual that it is being brought up on suspension. We do that all the time to bring up a bill on suspension without going through the committee. The gentleman well knows that. But I believe in this circumstance, when the administration has suggested that the Boy Scouts of America should not use Federal land under current executive order that they need a statement that their charter is in good standing. And I think that legislation revokes the charter.

We are saying, hopefully, by defeating that, that we stand with the Boy Scouts of America and we believe that their charter should not be revoked and that would put an end to the matter, I would hope.

Mr. CONYERS. Mr. Speaker, I thank the gentleman. He is not confusing me more, but we have increasing numbers of ambiguity.

Let me turn, then, to the offer of this proposal, the gentlewoman from California (Ms. WOOLSEY). And if I could ask her, and we have not talked about this, has she requested that this bill be placed on the floor for disposition?

Mr. Speaker, I yield to the gentlewoman.

Ms. WOOLSEY. Mr. Speaker, no, I have not made that request at this time. I was hoping for hearings and a markup and to bring this issue that is important to full light to this Congress with a full debate.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for her comments.

I ask the gentlewoman, has she had any response from the Committee on the Judiciary about the disposition of the matter? She wanted hearings. She did not request that we come to the floor today.

Ms. WOOLSEY. Mr. Speaker, I did not. As a matter of fact, I was surprised. We heard about this suspension at 6 o'clock last night D.C. time when I was in California. And the idea that we would bring a controversial, important issue like this onto the Suspension Calendar was a total surprise to me, because I think of suspensions as noncontroversial issues, such as naming a post office.

Mr. CONYERS. Mr. Speaker, I want to ask the gentlewoman, the author of the amendment, would she find that hearings and markups in the regular process would be helpful in developing an understanding around her motive and purpose for introducing this bill?

Ms. WOOLSEY. Mr. Speaker, absolutely. A hearing was necessary. A markup is necessary to bring an issue

of this importance to our Nation in the dark of night instead of in the light of day is a mistake.

To suggest that it is noncontroversial and could pass with a two-thirds vote is very short-sighted.

Mr. CONYERS. Well, that is the understanding I have heard from my good friend, the gentleman from Arkansas (Mr. HUTCHINSON), is that he considers this apparently a noncontroversial bill to which he is opposed to which hearings have never been heard.

Well, now, if there has ever been a parallel like this ever in the history of this Congress, it has not been since I have been here.

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

Mr. HUTCHINSON. Mr. Speaker, I yield 2 minutes to the great gentleman from Indiana (Mr. BUYER).

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

Mr. Speaker, I think what is obvious, if they know they are going to lose on the substance of a bill, then they argue process. If they are ashamed of having authored a particular bill, then do not submit it.

I have authored legislation. I would be eager as soon as I drop it for it to come to vote. I would be eager for that. I would be proud of the legislation that I actually drafted.

I rise in opposition to this legislation.

Mr. Speaker, I rise today in strong opposition to H.R. 4892, the Scouting for All Act. On June 28, the Supreme Court ruled in Dale vs. Boy Scouts of America, that private organizations have the right to set their own standards for membership and leadership. This allows the Scouts to continue developing young men of strong moral character without imposing standards on them that they find incompatible with their beliefs.

In response to the Supreme Court ruling, the Boy Scouts have faced an onslaught of criticism, intimidation and extortion from those who seek to inflict their beliefs on an organization that promotes moral character and personal responsibility.

Protests were organized in twenty-one states including my district in Indiana, urging businesses to revoke their sponsorship of the Scouts. Last month, the Interior Department attempted to bully and harass the Boy Scouts over access to public lands. In Los Angeles, some delegates to the Democratic national convention booed a group of Scouts as they stood on the stage of the Staples Center.

Now, in an attempt to punish the Boy Scouts for refusing to toe the line, proponents of H.R. 4892 seek to revoke the Boy Scouts' federal charter, originally granted by Congress in 1916.

This bill claims to be acting in the name of tolerance and inclusion. In reality, it is this bill, not the Boy Scouts, that promotes intolerance. The Boy Scouts respect others' rights to hold differing opinions than its own. All the Scouts ask is that others respect its beliefs. The sponsors of this bill believe just the opposite.

□ 2015

They believe if one does not subscribe to their view of the world then they must be humiliated, silenced, and reformed in the name of tolerance. They are in error, and I suppose now today ashamed of the bill that they have dropped. Tolerance does not require a moral equivalency. One can be tolerant of one's beliefs of others while being intolerant of their behavior and actions.

Today, millions of boys from every ethnic, religious, and economic background, including those with disabilities and special needs, participate in Scouting programs across America. The Boy Scouts are a model for inclusiveness. Our youth today face a daily onslaught from some parts of our culture that promote self-gratification and alternative lifestyles. As one of the few counters to this, the Boy Scouts keep such, I guess, out-of-fashion values as duty to God and country, honor, respect, self-sacrifice, and community service.

I believe we should commend, not punish, an organization that attempts to foster a sense of personal responsibility and strong character in our boys and young men. I urge all of my colleagues, 50 percent of whom were Boy Scouts, to side with the vast majority of Americans and vote no against this ill-advised bill.

Mr. HUTCHINSON. Mr. Speaker, I yield 2¼ minutes to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Speaker, as the Republican co-chairman of the Congressional Scouting Caucus, as a proud Eagle Scout and as a supporter, an unapologetic supporter of Scouting in America, I stand here tonight to commend the Boy Scouts of America for what they have done over these last 90 years in strengthening the American character, developing good citizenship, and enhancing both the mental and physical fitness among America's youth.

Instead of attacking the Boy Scouts, we should be celebrating the fact that the Supreme Court has upheld the sanctity of our First Amendment; and we should applaud the Scouts for standing strong under pressure to compromise their own principles. H.R. 4892 proposes to revoke the Federal charter of the Boy Scouts of America because they have maintained a moral standard, rejected by America's liberal left. But the Scouts, like everyone else, have rights to set their own standards, and not to be targeted for doing so. That is what freedom of association is all about. That is what the Supreme Court confirmed in its decision.

In recent months, we have witnessed the despicable booping of Boy Scouts by Democrat delegates during their convention; a 55,000 signature petition delivered to the Boy Scouts headquarters demanding that they scrap requirements for Scout masters, and in my own county in Orange County, California, where the ACLU and others have tried to force the Scouts to take

God out of their Scout oath; and we have also witnessed a malicious and reprehensible effort by the part of some corporations and even the United Way in some areas to choke off funding for the Scouts in an attempt to force them into submission.

Everyone is free to choose their own life-style and I would stand up for anyone's right to have their own privacy and their own life-style, as the Scouts stand up for that; but the Scouts, too, have their rights and we should be applauding them for standing up for their own principles and their own beliefs rather than trying to attack them now and to destroy the freedom of association guaranteed by our Constitution.

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

Mr. Speaker, this is a Republican theme tonight, how dare we bring up this bill that they bring up. The gentleman from Arkansas (Mr. HUTCHINSON) has said that the bill has not been through committee, no hearings. The author of the bill was notified in California that it was coming up, and now everybody is saying that this is a bill that they object to for many reasons. Is this some kind of a cynical political stunt that we are playing here tonight? Nobody wants the bill, but the Republicans sponsor it on a suspension on which they say there is supposed to be very little dissension about the bill. So I am in some confusion of what we are trying to do.

I plan to vote present on this measure.

Mr. HUTCHINSON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR), a member of the Committee on the Judiciary.

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from Arkansas (Mr. HUTCHINSON) for yielding me this time.

Mr. Speaker, one of the sorriest and most shameful exhibitions of a cynical political move, to use the word of the gentleman from Michigan (Mr. CONYERS), that our Nation has ever witnessed was a couple of weeks ago at the Democrat National Convention when a member of a Boy Scout troop, at the invitation of the Democrat National Convention, appeared before that body to lead that body in the pledge of allegiance, and for that show of patriotism that Scout was booed and hissed at by the party that sits on the other side in support of this resolution.

Not being content with booing and hissing a Boy Scout, they have now moved the forum for their denigration and assault on the Boy Scouts of America to this Chamber. They truly ought to be ashamed.

What is it, I ask my colleagues on the other side, that they find so reprehensible in the Scout oath, which includes words that Scouts are physically strong? Do they object to that? That Scouts shall be mentally awake, do they object to that? That Scouts may be morally straight, apparently there is the rub, that is what they find

so reprehensible about Scouts that they would boo a Scout and hiss at a Scout for standing up and leading our Nation and their party in the pledge of allegiance, and why they now come before this body, before this flag, before this speaker, before the American people, and tell us that the Boy Scouts for being morally straight are so reprehensible in their eyes that they ought not to even have the historical charter granted by this body.

Have they no shame, Mr. Speaker? Have they no shame? And now we have the gentleman on the other side saying he does not even have the courage to stand up and vote for the resolution that they support. This resolution ought to be soundly defeated.

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

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

Ms. WOOLSEY. Mr. Speaker, I rise today because I support H.R. 4892, the Scouting for All Act, an act to repeal the Boy Scouts of America's congressional charter. I urge all of my colleagues to join me in sending a clear message that the civil rights movement is alive and well in the United States of America, and that this Congress does not support discrimination in any form.

Contrary to what some of my colleagues on the other side are alluding to, we are not saying that the Boy Scouts are bad. We are saying that intolerance is bad. I was a Girl Scout. One of my sons was a Boy Scout. I know the value of Scouting, and that is why I believe that Scouting should be available to all boys, not just some boys.

I am not standing here today to override the Supreme Court. The unchangeable fact is that towards the end of June the Supreme Court upheld the Boy Scouts' discriminatory policy. So I stand here not to ask if the Boy Scouts have a right to a discriminatory policy but to ask if their discriminatory policy is right.

In 1939, Marian Anderson, an African American opera singer, was invited to perform at Constitutional Hall, then operated by the Daughters of the American Revolution, another chartered organization.

The DAR said that Marian Anderson could not perform at Constitutional Hall because she was black. As a result, then First Lady Eleanor Roosevelt resigned her DAR membership and coordinated a concert for Marian Anderson at the Lincoln Memorial. 75,000 people attended and ultimately the DAR changed its policy of discrimination.

Simply because an esteemed organization holds a belief does not make that belief right. It was wrong for the Daughters of the American Revolution to discriminate against African Americans then and it is wrong for the Boy

Scouts of America to discriminate against gays today.

My colleagues on the other side of the aisle suggest that they speak for the average American; that the vast majority of Americans support intolerance. They are wrong.

This poster alone will show the headlines from the newspapers across this Nation that are reporting the reaction to the Boy Scouts' position of intolerance. It is clear that opposition to the Boy Scouts' intolerant policy is not a fringe movement. It is part of the mainstream belief that intolerance in any form is un-American. From Fall River, Massachusetts, to Broward County, Florida, from Chicago to San Francisco, American cities, American private corporations, nonprofit organizations, schools, churches, families are saying no to intolerance.

In the city of Chicago, the Boy Scouts can no longer use city parks, schools or public sites because their policy, the Boy Scout policy of intolerance, conflicts with the city's existing nondiscrimination policy.

In Fall River, Massachusetts, the local United Way voted overwhelmingly to withdraw support from the Boy Scouts.

Private companies are also finding that the Boy Scouts' intolerance is unacceptable. Among other corporations, Textron, Inc., Knight Ridder and others have pulled their support from the Scouts. Because when people stand up and say intolerance is wrong, they do make a difference. One of those people is Steven Cozza, a teenager from Petaluma, California, where I live.

Steven, as a 12-year-old Boy Scout, working to earn his Eagle Scout badge, became aware of the intolerance policies against gays in Scouting. And as a Scout, he decided, he was 12 years old, he decided to do something about it. That was 3½ years ago. Since then, Steven and his dad, Scott Cozza, neither one of them is gay, they have nothing to gain except they know that intolerance is wrong, they started an organization called Scouting for All. Scouting for All is a campaign, a national campaign, encouraging the Boy Scouts to change their policy.

To date, they have gotten more than 53,000 signatures to support change of the policy. Steven Cozza supports abolition of the Scouts' prohibition on gays. He knows that it is wrong. It is wrong to exclude some boys based on sexual orientation, and it is wrong to teach other boys by example to be intolerant. Perhaps some of my colleagues believe that intolerance is okay. I do not, and neither do millions of people across the Nation who live in the cities that have stood against intolerance, or worked for the companies that have withdrawn their support or made contributions to the organizations that no longer support Scouting.

My colleagues would do well to get outside the Chambers and talk with parents in Montclair, New Jersey, who are circulating a petition opposing the

Boy Scouts' policy. They should also talk with the elected officials of San Jose, California, who say that Boy Scout intolerance is incompatible with their city laws.

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Repealing the Boy Scouts Federal charter is a sensible and reasonable way for this Congress to take a stand against intolerance and not have it look as if our Nation supported intolerance. A charter is an honorary title that Congress awards to organizations that serve a charitable, patriotic, and educational purpose. But to me, there is nothing charitable, there is nothing patriotic; and it certainly is not a value we want our children to learn.

Mr. Speaker, revoking the charter does not cut off Federal funding for the Boy Scouts. It does not change their tax status. Revoking the charter sends a clear message that Congress does not support intolerance.

Mr. Speaker, I call on my colleagues to join me in support of H.R. 4892. Together we can show the American people that like them, this Congress does not accept intolerance. As a representative of the people, let us make their message of support for tolerance heard throughout this House.

We are not saying that Boy Scouts are bad; we are saying that intolerance is bad.

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

Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for her sincere comments, and I appreciate the fact that the gentlewoman is standing strong in support of her bill that would revoke the charter of the Boy Scouts of America; and she indicates that she is not saying that the Boy Scouts are bad; but, Mr. Speaker, I believe that all of America is seeing an attack on the Boy Scouts, and I think that our efforts today in Congress is simply to defend them.

The question is about tolerance. The Attorney General of the United States issued a statement in response to requests for an opinion that said that the Boy Scout jamborees are not federally conducted education or training programs. In other words, this is a private association. The Supreme Court has said they have a right to associate and to conduct themselves freely; that is what this country is about. They have African American Scouts, Asian American Scouts; and so they have a broad range, but they have some beliefs that they stand for and do not want to be compromised. I believe that is consistent with freedom.

The gentlewoman from California (Ms. WOOLSEY) referred to Boy Scouting for all. They have the freedom of association, but so does the Boy Scouts of America.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. Ballenger).

Mr. BALLENGER. Mr. Speaker, I speak as one of the proud 50 percent of

this body that was a member of the Boy Scouts.

Mr. Speaker, the Boy Scouts are a private organization with a long-standing reputation protected by the first amendment. Now, despite the Supreme Court endorsement of its mission, we are engaged in a politically motivated attempt to attack a great organization. The Boy Scouts bylaws state that one of the purposes of the organization is to teach morals to young men and boys and to help develop a strong group of core values.

For years, this has been a great success. Now it seems that some in Congress want to legislate what these core values should be. Obviously, core values taught in Scouting today were seen to be fit when Boy Scouts were granted their first Federal charter and have remained the same unchanged since then. So why is this an attack?

The Boy Scouts engage in hundreds of projects of good works across the country, and I think we should leave the seal of approval on this organization as American as apple pie and baseball; and I recommend a vote against this bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to respond to the comments of the gentleman from Arkansas (Mr. HUTCHINSON) that we are attacking the Boy Scouts. Indeed, the Boy Scouts do good work.

My point and our point is that all boys should be involved in Scouting, not just some boys; and it is perfectly all right as a private organization to do as you choose. It is not all right for the Federal Government to support intolerance.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CANNON), who is a member of the Committee on the Judiciary.

Mr. CANNON. Mr. Speaker, I rise today in opposition to this dangerous bill that attacks a treasured American institution, the Boy Scouts of America.

A small group of extremists on the minority side is attempting to revoke the charter of an organization that has done much good. The attack today is because this private organization, the Boy Scouts, demands traditional moral rectitude from its members.

This attack on the Boy Scouts alone would be repugnant to most Americans. But today's attack goes beyond just the Boy Scouts. It is an attack upon the fundamental values of America.

Our debate on this bill is just one skirmish of a much larger cultural war for our Nation's heart and soul. The gentlewoman from California (Ms. WOOLSEY) has laid out the legal and governmental opposition to the Boy Scouts.

This war is a big deal, and it will affect us all. Mr. Speaker, perhaps no civic organization has done as much as the Boy Scouts to instill the core

American values of faith, loyalty, duty, honor, patriotism, community service, and individual responsibility in the young men of this Nation.

We will prevail today in defeating this attack on the Scouts, but only because the spotlight of American's attention has been focused on our opponents. Some on this side disavowed this bill they once co-sponsored because the glare of attention has exposed the extremism of their views.

Mr. Speaker, I urge my colleagues and fellow citizens to oppose this bill.

Mr. CONYERS. Mr. Speaker, because we have 4 minutes left and my dear friend, the gentleman from Arkansas (Mr. HUTCHINSON) has 8 minutes left, I would ask him to go forward if he would.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in opposition to H.R. 4892. The other side acted as if voting on bills on suspension is unusual. This week the notice says we are voting on 27 bills on suspension. We just finished voting on 5 of them.

After booing the Boy Scouts at their national convention, after the Clinton-Gore administration contemplated barring them from national park programs, now the Democrats have introduced legislation to revoke the Boy Scouts charter.

In 1916, the U.S. Congress gave the Boy Scouts of America a national charter because we believed in what they were doing. We believed in the values that the Scouts stood for: the Boy Scout oath is an oath every Member of this body would do well to be familiar with. Evidently, the Democrats no longer believe in the values embodied in this oath. Evidently, they believe the Boy Scouts are dangerous. The Democrats believe times have changed, that the old rules of right and wrong no longer apply.

Evidently, the American people are wrong, but the Boy Scouts is not a hate organization. They are the premier youth organization of America, training young people in character, volunteerism and patriotism, self-reliance to believe in God and country.

Mr. Speaker, I urge that we defeat this outrageous bill.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise in strong opposition to this bill.

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

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

Mr. HERGER. Mr. Speaker, I rise in strong opposition to this legislation.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODE).

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

Mr. GOODE. Mr. Speaker, this bill would wreck 90 years of patronage of the Boy Scouts of America. I urge opposition.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. TOOMEY).

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

Mr. TOOMEY. Mr. Speaker, I rise in strong opposition to this bill, which is an insult to the millions of Americans who devote so much time and energy to the Boy Scouts of America.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. RILEY).

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

Mr. RILEY. Mr. Speaker, I rise in strong opposition to this Democratic bill, which defies everything that is American.

I believe that this bill—this whole unbelievable argument—does nothing more than punish and browbeat one of the most respected organizations for young men in America today.

The name itself has become synonymous with being a good person in everyday conversation we even call trustworthy, noble hard-working people: "Boy Scouts."

Mr. Speaker, this bill is simply wrong.

Our government shouldn't fear the Boy Scouts.

The Boy Scouts shouldn't have to fear our government.

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

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong opposition to this Democrat proposition, and I wonder why we are even doing it when America is such a great Nation.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN).

(Mr. RYAN of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I rise to speak out in opposition to this Democratic initiative to ban the Boy Scouts from enjoying the rights that they have enjoyed since their existence.

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

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

Mr. HUNTER. Mr. Speaker,

I rise in opposition to this initiative to revoke the Federal Charter of the Boy Scouts of America.

Mr. Speaker, as a former Boy Scout who only attained the rank of second class, I nonetheless recognized early on the great contribution that this nation receives from the Boy Scouts.

We are a nation of great industrial production. No other nation manufactures the wide array of products that stream from our assembly lines.

But the greatest American product is character. It is the character of strength, compassion, integrity and courage that makes the last 100 years "the American century."

The Boy Scouts of America have been a primary factory of American character. Their ideals and values strengthen us. They also offer wholesome association for the boys of America, many from broken families.

In this world that has become increasingly dangerous for youngsters, the Boy Scouts is a safe haven for those who want their children to grow in an environment of traditional American values that has illuminated the world in the 20th century.

Support the Boy Scouts.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN).

(Mr. RYUN of Kansas asked and was given permission to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise in strong opposition to this, and I am wondering why we are even dealing with this. I know the wonderful values that the Boy Scouts represent.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I stand in strong opposition to H.R. 4892, and I wonder so many times the American people are wondering why America's in such moral decay, and then I look at this legislation, and then I ask myself how in the world can we in Congress even be debating such an outrageous bill such as H.R. 4892, because, Mr. Speaker, in the Scout oath the word "morally straight," what does morally straight mean to the other side that is supporting this legislation?

I realize the President of the United States does not understand what morally straight means, but there are many people throughout the district that I represent and throughout this country that understand that we need to be morally straight. We need to look to God, we need to look to the Ten Commandments. That is what the Boy Scouts help the youth of America do.

Mr. Speaker, I want to thank the gentleman from Arkansas (Mr. HUTCHINSON) for giving me this opportunity, and I want to say to the Democrats who booed the Scouts at the Democratic convention, you should be ashamed of yourselves. There should have been one leader at the Democratic convention to stand up to chastise those who booed the Boy Scouts. God

bless America. God bless the Boy Scouts.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise in opposition to the legislation of the gentlewoman from California (Ms. WOOLSEY) to revoke this charter. This type of Federal charter is issued to organizations with patriotic, charitable, and educational purposes.

There is no organization in this country that lives up to these principles more than the Boy Scouts. The motto of the Boy Scouts is "God, Country, Honor, Helping Others."

Boy Scouts confirm that character counts. These are values that are learned by young men and carried with them throughout their lives. Mr. Speaker, let us tell it like it really is. This ridiculous legislation is meant to shame an organization just because it does not conform to the extreme left wing's view of the world.

Over 3 million young men in the Boy Scouts nationwide are being taught values, values such as duty to God and country, honor, respect, honesty, community service. By revoking the charter of the Boy Scouts of America, the supporters of this legislation are saying that those values do not matter. They are saying that what is important is forcing the Boy Scouts to adopt their agenda, which is clearly wrong, counterproductive to community values and destructive to traditional families.

Mr. Speaker, I urge my fellow Members to vote against this scurrilous attack on American values.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, as an Eagle Scout, I rise in strong opposition to the so-called Scouting for All Act, because, Mr. Speaker, the so-called Scouting for All Act means constitutional rights for none. It is as if we tear freedom of association out of the document.

Another federally chartered organization, the Jewish War Veterans. We do not see the southern Baptists or the Buddhists demanding membership in the Jewish War Veterans. Jewish War Veterans as a federally chartered organization have the right of freedom of association based on their spiritual beliefs.

My suggestions to those who place such an emphasis on sexual identity is to have another freely formed association, the sexual identity seekers of America. If that predicates one's world views, that is the choice. The profound intolerance of those who claim to preach tolerance is incredible. Those who would boo the scouts, and the Vice President of the United States, the standard-bearer of his party not standing foursquare for this federally chartered organization. Shame on those who bring shame to this Nation by trying to profoundly alter the Scouts.



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Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds and caution the gentleman, my friend previously in the well. I thought I saw him ripping the Constitution. If that is the case, I would urge that he not do that publicly.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I also want to rise in opposition to this effort by the gentleman from California (Ms. WOOLSEY). She is a Member of Congress, elected by the people of her Congressional District, and has every right, as has every Member, to introduce any piece of legislation that she wants. She has every right to demand a vote on it.

My colleagues have every right to speak. I think it is a bit unfair to say "every Democrat." I was not watching the convention, I was not there at the convention, I do not know what might or might not have happened. So the characterization of all Democrats as being against the Boy Scouts I do not think would hold water and is a cheap shot.

I will make this observation: I do not know how many cosponsors the gentleman from California (Ms. WOOLSEY) has on her bill. I do know my friend and colleague, the gentleman from Mississippi (Mr. SHOWS), has over 300 cosponsors, Republicans and Democrats, trying to restore the promise of health care for our Nation's military retirees. That bill has never had a hearing, it has never had an opportunity for one vote.

If you are going to find the time as the majority to bring a bill to the floor that will probably get less than 10 votes tomorrow, that is fine. It is great that you are giving every Member that opportunity. I would ask for that same opportunity for the 300 of us, and I bet you a bunch of people on this floor are cosponsors of the Shows bill, to demand the same opportunity and privileges as Members of the House if over 300 of us have sponsored that bill. If over 300 of us think restoring the promise of health care for our Nation's military retirees, regardless of the cost, is a priority, then over 300 of us ought to have a chance to vote on it.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

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

Mr. Speaker, I rise in strong opposition to the Woolsey legislation. Let me first begin by simply addressing the former speaker's remarks. Let me make it clear that I have fought for health care reform on this floor vigorously and continue to fight for it. I have a bill with many cosponsors that I cannot get brought to the floor. It is a difficult process, but I would suggest that it is a fair process.

Let me talk about the Boy Scouts. I grew up in the Boy Scouts. I was an active Boy Scout and formed an Explorer post.

That organization does more to instill the proper values in young men than any organization I know of in this Nation, and what is at issue here is not sexual orientation. What is at issue here is the First Amendment to the United States Constitution, and, thankfully, the United States Supreme Court made it clear what that amendment says. What that amendment says is private organizations, even with those with a charter, and there are others with similar charters, they have the right to define and the right to decide who should associate with those organizations.

Now, here, because of that Supreme Court decision defending the First Amendment, we see legislation attacking the Boy Scouts. I think it is a tragedy that this issue should have come up. I think it is a tragedy that some want to destroy the Boy Scouts of America and want to go after them and assert upon them and enforce upon them their "politically correct" views.

Mr. Speaker, I urge my colleagues to vote against this legislation and defend the Boy Scouts of America.

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

Mr. Speaker, the Scoutmaster's Handbook emphasizes these points about being morally straight, and I quote from the United States Supreme Court decision. "In any consideration of moral fitness, a key word has to be courage, a boy's courage to do what his head and his heart tell him is right, and the courage to refuse to do what his heart and his head say is wrong. Moral fitness, like emotional fitness, will clearly present opportunities for wise guidance by an alert scoutmaster."

Then the court goes on to say, "It is plain as the light of day that neither one of these principles, morally straight and clean, quote-unquote, says the slightest thing about homosexuality. Indeed, neither term in the Boy Scouts' law and oath expresses any position whatsoever on sexual matters."

So the process we have been in today, the most unusual one that I can remember being party to on the floor, we have had a bill brought before us that was not considered by the Committee on the Judiciary or the Subcommittee on Immigration and Claims and the sponsor of the bill did not request the bill be placed on the floor. So we can assume only that it has been placed on the floor as a political stunt. I, for one, will not be a part of this cynical game.

Republicans, most of them have no intention of voting for this bill. They have no intention of getting it through the Senate. They have no intention of doing anything to come to the aid of children who are discriminated against because of their sexual orientation.

They, the leadership, have bottled up hate crimes legislation because they do

not care enough about the lives of children who are victimized or killed because of their sexual orientation. They will not stand up to gay bashing. They want to do nothing except play these kinds of games, which, to me, does a great disrespect to our legislative process.

I do not believe that revoking the Federal charter of the Boy Scouts is the proper remedy at this time. Revoking the Federal charter would not have any effect on the Boy Scouts.

I urge that those who support me vote present on this matter.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, I stand as an Eagle Scout in opposition to this measure.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Arkansas (Mr. HUTCHINSON) has 3 minutes remaining and has the right to close. All time has expired for the gentleman from Michigan (Mr. CONYERS).

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

Mr. Speaker, I want to express my compliments to the gentleman from Michigan (Mr. CONYERS) for the way he has conducted this debate and the gentleman from California (Ms. WOOLSEY) as well. We in this body are intense, we have strong beliefs about things, but we need to be collegiate in these debates. I want to congratulate Members for the way this debate was conducted.

There was a concern raised about we are saying this is a Democratic bill. I will acknowledge there are Democrats that oppose this bill as well that will not be voting for this. This is a bill being offered certainly by your side of the aisle, and there has been expressed a great deal of concern by this administration, so I think that was the underlying reason for that reference. But certainly there will be Members from your side that oppose it.

I want Members to know that we all want to be tolerant. I believe we should practice tolerance in our lives. But, at the same time you have to balance that desire for tolerance with an understanding about freedom. Here in this case we have the Boy Scouts of America, that have served this Nation under a Federal charter for more than 80 years. I believe they have done extraordinary work.

The issue is raised about, well, there are other bills that could be considered. Maybe we would be better off bringing the bills that are offered to this floor, and this bill was offered and "Dear Colleagues" letters were sent out asking support for this bill. I think it was something that people in America were concerned about.

I have gotten letters and calls into my office about what they are doing,

the attacks on the Boy Scouts of America. I think America said, what is the Congress going to do? So we stand here and say we are going to defeat this bill.

I think that is a reasonable statement, a reasonable position, for this Congress to take. Yes, we are tolerant; but, yes, we also recognize the importance of freedom. I believe that is what the Supreme Court of the United States said whenever they affirmed in a 5-4 decision the actions of the Boy Scouts of America.

I believe that is what the Attorney General of the United States was saying when she rejected the request to kick the Boy Scouts of America off of the Federal land. She says it is not a Federal activity, so if it is not a Federal activity, they have a right to make decisions that govern themselves. That is the freedom in America, that is the right to association in America. And, yes, the Boy Scouts of America do good work. I believe they are under attack, and I believe it is right for this Congress to stand here today and say we are going to vote down this and make sure it is clear to everyone in America that the Federal charter is right, it should stay there, it should be sustained, it should not be revoked.

Mr. Speaker, I ask my colleagues to defeat this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first let me say that the Boy Scouts of America has made a valuable contribution to our society. The Boy Scouts of America have taught America's young men the values and ideals of responsibility, leadership, accountability, and civic duty. They are known for instilling high moral values in our young men, and for being inclusive. This is why many of us were shocked when the Boy Scouts refused to be inclusive of those with a different sexual orientation.

I believe that the Boy Scouts discriminatory policy against homosexuals falls far short of the ideals it has taught generations of young men. James Dale, an Eagle Scout, was kicked out of the Boy Scouts because he attended a seminar on the needs of gays and lesbian youth. He had attained the highest honor in scouting. But they kicked him out anyway. That was wrong. James Dale, and so many others are innocent young men who should not be punished due to their sexual orientation or because they are different.

Recently, the Supreme Court held that the Boy Scouts are a private organization and, therefore, have a right to free association that allows them to discriminate against whomever they choose. But just because it is allowed, does not make it right.

Nevertheless, I must oppose this bill for two reasons:

First, I must object to the process under which we are considering this bill. This bill was not considered by the Judiciary Committee or the Immigration and Claims Subcommittee. The procedure in this case was circumvented.

If this Congress is serious about dealing with confronting intolerance, then why has Hate Crimes legislation been bottled up in the House?

Second, I do not believe that revoking the federal charter of the Boy Scouts is the proper

remedy at this time. A Federal Charter is conferred upon an organization to give them a imprimatur designation to say that your organization is one that has a patriotic mission and significantly contributes to the benefit of our nation, and our society. Revoking the federal charter would not have any effect on the Boy Scouts and would not help to heal the wounds of intolerance in this country. Although the revocation of a Federal Charter is merely a symbolic gesture, this certainly sets a dangerous precedent where the Congress could be in the business of revolving Federal Charters to other organizations just because we disagree with their beliefs. I certainly think this type of action should only be done if there is a full hearing.

The Congress should stand for the right of all Americans to live free from fear of harassment or violence based upon hatred of who they are. We should pass hate crimes legislation immediately.

Mr. BARR of Georgia. Mr. Speaker, I rise today in opposition to the proposed repeal of the federal charter of the Boy Scouts of America. Since its founding in 1910, the Boy Scouts of America has promoted educational programs for young men that build character, patriotism, and to develop personal fitness. Ninety million young men from every ethnic, religious, and economic background in suburbs, farms, and cities have participated in this institution, and abided by the Scout Oath and Law by staying "physically strong, mentally awake, and morally straight."

Many now wish to infringe upon this private, charitable organization, and force upon it views that run directly contrary to the traditional values of the Boy Scouts of America. As a private organization, the Boy Scouts dismissed adoption of such views, stating that they have a constitutional right "to create and interpret its own moral code." I agree with the organization's stance, and on June 28th, of this year, so did the Supreme Court, when they ruled "the First Amendment protects the Boy Scouts' method of expression."

In response to this decision, many feel the Boy Scouts must now be punished for observing their First Amendment rights of free association and free speech; a repeal of their federal charter is one such punishment.

In recent years, we have seen that many American youth live in an unhappy world—violent video games have become the new outdoors; drugs, the new game on the playgrounds; and guns, the new books brought to class. Throughout this corruption of America's children, however, the Boy Scouts of America has stood steadfast—providing our youth with a foundation of character, and a sense of value for citizenship and morality through the continuance of the Scout Oath and Law.

In a time where our nation's youth is subjected to moral and character dissolution, and we on Capitol Hill search for solutions, I cannot fathom the reasoning behind why we would want to take away the imprimatur of support that a federal charter affords to an institution that provides our youth positive guidance in a misguided world.

Mr. DINGELL. Mr. Speaker, the Republican leadership of the 106th Congress has brought some asinine proposals to the floor. A trillion-dollar tax cut for the wealthiest Americans, a prescription drug proposal that subsidizes HMOs, not seniors, and a "managed care" bill that protects the insurance industry rather than patients.

However, today marks a new low-point, even for this Congress. Mr. Speaker, today we have a bill on the floor which would revoke the Federal Charter from the Boy Scouts of America.

Let me repeat myself. Today the Congress will vote to revoke the Boy Scouts of America's Federal Charter.

Mr. Speaker this is an outrage and it must be stopped.

The Boy Scouts are an American institution and one of America's most patriotic organizations, dedicated to serving God and country. Scouts are a shining example to the world of what is good about America.

In 1916, the United States Congress granted the Boy Scouts a Federal Charter, because it recognized the valuable contributions that Scouts make to America. The Scouts are one of the most important civic institutions we have in this great nation, devoted solely to building character in boys and young men.

The Scouts have led drives to increase blood, organ and tissue donation.

They have pioneered youth anti-drug efforts.

Scouts have fought against hunger, child abuse and illiteracy.

Scouts were there for America. Yet now, the sponsors of this legislation would turn their back on the Scouts. Mr. Speaker, that is wrong.

I am proud of my association with the Boy Scouts. The Scout Troops in Michigan's 16th District have a long and distinguished tradition of community service, from Dearborn to the fine young men in Monroe. I have joined with Scouts on many occasions during my service in Congress in community efforts, from river clean-ups to assistance for the needy and less fortunate. They represent the best of what America is and strives to be.

This effort, to revoke their Federal Charter is an insult to the Scouts. It is no small wonder that the public's confidence in this body plummets each year thanks to ridiculous, unnecessary and foolish legislative endeavors such as this, which helps no one and angers many.

The Boy Scouts develop and cultivate the best characteristics of American citizenship: self-reliance, leadership, and patriotism; love of the outdoors, pride in America, conservation and individualism; Americanism, dedication to the Constitution and to the Declaration of Independence.

These are good, meritorious ideals.

For the benefit of my colleagues supporting this legislation, let me recite the Scout Law, the principles upon which Boy Scouting is based: trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

These are the values that this Congress should be supporting, not discouraging.

Vote no on this preposterous idea.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in strong support of H.R. 4892, the Scouting for All Act and I commend my colleague, Congresswoman LYNN WOOLSEY, for authoring this bill and taking a strong stand against intolerance.

The Boy Scouts of America have a long history of promoting social and civic responsibility among our nation's youth and I commend them for this. However, I am extremely disappointed in their decision to exclude potential members solely on the basis of their sexual orientation.

I support the right of private groups to determine their membership. However, since Congress would neither endorse nor charter any group that discriminates against Latinos, African Americans, women or people with physical challenges, just to name a few, Congress cannot in good conscience continue to tacitly endorse the Scouts' discriminatory policy. We believe discrimination against any of these groups is wrong and most of us here would stand up and demand that discriminatory policies be ended. The Boy Scouts must be held to the same standard and therefore Congress has the moral responsibility to revoke the group's Congressional charter.

We must remember, that discrimination is always wrong, whatever form it takes. Whether it's the policies of the Boy Scouts, a corporate employer or a social club, Congress must not condone discrimination. We must lead by example and we must send the message that Congress will not tolerate nor endorse such policies targeted at any group.

I support this bill, and I urge each of my colleagues to do the same. Congress must not lend its seal of approval to any organization which discriminates.

Mr. DUNCAN. Mr. Speaker, I rise in opposition to this bill and to voice the strongest possible support for the Boy Scouts of America.

The Boy Scouts have always emphasized God and Family and Country.

We need more organizations like the Boy Scouts, and we should be doing everything we can to support and encourage them.

I was a Criminal Court Judge for 7½ years before coming to Congress.

I was told on my first day as a Judge that 98 percent of the defendants in felony cases came from broken homes.

I read thousands of reports going into the backgrounds of the people before me. I read over and over things like: "Defendant's father left home when Defendant was two and never returned." "Defendant's father left home to get pack of cigarettes and never came back."

Several years later I read in the Washington paper that two leading criminologists had studied 11,000 felony cases from around the country.

They said the biggest single factor in serious felony crimes was father absent households.

Everything else, like drugs and alcohol, was secondary to the absent father problem.

So many young boys are growing up today without good male role models.

We need the Boy Scouts today more than ever before.

This is a time when we should be doing more for the Boy Scouts, not trying to harass and intimidate them.

We definitely should not be taking the intolerant, bigoted, "politically-correct" position of this legislation.

If this is still a free country, then the Boy Scouts should be free to operate as it has without being discriminated against as this legislation would do.

I urge all my colleagues to oppose this bill and support the Boy Scouts.

Mr. PAUL. Mr. Speaker, today, we find ourselves debating an intolerance-laden bill advanced by those who will claim to be the "tolerant" ones. What the bill's proponents are

really saying is that they are intolerant of an individual's freedom to associate with those whom they, as individuals, see fit. Two vital issues are raised by this bill's ascendancy to the House floor. The first is that of our constitutional right to freedom of association. The second being the notion of "federal charters."

On June 28, the U.S. Supreme Court ruled that the Boy Scouts of America was within its rights when the private organization expelled an adult scout leader because he was gay. In its five-to-four opinion, the court found that requiring the Boy Scouts to admit homosexuals violated the group's free association rights.

Nevertheless, this Congress has decided to bring to the floor a bill attempting to penalize this private group of citizens for exercising their first amendment "freedom of association" rights. This is very close to denying the very right itself. To the extent the Boy Scouts should be penalized for their exercise of free association (or exclusion in this case), that penalty should only manifest itself through other private citizens exercising their freedom not to associate with individuals or groups whose associations (or lack thereof) they find offensive.

As to the "federal charter", where do we find authority for the federal government to charter organizations it deems "honorable"? To the extent the "charter" is an honorary title awarded by Congress to organizations which is then ultimately used to threaten exercise of the right to freedom of association, I suggest we repeal not only the Boy Scout's charter but all federal charters such that they won't be used as tools of federal meddling.

While I hesitate to further propagate this system of federal charters by which the federal government manipulates private groups, I despise more so this congressional attempt to penalize the Boy Scouts for merely exercising their constitutional rights—or as syndicated columnist Charley Reese recently put it in the Orlando Sentinel:

I think that it's time for all patriotic organizations that have these federal charters to surrender those documents. It is impossible for a dishonorable organization to honor anyone. And these charters are, practically speaking, worthless. If the federal government believes that mindless non-discrimination trumps morality, then it's time to disassociate from such bad company.

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

The question was taken.

Mr. HUTCHINSON. 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.

#### RECOGNIZING CONTRIBUTIONS OF THE BIRMINGHAM PLEDGE

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made

a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The Clerk read as follows:

H.J. RES. 102

Whereas Birmingham, Alabama, is an international symbol of the racial strife in the United States in the 1950's and 1960's;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950's and 1960's, a present-day grassroots movement, embodied in the Birmingham Pledge, has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas the Birmingham Pledge, authored by Birmingham attorney James E. Rotch, sponsored by the Community Affairs Committee of Operation New Birmingham, and promoted by a broad cross-section of the community, increases racial harmony by helping individuals communicate in a positive way concerning the Nation's diversity and by encouraging people to make a commitment to racial harmony;

Whereas the Birmingham Pledge, signed by individuals as evidence of their commitment to its message, reads as follows:

"I believe that every person has worth as an individual.

"I believe that every person is entitled to dignity and respect, regardless of race or color.

"I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

"Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

"I will discourage racial prejudice by others at every opportunity.

"I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort."

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of the Congress, State Governors, State legislators, mayors, county commissioners, city council members, and other people around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is "Sign It, Live It", is a powerful tool to facilitate dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—*

(1) the Congress—

(A) recognizes that the pledge popularly known as the Birmingham Pledge has made

a significant contribution in fostering racial harmony and reconciliation in the United States and around the world; and

(B) commends the people involved with the creation of the Birmingham Pledge and signatories to the pledge for the steps they are taking to make the Nation and the world a better place for all people; and

(2) it is the sense of the Congress that a National Birmingham Pledge Week should be established.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. 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.J. Res. 102.

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

There was no objection.

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

Mr. Speaker, this week Birmingham, Alabama, is hosting an MSNBC and Newsweek Magazine National Conference on Race Relations. One of the highlights of this conference is the Birmingham Pledge movement.

The Birmingham Pledge is a personal commitment to work to eliminate racial division in America and around the world. Those who sign the Pledge make a personal promise to treat all individuals with dignity and respect. More than 70,000 people from every inhabited continent on the globe have signed the Birmingham Pledge. Every signed Pledge is returned to Birmingham and recorded at the Civil Rights Institute as a permanent testament to racial reconciliation, peace and harmony.

Mr. Speaker, along with my colleague, the gentleman from Alabama (Mr. HILLIARD), both of us being natives of Birmingham, Alabama, we introduced this resolution on June 14, 2000. This resolution has the support of 107 cosponsors, a bipartisan group of Members of the House.

The resolution recognizes that personal efforts, the efforts of individuals, do matter, and do make a difference in addressing racial intolerance and do contribute significantly in fostering racial harmony.

□ 2100

As we speak, MSNBC is conducting a televised live town hall meeting on race relations from the historic 16th Street Baptist Church in Birmingham. Newsweek Magazine this week printed a special issue on diversity in America to coincide with the Birmingham Summit.

The resolution before us recognizes that the Birmingham Pledge is making a significant contribution in fostering racial harmony. It commends those involved with the creation of the pledge,

including Jim Rotch, who authored the pledge, and those who have signed it. It expresses the sense of Congress that a National Birmingham Pledge Week should be established.

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

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

Mr. Speaker, first of all, I think it is appropriate to commend the gentleman from Alabama (Mr. HILLIARD), with whom I have worked very closely in the Congressional Black Caucus, and the gentleman from Alabama (Mr. BACHUS), with whom I have worked very closely on the House Committee on the Judiciary on a number of measures.

This is a unique, ingenious way that continues the ability of America to help recognize that racial prejudice is something that we still can deal with in many creative, small ways. So House Joint Resolution 102 recognized that this ingenious notion, the Birmingham Pledge, can make an important contribution in fostering and promoting racial equality. It is a symbol of how far we have come and how far we have to go in the struggle for civil rights equality for all Americans.

Because Birmingham, Alabama, occupies a unique and important place in the history of civil rights in America, for these two Members from the State of Alabama to come forward where we have had in the past the images of police dogs, fire hoses, racial strife, Dr. King's letter from a Birmingham jail, all makes it so important that from Alabama and now from around the Nation, signatures are pouring in. I understand that more than 60,000 have taken place already, and that President Clinton and the First Lady have all been signatories.

So, Mr. Speaker, I think it is important as I conclude that if we pledge our belief today that every thought and every act of racial prejudice is harmful, then we should let our actions speak louder than our words and pass a hate crimes legislation bill that has come from the Committee on the Judiciary.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from Alabama (Mr. HILLIARD) be the manager of this bill from this point forward.

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

There was no objection.

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

Mr. Speaker, I rise to call upon Congress to pass this resolution recognizing the Birmingham Pledge. The Birmingham Pledge is an effort of the Birmingham community to recognize the dignity and worth of every individual and to share with the world our community's commitment to eliminate racial prejudice in the lives of all people. It is a personal daily commitment to remove prejudice from our own lives

as well as the lives of others and to treat all persons with respect.

The gentleman from Alabama (Mr. BACHUS) and I proposed this resolution together, bringing to this Nation the rich heritage that we represent in Birmingham, Alabama. I would say it has been in the center of the struggle for American freedom. It was here that our citizens fought nonviolently the violent, racist, hate-mongering police commissioner Eugene "Bull" Connor and won. The remnants of that racism has impacted our society for far too long. Now is the time to change the social condition for all citizens and bring new life to the American dream.

It was here in Birmingham, Alabama, 16 years later that Birmingham elected its first black mayor who recently retired after 20 years of leading our city from hate, racism, poverty, and unemployment into becoming one of the leading citizens in America in human relations. Birmingham has developed and sustained an economy which includes many more people than ever before. We have one of the lowest unemployment rates in the Nation. But it also has changed in terms of its human relations factors, and it is a positive one. It is one that we wish to share with all Americans.

Even with our great history, people in Birmingham forget how we got where we are today; and because of that, the loss of our understanding of this exodus is destructive. We need to find out where we have been. We need to remember in order to realize where we must go.

This pledge can renew our memories and renew our commitment to a world without the kind of hate which has, for so long, ripped out the heart of our city and our Nation. I cannot tell my colleagues how strongly I recommend this resolution to all of us to sign, and I call upon all of us to support it today, by our votes; but I also ask each one of my colleagues to seek signatures from their constituents and, most importantly, to live the pledge.

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

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

In considering this resolution, we should all keep in mind one thing: we are not born with prejudice or bigotry. These are things that are learned. In fact, psychologists call it learned behavior. By word or by action, we teach our children daily. We teach them either to be tolerant or to be intolerant, to have prejudice or bias against people because of their race, or origin, or not to be. We teach them these things many times even before they are old enough to choose for themselves. We can teach our children to love, or we can teach our children to hate. Intolerance is learned. Therefore, it can be unlearned. The pledge can be a part of that process.

This is the message we will send to Americans today about race relations. Each of us needs to take personal responsibility to conduct ourselves in a

way that will achieve greater racial harmony in our own communities. It has been said that events in Birmingham during the early 1960s, and my colleague referred to many of those, stirred the conscience of the Nation and influenced the course of civil rights around the world.

I know of no city that has worked harder to overcome its missteps and its mistakes than my native city, Birmingham. The Birmingham that has emerged is one built upon a foundation of racial sensitivity and strength and diversity. Today's Birmingham is dedicated not only to preserving the history of its struggle, but, more importantly, to ending racial intolerance, bigotry and prejudice, not only in Birmingham, but around the world.

Mr. Speaker, by passing House Resolution 102, the House will show its support for this commendable effort. In closing, I urge all of my colleagues to support this resolution.

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

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

I would like to recite the Birmingham Pledge:

I believe that every person has worth as an individual.

I believe that every person is entitled to dignity and our respect, regardless of race or color.

I believe that every thought and every act of racial prejudice is harmful; if it is my thought or act, then it is harmful to me as well as to others.

Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

I will discourage racial prejudice by others at every opportunity.

I will treat all people with dignity and respect; and I will strive daily to honor this pledge, knowing that the world will be a better place because of my effort.

Mr. Speaker, this is the Birmingham Pledge. I urge my colleagues to sign it, to vote for it, and to live it.

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

Mr. BACHUS. Mr. Speaker, I join my colleague from Birmingham in inviting all Members not only to support this resolution, but to support this pledge and to live this pledge on a daily basis.

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 Alabama (Mr. BACHUS) that the House suspend the rules and pass the joint resolution, H.J. Res. 102.

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.

#### HONORING THE SERVICE AND SACRIFICE OF THE UNITED STATES MERCHANT MARINE

Mr. KUYKENDALL. Mr. Speaker, I move to suspend the rules and agree to

the concurrent resolution (H. Con. Res. 327) honoring the service and sacrifice during periods of war by members of the United States merchant marine.

The Clerk read as follows:

H. CON. RES. 327

Whereas throughout the history of the United States, the United States merchant marine has served the Nation during periods of war;

Whereas vessels of the United States merchant marine fleet, such as the S.S. LANE VICTORY, provided critical logistical support to the Armed Forces by carrying equipment, supplies, and personnel necessary to maintain war efforts;

Whereas numerous members of the United States merchant marine have died to secure peace and freedom; and

Whereas at a time when the people of the United States are recognizing the contributions of the Armed Forces and civilian personnel to the national security, it is appropriate to recognize the service of the United States merchant marine: Now, therefore, be it

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

(1) honors the service and sacrifice during periods of war by members of the United States merchant marine;

(2) recognizes the critical role played by vessels of the United States merchant marine fleet, such as the S.S. LANE VICTORY, in transporting equipment, supplies, and personnel necessary to support war efforts; and

(3) encourages—

(A) the American people, through appropriate ceremonies and activities, to recognize and commemorate the service and sacrifices of the United States merchant marine; and

(B) all government agencies to take appropriate steps to commemorate the United States merchant marine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KUYKENDALL) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KUYKENDALL).

GENERAL LEAVE

Mr. KUYKENDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

The merchant marines have served this country since the birth of our Nation. Many people do not think of that. They are most frequently remembered as the World War II veterans because of the great significance they played in that conflict. However, beginning as early as 1775, the merchant marine was actually the first military force we used to defeat the British Navy with. During that time period, they became our first Navy: merchant vessels with guns on them. They brought critical supplies to fight for our independence.

If we go on to the next century in the 1800s, between 1812, the War of 1812, and

the first World War, they participated in not only that War of 1812, but also the Civil War, the Spanish American War, and delivered doughboys to Europe and their supplies to go with them.

In 1936, the Merchant Marine Act was passed by Congress which established the United States merchant marine "as a naval or military auxiliary in time of war or national emergency." From 1941 to 1946, during World War II, merchant marines took part in all invasions. Merchant marine casualties were the highest in any service: 1 in 29. One in 29 people that served became a casualty. Statistics were so important in keeping track of the losses that during World War II we kept secret merchant marine losses because in some weeks we were losing over 30 vessels a week being sunk, between ours and allied forces around the world, and we would never be able to report that and still have men sign up to be a merchant seaman. By 1946, allied leaders planning the invasions of Japan had the merchant marine assigned a critical role in order to move millions of men and their material.

Again, the merchant marine after the war, World War II, came out in the Korean War and they supported that operation. They supported the Vietnam War in 1961 to 1973; and today they serve, even today, supplying troops in Bosnia as well as our earlier conflicts in the 1990s, the Persian Gulf War.

Merchant marines provide a service which is critical to every war effort. To tell my colleagues how critical it is, in World War II, the average soldier, depending upon his job, required somewhere between seven and 15 tons of material to supply them for 1 year. One soldier for 1 year, seven to 15 tons. That does not get delivered by airplanes; it gets delivered by ships all over the world. In fact, on average, in 1945, every hour there were 17 million pounds of cargo being delivered by the merchant marine in support of our war effort.

In 1965, skipping ahead now to Vietnam, we had 300 freighters and tankers supplying the United States military efforts, and on average, on average, we had 75 ships and over 3,000 merchant mariners in Vietnamese ports at any given time. Da Nang Harbor was the home of the Marine Amphibious Force Logistic Command, and in support of 81,000 Marines in Vietnam, that command brought 96 percent of the war material needed for the Marine forces there.

□ 2115

That included everything from tanks to food.

Merchant marines have served as civilians, but routinely go in harm's way in the conduct of their service. Here I am going to quote from B.D. Hammer in an article he wrote in the New York Daily News on May 20, talking about war heroes in the merchant marines:

All volunteers, these seafarers came from every vocation, level of education, ethnicity,

and faith. Some were teens, and some were senior citizens. Many were deemed unfit for military service. Yet the merchant marine traveled across the oceans of the world, often without proper protection, to every battlefield, every invasion of a beachhead that this Nation called it to.

Again, one in 29 mariners who served aboard merchant ships in World War II died in the line of duty. Some of those casualties: There were 8,651 mariners killed in World War II, U.S. mariners. One hundred forty-two of those were cadets from the U.S. Merchant Marine Academy. They were college kids. We all nominate people to the U.S. Merchant Marine Academy, and that academy is the only service academy, of the five that we have, that is authorized to carry a battle standard. They sent cadets to go fight the war.

We had 11,000 wounded, 1,100 more died of wounds ashore, and 604 men and women were taken prisoner while serving as merchant marines. Sixty of them died in prison camp. We have about 500 more Americans who died in service while serving on allied vessels, 500 more. We had people die in the Vietnam War serving in the merchant marine, and many more injured due to actions around them.

As a nation, we must remain committed to maintaining a strong merchant marine. It is the greatest insurance we will have that we will always be able to deliver our men and materiel wherever in the world they are needed. We need a strong Merchant Marine Academy to train them, we need a strong shipbuilding industry to build their vessels, and we need to recognize the service of those who gave their lives in times of war.

The merchant marines have been part of America's history since we became a nation. They are most frequently remembered for World War II action because of the publicity of that event. Today, we have a few remaining even from that war, and we should seek even more recognition as they gradually pass on.

I urge the passage of this resolution, Mr. Speaker, and I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a fill-in tonight for our ranking member, the gentleman from Guam (Mr. UNDERWOOD), who was called away because of a family emergency, so the words I am going to read tonight are his, not mine.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 327, a resolution which would honor and recognize our merchant marines.

I would first like to thank the gentleman from California (Mr. KUYKENDALL) for introducing this important resolution. I am a proud co-sponsor of this legislation, which seeks to ensure that our merchant marines receive the recognition that they long deserve.

The merchant marines, our first Navy, were instrumental in defeating

the British Navy during the Revolutionary War. Highly outnumbered, these brave seamen contributed to the very birth and founding of our Republic by preying on the vast arsenal of British enemy ships and carrying critical supplies to assist in America's battle for independence.

Since 1775, the merchant marines have served our country in all wars up to the Persian Gulf War. Whether carrying imports or exports during peacetime, or serving as naval auxiliary during wartime delivering troops and war material, the merchant marine provides an essential service to the well-being of our Nation.

Long called our Nation's fourth arm of defense, the merchant marines have always answered the call to duty. During World War II, the merchant marine was responsible for delivering not only our troops, but 95 percent of the supplies that our military forces needed to defeat our enemies in both Europe and in the Pacific. These merchant seamen were at constant risk of having their ship sunk by enemy submarines.

As a result of their bravery, the merchant marines had higher casualty percentages than any branch of the Armed Forces. During World War II, one in every 29 mariners perished. Eight thousand, six hundred 51 mariners were killed at sea, and an additional 11,000 wounded.

Due to the security and intelligence concerns surrounding our war effort, merchant marine ship casualties were constantly underestimated. Unfortunately, this resulted in inadvertently denying the American people the knowledge of the sacrifices and accomplishments of the merchant marines. Unknown to many Americans, these courageous seamen suffered incredible losses in moving heavy equipment, troops, arms, ammunition, and fuel across thousands of miles of hostile seas.

Today, House Concurrent Resolution 327 will finally honor their dedication and sacrifice by recognizing their utter devotion to duty.

Congress has acted in the past regarding the merchant marine. The Merchant Marine Act of 1936 officially established the merchant marine as a naval or military auxiliary in time of war or national security. Furthermore, in 1988, merchant marines who sailed on ocean-going vessels from December 7, 1941, through August 15 of 1945 were granted veteran status.

Today the men and women of the merchant marine continue to serve with honor. As Members of Congress, we need to continue to educate the American people about the importance and the achievements of the merchant marine. House Concurrent Resolution 327 serves this purpose.

I urge all Members to support this important legislation in an effort to ensure that our merchant marines receive the recognition and honor they deserve for sacrificing so much to our Nation.

Mr. Speaker, having read the remarks of the gentleman from Guam (Mr. UNDERWOOD), I would also say that the best way we can honor our merchant marines is to continue to have a strong American merchant marine. The way we can do that is to continue to protect the Jones Act, continue to emphasize American shipbuilding, and to continue to, when possible, give priority to American-made products that help in our national defense.

I want to thank the gentleman from California (Mr. KUYKENDALL) for doing this. Again, I want to apologize for the absence of the gentleman from Guam (Mr. UNDERWOOD), but there was a family emergency.

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

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

Mr. Speaker, we are entering an era of great peace which we have been in for the last few years, and we have a large contingent of our veterans, in this case merchant marines, who have never been properly recognized. Their job was secret, in many cases, particularly the loss of their lives and the ships they sailed in during World War II, so the important role they played was even more removed from the public.

Now, as they in great numbers begin to fade away, their importance has by no means faded. We still need that merchant fleet. We still need merchant seamen trained to run civilian ships to haul our materiel wherever it needs to be hauled in support of our Nation's activities.

Part of the greatness of a nation is how we recognize those who give of themselves in its defense and in its pursuits around the world. In this case, this group has been overlooked too long, and it should be recognized.

I urge my colleagues to vote yes to recognize the merchant marines for their actions from the inception of our Nation to today.

Mr. BUYER. Mr. Speaker, I rise today as a co-sponsor of H. Con. Res. 327 and as one who appreciates the vital contribution that merchant marines have made to the security and well-being of our sea-faring nation.

Since 1775, the Merchant Marine has linked the United States in commerce with trading partners all over the world. In wartime, merchant seamen have served with valor and distinction. During World War II, 6,000 merchant mariners, including 142 Kings Point cadets, made the ultimate sacrifice. Despite this terrible cost, the Merchant Marine never faltered in its mission.

Today's merchant mariners continue their predecessors' legacy of dedication and patriotism. Many of these great Americans begin their careers at the U.S. Merchant Marine Academy in Kings Point, New York.

Since 1938, Kings Point has prepared cadets to serve as officers in the Merchant Marine. Recognized as leaders in the maritime industry, Kings Point graduates represent every state and territory in the union. Rear Admiral Joe Stewart and his staff are to be commended for continuing the tradition of excellence at Kings Point.



After World War II, President Franklin D. Roosevelt said, "Mariners have . . . delivered the goods when and where needed . . . across every ocean in the . . . most difficult and dangerous job ever undertaken." I urge my colleagues to honor the contribution of the Merchant Marine by voting "yes" on H. Con. Res. 327.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. KUYKENDALL) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 327.

The question was taken.

Mr. KUYKENDALL. 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.

#### LITERACY INVOLVES FAMILIES TOGETHER ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3222) to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects, as amended.

The Clerk read as follows:

H.R. 3222

*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 "Literacy Involves Families Together Act".

#### TITLE I—FAMILY LITERACY

#### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 1002(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(b)) is amended by striking "\$118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years." and inserting "\$250,000,000 for fiscal year 2001."

#### SEC. 102. IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

Section 1111(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)) 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 State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy."

#### SEC. 103. EVEN START FAMILY LITERACY PROGRAMS.

(a) PART HEADING.—The part heading for part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended to read as follows:

#### "PART B—WILLIAM F. GOODLING EVEN START FAMILY LITERACY PROGRAMS".

(b) STATEMENT OF PURPOSE.—Section 1201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361) is amended—

(1) in paragraph (1), by inserting "high quality" after "build on"; and

(2) by amending paragraph (2) to read as follows:

"(2) promote the academic achievement of children and adults;";

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following:

"(4) use instructional programs based on scientifically based reading research (as defined in section 2252) and the prevention of reading difficulties for children and, to the extent such research is available, scientifically based reading research (as so defined) for adults."

(c) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "(or, if such appropriated amount exceeds \$200,000,000, 6 percent of such amount)" after "1002(b)";

(B) in paragraph (2), by striking "If the amount of funds made available under this subsection exceeds \$4,600,000," and inserting "After the date of the enactment of the Literacy Involves Families Together Act,"; and

(C) by adding at the end the following:

"(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high quality family literacy programs serving American Indians."

(2) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(b)) is amended to read as follows:

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—

"(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts for purposes of—

"(A) carrying out the evaluation required by section 1209; and

"(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(2) RESEARCH.—In the case of fiscal years 2001 through 2004, if the amounts appropriated under section 1002(b) for any of such years exceed such amounts appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount \$2,000,000 or 50 percent, whichever is less, to carry out section 1211(b)."

(d) RESERVATION FOR GRANTS.—Section 1202(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)(1)) is amended—

(1) by striking "From funds reserved under section 2260(b)(3), the Secretary shall award grants," and inserting "For any fiscal year for which at least one State applies and qualifies and for which the amount appropriated under section 1002(b) exceeds the amount appropriated under such section for the preceding fiscal year, the Secretary shall reserve, from the amount of such excess remaining after the application of subsection

(b)(2), the amount of such remainder or \$1,000,000, whichever is less, to award grants,"; and

(2) by adding at the end "No State may receive more than one grant under this subsection."

(e) ALLOCATIONS.—Section 1202(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(d)(2)) is amended by striking "that section" and inserting "that part".

(f) DEFINITIONS.—Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(1) in paragraph (1)(B), by striking "or" after "higher education," and inserting "a religious organization, or"; and

(2) in paragraph (2), by striking "nonprofit organization" and inserting "nonprofit organization, including a religious organization,".

(g) SUBGRANTS FOR LOCAL PROGRAMS.—Section 1203(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(b)(2)) is amended to read as follows:

"(2) MINIMUM SUBGRANT AMOUNTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State shall award a subgrant under paragraph (1) in an amount less than \$75,000.

"(B) SUBGRANTEES IN NINTH AND SUCCEEDING YEARS.—No State shall award a subgrant under paragraph (1) in an amount less than \$52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under this part or its predecessor authority for the ninth (or any subsequent) fiscal year.

"(C) EXCEPTION FOR SINGLE SUBGRANT.—A State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in accordance with subparagraphs (A) and (B), less than \$75,000 is available to the State to award such subgrants."

(h) USES OF FUNDS.—Section 1204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6364) is amended—

(1) in subsection (a), by striking "family-centered education programs" and inserting "family literacy services"; and

(2) by adding at the end the following:

"(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

"(1) IN GENERAL.—States may use a portion of funds received under this part to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

"(2) PRIORITY.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

"(3) TECHNICAL ASSISTANCE TO HELP LOCAL PROGRAMS RAISE ADDITIONAL FUNDS.—In carrying out paragraph (1), a State may use the funds referred to in such paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists.

"(4) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers."

(i) PROGRAM ELEMENTS.—Section 1205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365) is amended—

(1) by redesignating paragraphs (9) and (10) as paragraphs (13) and (14), respectively;

(2) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(3) by inserting after paragraph (4) the following:

“(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this part, ensure that—

“(A) no later than 4 years after the date of the enactment of the Literacy Involves Families Together Act—

“(i) a majority of the individuals providing academic instruction—

“(I) shall have obtained an associate’s, bachelor’s, or graduate degree in a field related to early childhood education, elementary school education, or adult education; or

“(II) shall meet qualifications established by the State for early childhood education, elementary school education, or adult education provided as part of an Even Start program or another family literacy program;

“(ii) the individual responsible for administration of family literacy services under this part has received training in the operation of a family literacy program; and

“(iii) paraprofessionals who provide support for academic instruction have a high school diploma or its recognized equivalent; and

“(B) beginning on the date of the enactment of the Literacy Involves Families Together Act, all new personnel hired to provide academic instruction—

“(i) have obtained an associate’s, bachelor’s, or graduate degree in a field related to early childhood education, elementary school education, or adult education; or

“(ii) meet qualifications established by the State for early childhood education, elementary school education, or adult education provided as part of an Even Start program or another family literacy program;”;

(4) by inserting after paragraph (9) (as so redesignated by paragraph (2)) the following:

“(10) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and, to the extent such research is available, for adults;

“(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

“(12) include reading readiness activities for preschool children based on scientifically based reading research (as defined in section 2252) to ensure children enter school ready to learn to read;”;

(5) in paragraph (14) (as so redesignated), by striking “program.” and inserting “program to be used for program improvement.”.

(j) ELIGIBLE PARTICIPANTS.—Section 1206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6366) is amended—

(1) in subsection (a)(1)(B) by striking “part;” and inserting “part, or who are attending secondary school;”;

(2) in subsection (b), by adding at the end the following:

“(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program contribute to paying the cost of providing programs under this part to children 8 years of age or older, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of children 8 years of age or older.”.

(k) PLAN.—Section 1207(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6367(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “and continuous improvement” after “plan of operation”;

(B) in subparagraph (A), by striking “goals;” and inserting “objectives, strategies to meet such objectives, and how they are consistent with the program indicators established by the State;”;

(C) in subparagraph (E), by striking “and” at the end;

(D) in subparagraph (F)—

(i) by striking “Act, the Goals 2000: Educate America Act,” and inserting “Act”; and

(ii) by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement.”;

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking “(1)(A)” and inserting “(1)”.

(l) AWARD OF SUBGRANTS.—Section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)—

(i) by striking “including a high” and inserting “such as a high”; and

(ii) by striking “part A;” and inserting “part A, a high number or percentage of parents who have been victims of domestic violence, or a high number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);”;

(B) in paragraph (1)(F), by striking “Federal” and inserting “non-Federal”;

(C) in paragraph (1)(H), by inserting “family literacy projects and other” before “local educational agencies”; and

(D) in paragraph (3), in the matter preceding subparagraph (A), by striking “one or more of the following individuals:” and inserting “one individual with expertise in family literacy programs, and may include other individuals, such as one or more of the following;”;

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

“(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.”;

(B) by amending paragraph (5)(B) to read as follows:

“(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).”.

(m) RESEARCH.—Section 1211 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6369b) is amended—

(1) in subsection (b), by striking “subsection (a)” and inserting “subsections (a) and (b)”;

(2) by redesignating subsection (b) as subsection (c); and

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

“(b) SCIENTIFICALLY BASED RESEARCH ON FAMILY LITERACY.—

“(1) IN GENERAL.—From amounts reserved under section 1202(b)(2), the National Institute for Literacy shall carry out research that—

“(A) is scientifically based reading research (as defined in section 2252); and

“(B) determines—

“(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

“(ii) how family literacy services can best provide parents with the knowledge and skills they need to support their children’s literacy development.

“(2) USE OF EXPERT ENTITY.—The National Institute for Literacy shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.”.

(n) TREATMENT OF RELIGIOUS ORGANIZATIONS.—Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended by adding at the end the following:

**“SEC. 1213. RELIGIOUS ORGANIZATIONS.**

“(a) RELIGIOUS ORGANIZATIONS INCLUDED AS PARTNERSHIP PARTICIPANTS.—In carrying out this part, the Secretary, and any grantee or subgrantee receiving assistance under this part, shall treat religious organizations the same as other nongovernmental organizations, so long as this part is implemented in a manner consistent with the Establishment Clause and the Free Exercise Clause of the first amendment to the Constitution. The Secretary, and any grantee or subgrantee receiving assistance under this part, shall not discriminate against an organization that participates in a partnership that is an eligible entity receiving assistance under this part, or an organization that participates in a partnership that is applying to receive such assistance, on the basis that the organization has a religious character.

“(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

“(1) IN GENERAL.—A religious organization that participates in a partnership that is an eligible entity receiving assistance under this part, or that participates in a partnership that is applying to receive such assistance, shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

“(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

“(A) to alter its form of internal governance; or

“(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to participate in a partnership that is an eligible entity receiving assistance under this part or to participate in a partnership that is applying to receive such assistance.

“(3) EMPLOYMENT PRACTICES.—A religious organization’s exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, a program under this part.

“(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided to a religious organization under this part or section 1002(b) shall be expended for sectarian worship or instruction or proselytization.

“(d) PROHIBITION ON SERVING AS FISCAL AGENT.—A religious organization may not serve as a fiscal agent for a partnership that is an eligible entity receiving a subgrant under this part.

“(e) NONDISCRIMINATION AGAINST BENEFICIARIES.—A religious organization shall not

discriminate against an individual, in regard to rendering services under this part, on the basis of religion, a religious belief, or refusal actively to participate in a religious practice.

“(f) FEDERAL FINANCIAL ASSISTANCE.—For purposes of any Federal, State, or local law, receipt of financial assistance under this part or section 1002(b) shall constitute receipt of Federal financial assistance or aid.

“(g) FISCAL ACCOUNTABILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing services under this part shall be subject to the same regulations as other entities providing services under this part to account in accord with generally accepted auditing principles.

“(2) LIMITED AUDIT.—If such organization segregates Federal funds provided under this part into a separate account or accounts, then only the Federal funds used to provide services shall be subject to audit.

“(h) TREATMENT OF PROGRAM PARTICIPANTS.—

“(1) IN GENERAL.—An eligible entity may not subject a participant in an Even Start program assisted under this part, during such program, to sectarian worship or instruction or proselytization.

“(2) CONSTRUCTION.—Paragraph (1) shall not be construed to affect any program that is not an Even Start program (regardless of whether it is carried out before, after, or at the same time as an Even Start program).

**“SEC. 1214. PROHIBITION ON VOUCHERS OR CERTIFICATES.**

“Notwithstanding any other provision of this Act, no services under this part may be provided through voucher or certificate.”

**SEC. 104. EDUCATION OF MIGRATORY CHILDREN.**  
Section 1304(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(b)) 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”;

(3) by adding at the end the following:

“(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.”

**SEC. 105. DEFINITIONS.**

(a) IN GENERAL.—Section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) is amended—

(1) by redesignating paragraphs (15) through (29) as paragraphs (16) through (30), respectively; and

(2) by inserting after paragraph (14) the following:

“(15) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means services provided to participants on a voluntary basis 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:

“(A) Interactive literacy activities between parents and their children.

“(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

“(C) Parent literacy training that leads to economic self-sufficiency.

“(D) An age-appropriate education to prepare children for success in school and life experiences.”

(b) CONFORMING AMENDMENTS.—

(1) EVEN START FAMILY LITERACY PROGRAMS.—Section 1202(e) of the Elementary

and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) READING AND LITERACY GRANTS.—Section 2252 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661a) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

**SEC. 106. INDIAN EDUCATION.**

(a) EARLY CHILDHOOD DEVELOPMENT PROGRAM.—Section 1143 of the Education Amendments of 1978 (25 U.S.C. 2023) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking “(f)” and inserting “(g)”;

and

(B) by striking “(e)” and inserting “(f)”;

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

“(D) family literacy services.”;

(3) in subsection (e), by striking “(f),” and inserting “(g).”;

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following:

“(e) Family literacy programs operated under this section, and other family literacy programs operated by the Bureau of Indian Affairs, shall be coordinated with family literacy programs for American Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving American Indians.”

(b) DEFINITIONS.—Section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026) is amended—

(1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (15), respectively; and

(2) by inserting after paragraph (6) the following:

“(7) the term ‘family literacy services’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).”

**TITLE II—INEXPENSIVE BOOK DISTRIBUTION PROGRAM**

**SEC. 201. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.**

(a) AUTHORIZATION.—Section 10501(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131(a)) is amended by striking “books to students, that motivate children to read.” and inserting “books to young and school-aged children that motivate them to read.”

(b) REQUIREMENTS OF CONTRACT.—Section 10501(b)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131(b)(4)) is amended by inserting “training and” before “technical assistance”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10501(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131(e)) is amended—

(1) by striking “\$10,300,000 for fiscal year 1995” and inserting “\$20,000,000 for fiscal year 2000”; and

(2) by striking “four” and inserting “five”.

(d) STATEMENT OF PURPOSE.—Section 10501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131) is amended—

(1) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively;

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively; and

(3) by inserting after the section heading the following:

“(a) PURPOSE.—The purpose of this program is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading, and motivate older children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources, and shall assign the highest priority to serving the youngest and neediest children in the United States.”

(e) NEW PROVISIONS.—Section 10501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131) is amended by inserting before subsection (g) (as so redesignated by subsection (d)) the following:

“(e) SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.—

“(1) FUNDS FROM OTHER FEDERAL SOURCES.—Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 percent of the non-Federal share of the funds used for the cost of acquiring and distributing books.

“(2) WAIVER AUTHORITY.—Notwithstanding subsection (c), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.

“(f) MULTI-YEAR CONTRACTS.—The contractor may enter into a multi-year subcontract under this section, if—

“(1) the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

“(2) the subcontract does not undermine the finances of the national program.”

**SEC. 202. EFFECTIVE DATE.**

The amendments made by section 201 shall take effect on October 1, 2000.

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

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

GENERAL LEAVE

Mr. GOODLING. 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. 3222.

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

There was no objection.

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

Mr. Speaker, the greatest problem facing the Nation, in my estimation and that of many, is the fact that we have close to 100 million people in the United States at the present time who are functioning on either Level I or Level II literacy skills. Level I literacy skill will ensure that they will never receive a piece of the American dream. With Level II, it will be very, very difficult in the 21st century, in the high-tech century, to ever be able to compete.

That is a real tragedy. That is a tragedy that in my estimation will destroy this Nation. All nations generally fall from within. There are many reasons why this one could fall from within, but none, in my estimation, more likely to cause that downfall than the fact that we do have close to 100 million people who are having a very difficult time surviving in this 21st century.

At the same time, of course, we are being asked to bring in hundreds of thousands of people from other countries in order to fill our \$40,000, \$50,000, and \$60,000 jobs, and all of those we have, of course, cannot rise to any level where they would begin to think about \$40,000, \$50,000, \$60,000 jobs.

So we have had Even Start working for quite a few years. It has been working well. The reason we are here tonight is because I do not want to wait, as we did with Head Start. In Head Start I tried to say for 10 or 12 years that the program, so well-intended, was not working, and all the studies would show that it was not working. It was not working because no one was paying any attention to whether there were quality programs or not, so it became a poverty jobs program, it became a baby-sitting program, but it was supposed to be a reading readiness program for preschoolers. It was supposed to be a program to make sure children were ready to learn by the time they came to first grade.

The reason we are here tonight is to make sure we do not fall into that trap, but that as a matter of fact we improve a piece of legislation that has been doing well.

These are just some of the results that we have from programs and evaluations, which are meaningful evaluations because they were done as technical evaluations by those who are qualified to do such.

A high percentage of adults get their GED or their high school certification. Sixty-two percent of those seeking certification from the program have received those certifications. A significant percentage obtain and keep employment, a 50 percent increase. Parents continue to seek employment and enroll in education and training programs. Families reduce their reliance on public assistance, and 45 percent reduced it dramatically or are completely off.

Even Start helps children. Eighty percent are rated at class average or above after they leave an Even Start program and go on to kindergarten.

Children continue to perform average or better in their classes, as judged by their teachers. In third grade, 75 percent of children perform well on formal assessments, 60 percent at average or better in reading, 80 percent in language, and 73 percent in math.

What we have done in the Even Start program is something that we should have done years and years ago. If we are going to break the cycle of illiteracy, we do not just deal with children or adults, we have to deal with the family.

Of course, this was not a new idea of mine when I arrived here and introduced it. We began it in Spring Grove School District when I was superintendent there, when I asked our early childhood specialists, what is it we can do to break the cycle? We know every parent that did not graduate from high school that now has children in the school. We know every older brother and sister that did not graduate. Is there not some way to break the cycle?

She said, yes, we will go out into the homes with 3- and 4-year-olds and we will work with the parents and the 3- and 4-year-olds. We will show the parents what it is we can do to help children to become reading-ready and school ready. We will improve the literacy skills of the parent so they can become the child's first and most important teacher.

□ 2130

We will help prepare those 3- and 4-year olds so they do not have a failing experience when they arrive in first grade.

It has been a successful program but we want to make sure it is even more successful. So we strengthen the accountability in this reauthorization. States will review the progress of local programs to make sure that they are meeting the goals of helping parents to read, helping children to learn, and training parents on how to be good teachers for their children.

We have quality improvement so that the States use a portion of their Federal money to provide training and Federal assistance to Even Start instructors to make sure they are at the highest level. We have the scientific research standards, additional money in there, because we have a lot of research on how children learn to read. We have very little research on how adults learn to read.

We have family literacy in Title I and the migrant programs where it is most needed. And then we have qualifications for instructional personnel so that, as a matter of fact, they are of the highest caliber.

These are just some of the things that we have done. We have also included the Inexpensive Book Distribution Program, the RIF program, and we add a new title extending and amending the reauthorization for this program.

These are some of the things that we are trying to do to make sure that, as

a matter of fact, we do not fail from within simply because we have a growing number of people who cannot compete in a 21st century high-tech society.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by first thanking the gentleman from Pennsylvania (Chairman GOODLING) for his wisdom and guidance as the chairman of the Committee on Education and the Workforce. It has been a pleasure working with the gentleman from Pennsylvania. I know that I speak for the entire House of Representatives when I wish him all the happiness and health in his retirement. I use that word loosely because we have already had some conversation, so I do not really think he will be retiring, he will just be starting on a new journey. But he will be missed here in the House.

In addition, Mr. Speaker, I rise today in support of H.R. 3222 to express my support for the Literacy Involves Families Together Act. This bill strengthens Even Start in the focus of family literacy in Title I and our Native American Education Programs.

This legislation will also define staff qualifications, which we know is so important for programs using Federal funds to support instructional staff. The bill will require that academic instructors have a post-secondary degree or meet State qualifications. By requiring a higher level of qualifications, we are ensuring the highest returns for our Even Start children and families.

Mr. Speaker, this bill levels the playing field for our neediest families who often need special services to provide basic education to their children. Finally, this bill will strengthen the accountability of Even Start programs by ensuring that program performance is measured by local goals tied to State performance indicators.

While I do support this program, Mr. Speaker, I do have some concerns about two changes that have been made to this bill. Both the amount of money that we are authorizing and the length of time we are authorizing this program have been reduced significantly.

Mr. Speaker, just last year in Nassau County, part of my district, BOCES, which is as an educational school, served over 100 families. Can my colleagues imagine how many more families we could serve with the full reauthorization of this bill? I find in my district alone that more and more families are looking for services like this.

As the gentleman from Pennsylvania (Chairman GOODLING) has said, if we help educate the parent, certainly the children are only going to do better.

It is my sincere hope that we can work out these issues in conference. Until then, I urge all of my colleagues to support this important legislation.

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

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM), a member of the Committee on Education and the Workforce.

Mr. GRAHAM. Mr. Speaker, I will try to do this in 2 minutes, but I do not know if I will make it. We are here to talk about something that is probably worth more than 2 minutes to spend on, and that is the gentleman from Pennsylvania (Mr. GOODLING), the chairman himself.

Mr. Speaker, I rise in support of H.R. 3222, the Literacy Involves Families Together Act. This important legislation extends and improves the Even Start Family Literacy Program and the Inexpensive Book Distribution Program, better known as Reading is Fundamental.

Mr. Speaker, there is no one that deserves more credit for bringing the attention to the problem of illiteracy in this country than the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce and author of the Even Start Family Literacy Program.

Since his election to the House of Representatives almost 26 years ago, and, yes, it has been that long, the gentleman from Pennsylvania (Mr. GOODLING) has fought to ensure that every child and adult has the literacy skills they need to succeed in school and the workplace and in their local communities.

The gentleman from Pennsylvania (Chairman GOODLING) has worked diligently to improve the quality of adult education programs. Through his efforts, those with the lowest levels of literacy have been able to overcome obstacles, obtain gainful employment, and share in the opportunities of this great Nation.

In 1991, the gentleman from Pennsylvania (Mr. GOODLING) was the driving force behind the enactment of the National Literacy Act which established the National Institute for Literacy. The Institute coordinates literacy efforts among the Departments of Education, Health and Human Services and Labor. In addition, the National Institute for Literacy works with States as well as local providers to provide them with the latest information on quality adult education and family literacy programs.

The gentleman from Pennsylvania (Mr. GOODLING) has also pioneered legislation to change the way children are taught to read. Through the development and enactment of the Reading Excellence Act of 1988, the gentleman from Pennsylvania helped ensure that teachers are taught to teach reading using instructional programs based on scientifically based reading research. This has marked a major change in the way reading is taught in schools. Instead of fly-by-night fad programs, this legislation helps ensure our Nation's children are receiving the best possible reading instruction.

However, the greatest contribution to combatting illiteracy of the gentleman from Pennsylvania (Chairman GOODLING) was the enactment of the Even Start Family Literacy Program. Back in 1988, at a time when Republicans were the minority party in the House, the gentleman from Pennsylvania (Mr. GOODLING) successfully pursued the enactment of this legislation.

Based on his experiences as an educator, he strongly believed that illiteracy can most successfully be eliminated by working with families. He knew that, unless we first empowered parents with poor reading skills to be their child's first and most important teacher, that their ability to help their children succeed in school would be greatly diminished.

Mr. Speaker, family illiteracy programs such as Even Start are one of the most effective methods of breaking the cycle of illiteracy in families, and we have the gentleman from Pennsylvania (Mr. GOODLING) to thank. I am, therefore, immensely pleased that the committee has included in H.R. 3222 my amendment to renaming the program the "William F. Goodling Even Start Family Literacy Program."

I am sure families and family literacy providers throughout the United States join me in thanking the gentleman from Pennsylvania (Mr. GOODLING) for all of his contributions to combatting illiteracy in this country. I encourage my colleagues to join me in commending the gentleman from Pennsylvania (Chairman GOODLING) for all of his contributions to creating a literate society. I also urge support of H.R. 3222, the Literacy Involves Families Together Act.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, today's floor action represents another portion of the work of the Committee on Education and the Workforce on the reauthorization of the Elementary and Secondary Education Act.

Even Start has been, as we all know here, the result of the love and the hard work of the gentleman from Pennsylvania (Mr. GOODLING), my chairman and my friend.

I have had the privilege of serving with my colleague for 24 years on the Committee on Education and the Workforce. He was here before I got here. He has been here 26 years, I believe, Mr. Speaker.

The work of the gentleman from Pennsylvania (Mr. GOODLING) has touched the lives of so many children during his career, providing many of them with the means to better themselves.

Indeed, I find myself a better person because of the gentleman from Pennsylvania (Mr. GOODLING). He is a great friend and a very, very helpful mentor. His retirement at the end of this Con-

gress is a great loss to this institution and the children of our country.

He has always been dedicated to quality and results for our Nation's children and our families. That is one thing he has taught me over and over again, we have to look at results.

This reauthorization of Even Start very much reflects these principles, his principles. It is extremely fitting that we honor the gentleman from Pennsylvania (Chairman GOODLING) by renaming Even Start after him through this legislation.

The bill before us today strengthens Even Start in the focus of family literacy in Title I and Indian Education Programs. In addition, this substitute would increase the set-aside for migrant and Indian Even Start programs from 5 to 6 percent when the total appropriation reaches \$200 million. I believe this provision is especially important in increasing funding to Native Americans, a population that can greatly benefit from family literacy services.

In closing, I want to thank the gentleman from Pennsylvania (Chairman GOODLING) for successfully getting this legislation to the floor despite the many roadblocks placed in his way. He was very, very persistent; and we owe him a deep debt of gratitude for that. His hard work on this program deserves the admiration of every Member of this House and the people of this country.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER), a member of the Committee on Education and the Workforce.

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

Mr. Speaker, I rise in strong support of H.R. 3222, the Literacy Involves Families Together Act. However, I would like to first say a couple things about the gentleman from Pennsylvania (Chairman GOODLING). In all my years in Congress, I sincerely believe that the gentleman from Pennsylvania (Mr. GOODLING) is the most knowledgeable person on the issue of education. Before coming to Congress, the gentleman from Pennsylvania was a teacher, a principal, and superintendent. The gentleman from Pennsylvania (Mr. GOODLING) knows education. We in Congress have been fortunate to have him.

It is safe to say that we will miss the leadership of the gentleman from Pennsylvania (Chairman GOODLING), his bipartisan spirit, and his passion for better education of all Americans. I think the respect for his leadership is shown by the number of the committee members that are here tonight at this late hour.

Back in 1988, when we served together on the Committee on Education and the Workforce as minority Members, the gentleman from Pennsylvania (Mr. GOODLING) worked tirelessly to enact the Even Start Family Literacy

Program. Even Start is based on his experience as an educator and his belief that illiteracy can most successfully be eliminated by working with families.

Even Start works with the adults without a GED and high school diploma and their children to break the cycles of illiteracy. This program has been successful in motivating and providing parents with the skills they need to play an active role in their children's education.

Today we have an opportunity to enhance this act and substantially increase the funding authorization to \$250 million for fiscal year 2001. This is a program that works. Not only does it increase literacy and active participation by parents in their children's education, but it provides enhanced opportunities for parents as well.

The bill epitomizes everything that the gentleman from Pennsylvania (Chairman GOODLING) has represented during his tenure in Congress. It increases charitable choice, strengthens accountability, ensures instruction is based on scientifically based research, it prevents waste, and actively increases parental involvement in education. This is a program that helps everyone who is involved.

I ask my colleagues to support H.R. 3222 and the gentleman from Pennsylvania (Chairman GOODLING) in his efforts on behalf of American families.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), also from the Committee on Education and the Workforce.

Mr. SCOTT. Mr. Speaker, I rise in reluctant opposition to H.R. 3222, the Literacy Involves Families Together Act.

Before I go into the purpose of my opposition, I would like to take a moment to thank and honor the gentleman from Pennsylvania (Chairman GOODLING) for his service to the Committee on Education and the Workforce.

The gentleman from Pennsylvania (Chairman GOODLING) cares about education passionately, and many would say that he is an educator before he is a legislator. Today it is fitting that we honor the Even Start program, a program that he authored, with his name.

Mr. Speaker, I rise, however, in reluctant opposition to the bill because it contains a provision known as charitable choice. Charitable choice permits religious organizations to participate in various grant programs but allows them to discriminate on the basis of religion in their hiring with public funds.

□ 2145

Even Start is an excellent program that attacks education problems at the most fundamental level: The family. Family literacy programs such as Even Start are particularly important for my own congressional district because adults in the Third Congressional District of Virginia have the lowest level of literacy skills in the State, but I will not support a program that turns

the clock back on civil rights laws by allowing publicly funded employment discrimination as charitable choice does in this bill, and several other bills.

The majority accommodated several of my concerns about the original charitable choice provisions in order to provide better protection for beneficiaries and to ensure that no proselytization would occur during the federally funded program. However, the bill still affords religious organizations participating in the Even Start program the right to discriminate in their hiring with public funds.

Now let me make it clear that I am not suggesting that we take away a religious organization's ability to discriminate in their hiring with their private funds, as protected under Title VII of the Civil Rights Act and as protected by the First Amendment. Here we are talking about discriminating and hiring on the basis of religion when using public funds. That is wrong.

It is important to note that this marks the first time the charitable choice has been added to an elementary and secondary education program.

Mr. Speaker, public education programs ought to be the last place that we should tolerate religious discrimination. Even the original author of the charitable choice in his legislative proposals to expand charitable choice provisions to other programs specifically carved out education programs.

Mr. Speaker, a number of organizations have expressed opposition to discrimination based on religion with Federal funds, and I would like to read part of a letter which states the charitable choice provision also allows the government to give taxpayer money to religious institutions and then allows those religious institutions to refuse to hire certain taxpayers for taxpayer-funded positions because they are not of the right religion. While allowing religious institutions to discriminate on the basis of religion in their privately funded activities is quite appropriate, tax-funded employment discrimination is not.

Mr. Speaker, that letter is signed by the American Association of University Women; the American Federation of Teachers; the American Jewish Committee; the American Jewish Congress; the Americans United for Separation of Church and State; the Anti-Defamation League; the Baptist Joint Committee on Public Affairs; the Central Conference of American Rabbis; the Council of Chief State School Officers; Friends Committee of National Legislation; Hadassah, the Women's Zionist Organization of America; the National Alliance of Black School Educators; the National Council of Jewish Women; the National Education Association; the National Gay and Lesbian Task Force; the National PTA; the National School Boards Association; People for the American Way; School Social Work Association of America; the Service Employees International Union, AFL-CIO; the Union of American Hebrew

Congresses; and the Women of Reform Judaism.

Mr. Speaker, I submit the complete text of the letter into the RECORD.

AMERICANS UNITED FOR  
SEPARATION OF CHURCH AND STATE,

Washington, DC.

DEAR REPRESENTATIVE: We, the undersigned religious, civil rights, civil liberties, and education organizations, are writing to urge you to oppose the "charitable choice" section of H.R. 3222, the Literacy Involves Families Together, or "Even Start" bill. We urge you to oppose this section because charitable choice is a frontal assault on the First Amendments guarantee of the separation of church and state.

Attaching "charitable choice" to Even Start represents the first time this controversial proposal has been included in education legislation. Although "charitable choice" was never envisioned to govern education programs, Even Start opens the door to tax funding of religious schools in all education programs in the future.

The charitable choice provision also allows the government to give taxpayer money to religious institutions and then allows those religious institutions to refuse to hire certain taxpayers for tax-funded positions because they are not of the "right" religion. While allowing religious institutions to discriminate on the basis of religion in their privately funded activities is quite appropriate, tax-funded employment discrimination is not.

The charitable choice provision further threatens to excessively entangle the institutions of church and state. Despite the provisions in charitable choice that purport to protect the religious autonomy of institutions that receive tax money, the government will regulate what it funds. This will result in government oversight, accounting and monitoring of houses of worship and other religious institutions.

For these reasons, we strongly urge you to oppose the "charitable choice" section of the "Even Start" bill.

Sincerely,

American Association of University Women  
American Federation of Teachers  
American Jewish Committee  
American Jewish Congress  
Americans United for the Separation of Church and State  
Anti-Defamation League  
Baptist Joint Committee on Public Affairs  
Central Conference of American Rabbis  
Council of Chief State School Officers  
Friends Committee on National Legislation  
Hadassah, the Women's Zionist Organization of America  
National Alliance of Black School Educators  
National Council of Jewish Women  
National Education Association  
National Gay and Lesbian Taskforce  
National PTA  
National School Boards Association  
People For the American Way  
School Social Work Association of America  
Service Employees International Union (SEIU), AFL-CIO  
Union of American Hebrew Congregations  
Women of Reform Judaism  
Rachel Joseph, Legislative Associate

Mr. Speaker, family literacy programs are extremely important; and we should not be required to tolerate religious discrimination as a condition for



the passage of this bill. Therefore, Mr. Speaker, I regret that I cannot support the bill and support the gentleman from Pennsylvania (Mr. GOODLING) in this worthwhile endeavor, although I appreciate his hard work and dedication to education.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON), another subcommittee chair.

Mr. MCKEON. Mr. Speaker, I thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. Speaker, I rise today in strong support of the Literacy Involves Families Together bill. This legislation builds on a strong legacy of support for literacy programs by this Congress and in particular our Committee on Education and the Workforce chairman, the gentleman from Pennsylvania (Mr. GOODLING). We believe that if children learn to read early their chance for success in school is much greater. At the same time, if the entire family is part of the learning process, all members of the family have the opportunity to reach their full potential.

I have heard it said that the family that prays together stays together, and the family that plays together stays together. I would like to add that the family that reads together progresses together.

With this bill, we will help break the cycle of poverty, unemployment and welfare that is often a result of illiteracy. This legislation accomplishes these goals through strengthened services under the Even Start literacy program. Specifically, H.R. 3222 provides more resources to train Even Start instructors. The need for more training is acute. For example, last year during a hearing on teacher preparation, we heard from a young African American teacher who was given a third grade class and told to teach them how to read. He had never had any training on teaching how to read.

He was simply told, you know how to read; teach them how to read.

He was frustrated. His students were not learning; and he was ready to quit. It was not until he received some additional training that he was able to really connect with and teach the children in his class and reach his full potential as a teacher.

Passage of this bill will give reading instructors the additional help they need.

Finally, I would like to take this opportunity to share my gratitude, along with my other colleagues, for the work of the gentleman from Pennsylvania (Mr. GOODLING) on this important bill. As the author of several important literacy initiatives, including the Reading Excellence Act, the gentleman from Pennsylvania (Mr. GOODLING) recognized long ago the need for quality reading programs for the entire family. I have had the privilege of serving with the gentleman from Pennsylvania (Mr. GOODLING) on the Committee on Edu-

cation and the Workforce since coming to Congress in 1993, and I have learned a lot from him on this and other education issues.

This legislation culminates the outstanding work that the chairman has done on literacy and will be a highlight of his legacy when he retires at the end of the 106th Congress. His dedication to the young people of this Nation is extraordinary and should be emulated by all Members of this body. I am sorry to see him go but wish him well in all that he does.

I urge all of my colleagues to support H.R. 3222.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, a little over 24 hours ago, as a father, I was reading at home in Waco, Texas, my home, to our 3-year-old and 4-year-old sons. As a father who cares deeply about encouraging my children to learn how to read and to enjoy reading and learning, I appreciate deeply the chairman's leadership in literacy programs before this and previous Congresses, but I rise tonight to express the same reservation mentioned by my colleague from Virginia (Mr. SCOTT).

It seems to me to continue on a great program, and the program, the Even Start program is a great program, it is not necessary to use Federal tax dollars to allow organizations to discriminate against American citizens based simply on their own religious faith. It is not necessary to not only allow but to actually subsidize with Federal tax dollars religious discrimination in order to give children an even start in life.

Mr. Speaker, I would like to ask, perhaps with the agreement of the gentleman from Pennsylvania (Mr. GOODLING), if I could ask the chairman perhaps a question. With the chairman's indulgence, if I could just clarify a point by asking him a question, if I could, on page 20 of the bill it talks about treatment of program participants. In fact, if we go back to page 17 it talks about, under section 1213, religious organizations included and partnership participants.

Could I ask the gentleman from Pennsylvania (Mr. GOODLING), so we can be clear on the definition, when the term religious organizations is mentioned in this language does the chairman intend that that includes directly churches, synagogues and houses of worship or separate entities, perhaps secular separate entities set up by those churches, synagogues and houses of worship?

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

Mr. EDWARDS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, it could be either, because we do not express in the legislation one or the other.

Mr. EDWARDS. For clarification purposes, it would allow dollars to go

either directly from the Secretary or from one of the partners directly not to Catholic charities but to St. Mary's Catholic Church and communities somewhere in our country. I appreciate that.

One of the concerns that I have had about charitable choice in so many other bills is that what that then does is either require the Federal Government to not be accountable for how those dollars are spent or to actually have the Federal Government go in and audit the books of churches and synagogues and houses of worship.

I see in the gentleman's bill actually language in there saying that if the church actually or house of worship separates the funds, then the Federal Government can only audit that particular account. Does that then mean if a church that gets this money directly under this program does not separate that, then the Federal Government will have to come in and perhaps audit all of the books of that church?

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

Mr. EDWARDS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I would like to respond to the gentleman's inquiry. First of all, the church cannot be a fiscal agent. They cannot, in our legislation, be a fiscal agent.

Mr. EDWARDS. They can receive the funds from the fiscal agent?

Mr. GOODLING. Right. Secondly, only the partnership gets the money. The church itself cannot get the money. The partnership that the church is working with gets the money, not the church itself.

Mr. EDWARDS. The church decides who to hire; the church does not get the money directly?

Mr. GOODLING. They cannot get the money directly.

Mr. EDWARDS. In this bill, okay. But I guess the point I would raise is that if the church is involved in hiring people and being responsible for expenditures of Federal tax dollars, it opens up the possibility that in some way or another a church or a house of worship is going to have to be audited in order to ensure the taxpayers that their monies are being spent for the purpose for which this bill intended.

Mr. Speaker, clearly my greatest objection is not that this is good legislation. It has worked well and could continue to work well, but it is wrong even in the best of legislation to take our Federal tax dollars and give to any organization and say they can take those Federal tax dollars and put out a sign that says, such as a Bob Jones' related church they could say, no Catholic need apply here for a federally funded job.

I understand why the Civil Rights Act says the Methodist church can hire a Methodist pastor, a Jewish synagogue can hire a Jewish rabbi. That is why there was an exception in the Civil Rights Act for that kind of quote/unquote discrimination, but the Civil

Rights Act passed in the 1960s never envisioned Federal dollars going directly to pervasively sectarian organizations.

In fact, I found it interesting in this bill it says it has to be consistent with the establishment/separation clause of the First Amendment of the Bill of Rights. The 1988 Kendrick case, Bowen versus Kendrick, basically said clearly one cannot send direct tax dollars to pervasively sectarian organizations.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds just to indicate that, of course, as I have indicated on Ms. JOHNSON's bill, these organizations who should really be participating when one is dealing with families and are trying to improve family life, would not participate, of course, if they have to give up their Title VII protection. The President, the Vice President, have both indicated very clearly, the President said common sense says that faith and faith-based organizations from all religious backgrounds can play an important role in helping children to reach their fullest potential. I agree with that, and I believe that we have protected everybody in this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to extend the time by 10 minutes, to be divided and controlled between the gentlewoman from New York (Mrs. MCCARTHY) and myself.

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

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Delaware (Mr. CASTLE), our subcommittee chair.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding.

Mr. Speaker, I rise in strong support of H.R. 3222, the Literacy Involves Families Together Act, legislation to ensure that every child and every adult has literacy skills they need to succeed. I also want to take a moment to commend the bill's sponsor, the gentleman from Pennsylvania (Mr. GOODLING).

As some of us may know, the gentleman from Pennsylvania (Mr. GOODLING) was the driving force behind the National Literacy Act and he changed the way children learn to read with the enactment of the Reading Excellence Act.

□ 2200

Mr. Speaker, once again the gentleman from Pennsylvania (Mr. GOODLING) is leading the charge to create a more literate society with the reauthorization of the Even Start Family Illiteracy Program, a bill he helped offer nearly 12 years ago.

Like the gentleman from Pennsylvania (Mr. GOODLING), I believe that the literacy skills of America's adults

are simply not adequate to encourage individual opportunity, increase worker productivity, or strengthen our country's competitiveness around the world.

According to the National Center for Educational Statistics, approximately 21 percent of the adult population, more than 40 million Americans over the age of 16, has only rudimentary reading and writing skills. An additional 8 million adults were unable to perform the most basic literacy test and a smaller percentage had such limited skills that they were unable to even respond to the survey.

Sadly, studies show that illiteracy is an intergenerational problem, one that follows a parent-child pattern. Students who have not been exposed to reading before they enter school are at a significant disadvantage when compared with students whose parents read to them. In addition, students with illiterate parents are more likely to perform poorly in school, and they are more likely to drop out before graduation.

The bill before us today, the Literacy Involves Family Together Act seeks to remedy these problems by improving the quality of services provided under the Even Start Family Literacy Program.

Specifically, LIFT would require Even Start programs to base reading instruction on scientifically based research. As part of the National Reading Panel, the National Institute for Child Health and Human Development has conducted extensive research on the best way to teach children to read, and I believe it is of utmost importance for our literacy centers to make use of this data.

LIFT would also fund a research project to find the most effective way to improve literacy among parents and reading difficulties and to help parents use their new skills to support their children's redevelopment.

Finally, the LIFT act raises the quality of family literacy programs to allow States to use a portion of their Even Start dollars to provide expert training and technical assistance to Even Start providers and family literacy instructors.

We live in a Nation where both the volume and variety of written information are growing and where increasing numbers of citizens are expected to be able to read, understand, and use these materials.

Mr. Speaker, I commend the gentleman from Pennsylvania (Chairman GOODLING) for his leadership and wish him a long and enjoyable retirement.

Mrs. MCCARTHY of New Jersey. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Speaker, let me commend the gentlewoman from New York (Mrs. MCCARTHY) for managing this bill and for the hard work that the

gentlewoman has done on this legislation that is so important to us, in particular, gun violence. And I would like to say that I associate myself with her fight to control that.

As it relates to this bill, I would also like to pay my respects to the gentleman from Pennsylvania (Mr. GOODLING), a gentleman that I have had the opportunity for the past 12 years to work with on the committee that has changed its name several times, the former Education and Labor Committee, now Committee on Education and the Workforce, and I would like to wish him a healthy and a useful retirement.

Mr. Speaker, as a matter of fact, I had the privilege to chat with him on the elevator today and asked what is the gentleman going to do with all of his time. We know it is going to be used in a very positive way. And so I feel privileged to have served on the committee with the gentleman.

I do, as many may know, for a number of years from around 1990 until about 1995, I introduced a National Literacy Day bill, which at that time under the other rules of the House if we had 218 Members to sign the resolution, it would come to the floor, and for a number of years, we moved the National Literacy Day.

I do recall working very closely with the gentleman when we had White House conferences dealing with the question of literacy when the National Literacy headquarters was conceived and State literacy councils were formed.

Mr. Speaker, I feel very close to this question of literacy, and Literacy Involves Families Together Act is certainly in the right direction. As I have indicated, this has been really one of my pet projects that I have worked with in many years. However, as the gentleman from Virginia (Mr. SCOTT), as he raised in a bill last week, which was also a very good bill dealing with welfare reform, but also in that piece of legislation, there was this question about Charitable Choice.

It seems like every piece of legislation that we will see from now on will have this question about Charitable Choice. As we know, Charitable Choice provision allows the government to give taxpayer money to religious institutions and then allows those religious institutions to refuse to hire certain taxpayers for tax-funded positions, because they are not of the right religion. While allowing religious institutions to discriminate on the basis of religion in their privately funded activities is quite appropriate and no one opposes that, tax-funded employment discrimination is wrong.

And as we know, it permits religious institutions that receive Federal funds to discriminate in their employment based on religious. It opens the door to tax funding of religious schools in all educational programs in the future. It harms religion by transforming religious ministries into administrative

agencies of government benefits and services requiring them to terminate certain benefits, report on individuals, and otherwise police the system. It undermines the traditional role of religion. For that purpose, too, a bill which I commend, a bill that I feel embodied in what it stands for, because of this provision, which I see raising its ugly head continuously and continuously and continuously, for that purpose, I must oppose the bill.

Mr. Speaker, I once again wish the gentleman from Pennsylvania (Mr. GOODLING), who has done an outstanding work, a good retirement and good health.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. ISAKSON), an important member of the Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding the time to me, and I associate myself with all the positive remarks that have been made about his service.

I would observe that in most cases in the twilight of a politician's career, they search desperately for a legacy that is a testimony to that which they have done. Some find it in an edifice or a building, some find it in a last minute grant.

But today we memorialize a legacy that walks all over America and is a tribute to the gentleman from Pennsylvania. It is young adults and children since 1988 who have learned together the fundamental key to success in life, which is the ability to read. This program supplies materials, sound fundamentals, and breaks the cycle and the stigma that is the biggest problem in adult literacy.

We have learned in education that an adult who otherwise would be stigmatized and not go to learn will relish the opportunity to learn with their child. That is the legacy of the gentleman from Pennsylvania (Mr. GOODLING) and today's increase in that legacy is a testimony to what he has done.

There are schools all over this country, but there is one in my State called Pitts Elementary, Mr. Chairman, 100 percent poverty, 100 percent free and reduced lunch in the middle of a public housing project. Because of Even Start and the materials, the techniques and using the resources of a community, in Pitts Elementary children without hope and hopeless parents learn to read.

The generational cycle of literacy can only be broken when the child and the parent learn together, thanks to the gentleman from Pennsylvania (Mr. GOODLING).

Mrs. MCCARTHY on New York. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BILBRAY). He can tell us just how important the program is, as well as the organization that helps support the program.

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

Mr. BILBRAY. Mr. Speaker, I rise in support of the bill, and I would like to rise in respect to the chairman, the gentleman from Pennsylvania (Mr. GOODLING), for all the hard work he has done with this issue.

Mr. Speaker, I have had the privilege of cofounding the Literacy Council of San Diego County that serves over 3 million people in Southern California. And I must say sincerely that as we discussed opportunities and access for our citizens, there was an interesting term brought up called Charitable Choice. I would just ask all of us to remember what kind of choice this country is giving to the 20 percent of English-speaking learners who do not have a choice of being able to do what we ran into in San Diego County while I was chairman. They could not fill out an application for a job. They could not even find applications to be able to get government services to get training for the job.

A lot of people may think this is an issue of just a child learning to read or an adult learning to read, and that is somebody else's problem, because my family knows how to read. My children are going to good schools. My parents know how to read. My brothers and sisters are literate.

But let me tell my colleagues as someone who operated a system of criminal justice and social welfare that is larger than 32 States of the Union, that I found that 20 percent to 40 percent of the people that were in welfare and were in our criminal justice system were functionally illiterate. In fact, Mr. Speaker, I would just say if we want to fight crime, if we want to fight unemployment, we need to support bills like the gentleman's, and I thank him very much for his proactive stance on this project.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding to me.

Mr. Speaker, I congratulate him not only on the bill but for his leadership on education issues over many years, both as Member of the minority and then as chairman of the Committee on Education and the Workforce. I also congratulate him on not only having passed the Even Start bill in 1988, but having overseen what has happened under that legislation and bringing us tonight this legislation that improves the effectiveness of the Even Start program and improves the quality of the teaching that will go on under Even Start.

Particularly, I want to commend the gentleman because he has never forgotten that children are the children of parents; that children grow up in families, and if children are not doing well, we need to look at both what the child needs and what their families need.

The holistic approach to learning to read embodied in this bill is the right answer, not just for children, but for families. Research has shown for decades that children do better in school if their parents are interested in their progress in school. Yet, if parents themselves have not felt the power of education in their lives, they cannot transmit to their children a love of learning, a respect for learning, or the excitement that is necessary to motivate children to learn when they are young and accomplish the goals so important in elementary school.

Mr. Speaker, I commend the gentleman for his leadership and thank him for his work over all of these decades here in the Congress.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. EHLERS), a very important member of the Committee on Education and the Workforce.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding time to me.

Mr. Speaker, in the Congress all of us depend on each other in dealing with a multitude of issues that are before us. But without doubt, the gentleman from Pennsylvania (Chairman GOODLING) has been Mr. Education to this Congress for many years. All of us have upon one occasion or another gone to him for advice on how to deal with issues regarding education. And I appreciate his efforts here.

In regard to the bill, there are several points I wanted to mention that I think are outstanding. First of all, accountability. We have passed many, many different pieces of legislation dealing with education. Most of them have had very little accountability, most of them have not accomplished anything near what their potential was, and building accountability into this bill I think is essential.

The gentleman's step toward helping parents and children learn together is a stroke of genius, something we need very badly. But, again, it has to be accountable to make sure that it happens; but it can be a wonderful experience for both parents and child. The emphasis on research standards is important. Much of the research done in education today is superb; much of it, unfortunately, is not very good.

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Particularly in the difficulties of reading, the study of dyslexia, there is a great deal of work that needs to be done. Many people, including one of my dear grandsons, suffer from that disease, and it is incredibly difficult.

The final point I would make is that science also can be important in teaching reading, and I have introduced a bill that the committee will shortly consider on that.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from New York (Mrs. MCCARTHY) has 6 minutes remaining, and the gentleman from Pennsylvania (Mr. GOODLING) has 1½ minutes remaining.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING) and ask unanimous consent that he be allowed to control said time.

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

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the chairman, and also want to commend his leadership on the education issue. As I was a staffer here for 10 years, 6 on the House side and 4 on the Senate, I watched as he moved Even Start through. I watched as he has tried to change Head Start back into a literacy program, to try to reach out to those who are hurting and those who are behind and actually get them up to the academic level with which to compete and to advance in school so that they have the opportunities that the rest of America has.

I simply do not understand, in bill after bill after bill, why some Members on the minority side object to having an opportunity in this mix for faith-based organizations. The faith-based organizations that we are talking about are so narrowly defined by court decisions, they cannot spend taxpayers' dollars for any type of proselytization.

In this bill, because it goes through education, they have to be cleared through the education institutions. We agreed that they have to have a separation of anything else they do, including child care, from this program.

But many of the most innovative leaders in America, particularly in the black and Hispanic and other immigrant communities, are faith based. When they first come to America, in Fort Wayne, Indiana, not a hotbed of immigration, but we do have the largest Burmese immigration in the United States. We have, like many areas, a huge Hispanic immigration. We see areas of Fort Wayne, where the black churches have worked together and are now the agent for the Federal Government in housing partnerships, and as they try to redevelop the Hannah Creighton and work with Head Start and other programs, why if the school system decides they are not the best to do Even Start, what is this opposition so much to faith-based organizations?

It is a shame for the minority leadership in this country, because they need back up at the grassroots level.

Mr. GOODLING. Mr. Speaker, I yield myself 2 minutes.

Mrs. McCARTHY. Of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 4 minutes.

Mr. GOODLING. Mr. Speaker, I would like to thank all of those who, of course, paid tribute to me, but I must say that we have had a wonderful

working relationship in areas of education on both sides of the aisle, and could have accomplished very little even as chairman of the committee without that kind of cooperation. The gentleman from New York has been a joy to work with.

My friend from Michigan and I have been battling for, he said 24 years. I have been battling for 26, and he has been battling with me for 24. Not battling for ourselves, as none of the committee has been doing that, but what we are trying to do is make sure that every child in this country has an equal opportunity to get a piece of the American dream.

As I indicated when we started, there is no way that can happen if they and their parents are illiterate, or even functionally illiterate in this 21st century. There was a time a parent could get a job, rear a family, and, of course, not let anyone know that he or she could not read, but that time has gone, and is gone forever.

I would hope as we continue, as I have told the committee many times, and as someone mentioned from the other side, I hope my portrait in the room, the lips will move every time they are deliberating, and the lips will say, We want to make sure that we have results, not process; we want to make sure that it is quality, not quantity, because that is the only way, in my estimation, we can be successful in preventing the fall of this great Nation, which I truly believe will happen if we cannot successfully deal with the literacy issue.

I want to thank the staffs. I have told the staffs over and over again what I will miss most of all when I leave this institution are the wonderful staffers that I have worked with for a long, long time.

Sitting next to me, I want to truly pay tribute to Lynn Selmsler. She has had to put up with me for 19 years. I do not know of anybody that has probably put up with a Member of Congress for 19 years and survived. But when there were literacy issues, she was there; if there were nutrition issues, she was there; if there were Impact Aid issues, she was there helping.

So it has been a wonderful experience in the Congress of the United States. I am not going to say that I am going to miss the rigors of the job. I am surely not missing the campaign that all of you are involved in. In fact, I sit back and smile and say, go to it; I do not have to do that any longer.

But I will miss our efforts that we jointly embarked upon to try to make sure that we do have a literate workforce, that our workforce can perform, that we do not have to rely on other countries to supply our people to do the \$40,000, \$50,000 and \$60,000 jobs.

We have lost a lot of time, because our whole effort from the very beginning was to try to make sure that we close that achievement gap, and we must close it, and I would hope that this legislation will go a long way to do that.

I just hope that, as I leave, I watch the committee still making sure that every parent and every child becomes literate, so that no child goes to the first grade without the ability to learn and without the ability to read, because they will fail, and that will be one more tragedy.

So, again I thank all the members of the committee, and thank all of the staff for the wonderful work that they have done over the years.

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

The SPEAKER pro tempore. The gentleman from New York has 1 minute remaining.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to close again saying there are many of us that support this amendment. I will also say that I have only been on the committee chaired by the gentleman from Pennsylvania (Chairman GOODLING) for 4 years.

Mr. Speaker, I have a great deal of respect for him, for the work he has done, and I know he has always put the children first. I support what he is trying to do with this amendment. The gentleman and I agree 100 percent that if our children and parents cannot read, then we cannot lift up everyone.

Again, it has been a pleasure working with the gentleman from Pennsylvania (Mr. GOODLING). I am sure when I first got there he had no idea what kind of person I was going to be, but he found out I was actually the strong, quiet type, and only spoke when I found it was extremely important. He appreciated that, because I saved him time. We will miss you, Chairman GOODLING, and it has been a pleasure being with you and learning from you over these 4 years.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why Congress should reject the Literacy Involves Families Together (LIFT) Act (House Resolution 3222), which aims to increase "family literacy" by directing money from the American taxpayer to Washington and funneling a small percentage of it back to the states and localities to spend on education programs that meet the specifications of DC-based bureaucrats. While all support the goal of promoting adult literacy, especially among parents with young children, Congress should not endorse supporting the unconstitutional and ineffective means included in this bill. If Congress were serious about meaningful education reform, we would not even be debating bills like H.R. 3222. Rather, we would be discussing the best way to return control over the education dollar to the people so they can develop the education programs that best suit their needs.

Several of my colleagues on the Education and Workforce Committee have expressed opposition to the LIFT Act's dramatic increase in authorized expenditures for the Even Start family literacy programs. Of course, I share their opposition to the increased expenditure, however, my opposition to this bill is based not as much on the authorized amount but on the bill's underlying premise: that the American people either cannot or will not provide

educational services to those who need them unless they are forced to do so by the federal government.

In contrast to the drafters of the LIFT bill, I do not trust the Congress to develop an education program that can match the needs of every community in the United States. Instead, I trust the American people to provide the type of education system that best suits their needs, and the needs of their fellow citizens, provided Congress gives them back control over the education dollar.

The drafters of the United States Constitution understood that the federal government was incapable of effectively providing services such as education. This is why they carefully limited the federal government's powers to a few narrowly defined areas. This understanding of the proper role of the federal government was reinforced by the tenth amendment which forbids the Federal Government from controlling education, instead leaving authority over education in the hands of states, local communities and parents.

Reinforcing that the scariest words in the English language are "I'm from the federal government and I am here to help you," the American education system has deteriorated in the years since Congress disregarded the constitutional limitations on centralizing education in order to "improve the schools." One could argue that if the federally-controlled schools did a better job of educating children to read, perhaps there would not be a great demand for "adult literacy programs!"

Of course, family literacy programs do serve a vital purpose in society, but I would suggest that not only would family literacy programs exist, they would better serve those families in need of assistance if they were not controlled by the federal government. Because of the generosity of the American people, the issue is not whether family literacy programs will be funded but who should control the education dollars; the American people or the federal government?

Mr. Speaker, rather than give more control over education to the people, H.R. 3222 actually further centralizes education by attaching new requirements to those communities receiving taxpayer dollars for adult literacy programs. For example, under this bill, federally-funded Even Start programs must use instructional methods based on "scientific research." While none question the value of research into various educational methodologies, it is doubtful that the best way to teach reading can be totally determined through laboratory experiments. Learning to read is a complex process, involving many variables, not the least of which are the skills and abilities of the individual.

Many effective techniques may not be readily supported by "scientific research." Therefore, this program may end up preventing the use of many effective means of reading instruction. The requirement that recipients of federal funds use only those reading techniques based on "scientific research," (which in practice means those methods approved by the federally-funded "experts") ensures that a limited number of reading methodologies will, in essence, be "stamped with federal approval."

In addition to violating the United States Constitution, the LIFT bill raises some serious questions regarding the relationship between the state and the family. Promoting family lit-

eracy is a noble goal but programs such as these may promote undue governmental interference in family life. Many people around the country have expressed concern that "parenting improvement" programs have become excuses for the government bureaucrats to intimidate parents into ceding effective control over child-rearing to the government. While none of these complaints are directly related to the Even Start program Even Start does rest on the premise that it is legitimate for the federal government to interfere with the parent-child relationship to "improve" parenting. Once one accepts that premise, it is a short jump to interfering in all aspects of family life in order to promote the federal government's vision of "quality parenting."

In order to give control over education back to the American people, I have introduced several pieces of legislation that improve education by giving the American people control over their education dollar. For instance my Family Education Freedom Act (H.R. 935), provides parents with a \$3,000 per child tax credit for K-12 education expenses incurred in sending their children to public, private, or home school. I have also introduced the Education Improvement Tax Cut Act (H.R. 936), which provides a tax donation of up to \$3,000 for cash or in-kind donations to public or private schools as well as for donations to elementary and secondary scholarships. I am also cosponsoring legislation (H.R. 969) to increase the tax donations for charitable contributions, as well as several bills to provide tax credits for adult job training and education.

Unleashing the charitable impulses of the American people is the most effective means of ensuring that all Americans have access to the quality education programs they need, and to make sure that those programs are tailored to meet the particular needs of the local communities and the individuals they serve.

In conclusion, Mr. Speaker, I call on my colleagues to reject the LIFT Act and instead embrace a program of education and charitable tax credits that will give the American people the ability to provide for the education needs of their children and families in the way that best suits the unique circumstances of their own communities.

Mr. CUNNINGHAM. Mr. Speaker, as the former Chairman of the Elementary, Secondary, and Vocational Education Subcommittee, I was one of the original supporters of the Even Start program at its inception. I rise in strong support of H.R. 3222 The Literacy Involves Families Together Act, and commend the gentleman from Pennsylvania for his hard work and dedication to our children and their literacy. It is because of his efforts that we have been able to reduce the number of illiterate individuals in our communities, and I find it a fitting tribute that this program will be named after him.

We all realize that to succeed in today's society every person must be able to read and write. It is unacceptable that in a country as advanced as ours that we have millions of people who cannot read or write. H.R. 3222 helps to address this issue in several ways.

First, it would improve the quality of Even Start and other family literacy programs in several areas. It would provide training and technical assistance to local providers while at the same time assuring that the level of assistance does not decrease. It also requires that instructional programs are based on scientifi-

cally researched methods of teaching reading, and provides funding for research on teaching of reading to adults in family literacy programs. Finally, it establishes qualifications for instructional staff in Even Start programs whose salaries are paid with Even Start dollars.

Additionally, H.R. 3222 provides for charitable choice by allowing government to consider religious organizations, as part of eligible partnerships on the same basis as other groups receiving funding. Our churches, Synagogues, Mosques, and other religious organizations have a long tradition of helping those in need in our country including helping those who cannot read. This legislation helps them to carry on with that tradition in ensuring every American can read.

Finally, this legislation will help communities implement the inexpensive book distribution program which helps local communities provide books for disadvantaged children.

Once again I urge passage of H.R. 3222, and yield back the balance of my time.

Mr. HORN. Mr. Speaker, I rise in support of a very important piece of legislation, H.R. 3222, The Literacy Involves Families Together Act.

Even Start, and other family literacy programs, serve the most vulnerable families in our Nation.

According to the Department of Education, twenty-three percent of American adults were functionally illiterate in 1993.

We cannot expect these adults, and their families to become self-sufficient without literacy skills.

By helping them to break the cycle of illiteracy, family literacy programs help families lift themselves out of poverty and dependency on government programs.

H.R. 3222 ensures that Even Start, and other literacy programs are administered in the most effective way.

This legislation provides technical assistance to local providers, establishes qualifications for teaching staff, and requires that instruction be based on scientifically proven methods.

At the same time, it empowers parents to become involved in their children's education.

As we all know, this is critical to a child's educational success.

Additionally, children whose parents read to them are much better prepared to start school. They perform significantly better than those who have not been exposed to reading at home.

Passing this legislation is the first step in opening up a world of opportunities, not only for children, but their families as well.

Mr. Speaker, I am proud to support this legislation.

I am encouraged by the bipartisan support for this bill, and I am hopeful that both sides of the aisle can work together for the sake of all of America's families.

Mrs. MCCARTHY of New York. 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. GOODLING) that the House suspend the rules and pass the bill, H.R. 3222, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program."

A motion to reconsider was laid on the table.

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

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I announce my intention to offer a motion to instruct conferees on H.R. 4205.

The motion is as follows: I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to agree to the provisions contained in section 1068 of the Senate amendment.

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

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I announce my intention to offer a motion to instruct conferees on H.R. 4205.

The form of the motion is as follows: Mr. GRAHAM moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill H.R. 4205 be instructed not to agree to revisions which, (1) fail to recognize that the 14th Amendment to the Constitution guarantees all persons equal protection under the law; and, (2) deny equal protection under the law by conditioning prosecution of certain offenses on the basis of race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and (3) preclude a person convicted of murder from being sentenced to death.

**TIJUANA RIVER VALLEY ESTUARY AND BEACH SEWAGE CLEANUP ACT OF 2000**

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region, as amended.

The Clerk read as follows:

H.R. 3378

*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 "Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000".

**SEC. 2. PURPOSE.**

The purpose of this Act is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.

**SEC. 3. DEFINITIONS.**

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term "Commission" means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP.—The term "IWTP" means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80-82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) SECONDARY TREATMENT.—The term "secondary treatment" has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) SECRETARY.—The term "Secretary" means the Secretary of State.

(6) MEXICAN FACILITY.—The term "Mexican facility" means a proposed public-private wastewater treatment facility to be constructed and operated under this Act within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) MGD.—The term "mgd" means million gallons per day.

**SEC. 4. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.**

(a) SECONDARY TREATMENT.—

(1) IN GENERAL.—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) ADDITIONAL AUTHORITY.—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) COMPREHENSIVE PLAN.—Not later than 24 months after the date of enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) CONTRACT.—

(1) IN GENERAL.—Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) TERMS.—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 30 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility.

(I) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(K) To the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(L) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.



(M) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this Act and the contract.

(N) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (M) to facilitate the monitoring and evaluation required under subsection (d).

(3) LIMITATION.—The Contract Disputes Act of 1978 (41 U.S.C. 601–613) shall not apply to a contract executed under this section.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) REPORT.—The Inspector General shall transmit to Congress a report containing the evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

**SEC. 5. NEGOTIATION OF NEW TREATY MINUTE.**

(a) CONGRESSIONAL STATEMENT.—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this Act, in order that the other provisions of this Act to address such pollution may be implemented as soon as possible.

(b) NEGOTIATION.—

(1) INITIATION.—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this Act.

(2) IMPLEMENTATION.—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this Act shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) MATTERS TO BE ADDRESSED.—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this Act.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 will help solve sanitation problems in the San Diego and Tijuana border region.

San Diego is in a state of emergency. Raw or partially treated sewage flows from Mexico into the United States, creating significant health and safety risks. To comprehensively address the problem, H.R. 3378 encourages the United States to negotiate new international agreements with Mexico and provides the U.S. authority to enter into a public-private partnership with a private corporation to help meet the rapidly growing wastewater treatment needs in the area.

I encourage the United States to continue the current proposal involving a public-private partnership to address the treatment problems along the border as quickly as possible.

I want to commend two of our colleagues, Mr. Speaker, the gentleman from California (Mr. BILBRAY) and the gentleman from California (Mr. FILNER), who have been like bulldogs on this issue, and have consistently brought it before the committee and now the full House again for their leadership in helping to resolve this significant international health and environmental issue.

I urge my colleagues to support this bill as amended.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation under consideration today is an attempt to stem the ongoing flows of untreated and partially treated sewage that have impacted the communities and beaches of Southern California for almost 70 years.

The U.S.-Mexican border region has experienced rapid growth over the past few decades. The cities of San Diego and Tijuana, Mexico, though on opposite sides of the border, have grown closer together, both physically and economically, the fates of the two cities. What happens in one city has had an impact on the other. This is especially true in the case of sewage treatment needs in the border region.

Unfortunately, the wastewater treatment systems of the City of Tijuana,

Mexico, have not kept pace with the city's growing population. Untreated sewage flowing from Mexico through the Tijuana River and into the Pacific Ocean has adversely impacted the South Bay communities of San Diego County, the river valley and estuary, and the coastal waters of the United States. These flows continue to pose serious threat to public health, economy and environment in the region.

For decades, the U.S. and Mexican governments have been working to develop a solution to the San Diego-Mexican sewage problem. Numerous alternatives have been considered and an international wastewater treatment plant located in the United States was selected as the best alternative. As a result the U.S. and Mexican governments formally agreed, in Treaty Minute 283, to construct the South Bay International Wastewater Treatment Plant, located in San Diego, to treat and dispose of the sewage flows.

In order to comply with international obligations and to achieve some level of treatment as quickly as possible, the South Bay treatment facility was constructed in stages. The first stage, which included the advanced primary treatment of sewage flows, became operational in 1998.

However, over the past few years, numerous significant circumstances have presented themselves, including predictions of future population growth in the region justifying a review of the best means of permanently addressing the sewage treatment needs in the border region.

In response to these needs, the gentleman from San Diego, California (Mr. FILNER), and the gentleman from San Diego, California (Mr. BILBRAY), introduced H.R. 3378, to expeditiously resolve the problem of migrating sewage. I commend these gentleman for their hard work and diligence to resolve this problem that has affected the health and safety of their constituents for decades.

H.R. 3378 would direct the Secretary of State to give the highest priority to initiate negotiations on a new or revised treaty with Mexico for the secondary treatment of sewage generated in the Tijuana River Valley region.

Subject to the negotiation and execution of a new treaty, and the availability of adequate appropriations, this legislation would authorize the United States, acting through the U.S. section of the International Boundary and Water Commission, to enter into a long-term contract with a private company for the construction and operation of a secondary treatment facility in Mexico.

The bill would authorize the construction of a facility with the capacity of treating 50 million gallons of sewage per day to secondary levels, with the possibility of expanding the facility by an additional 25 million gallons should such levels be found necessary for the long-term treatment needs of the region.

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In addition, to address the contracting concerns that have been raised with this bill, the legislation includes provisions requiring, to the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction and operation and maintenance of the facility, as well as the commission's review and approval of contractors selected to carry out these functions.

Also, the bill requires the Inspector General of the Department of State to monitor the implementation of the legislation, to evaluate the extent to which the owner has met the terms called for in the bill, and to report to Congress on its findings.

Mr. Speaker, another benefit of this legislation is that it provides for the reuse of treated waters in Mexico and, if available, in the United States. By authorizing the construction of facilities capable of treating waste waters to potable water, we will help alleviate some of the pressure in finding new sources of drinkable waters at a time when the communities in Mexico and Southwestern United States are facing serious water shortages.

Again, I commend the gentlemen from California (Mr. FILNER) and (Mr. BILBRAY) for their work on this bill. It is a good bill, and I urge my colleagues to support it.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY), one of the authors of the bill and the gentleman who advises me he has been working on this problem for his constituents for a quarter of a century.

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

Mr. BILBRAY. Mr. Speaker, I want to thank the chairman of the Committee on Transportation and Infrastructure (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, who I learned very early when I got to this floor is very concerned about the quality of the waters of this Nation and the surrounding area, someone who has spent a lot of time working on this issue and is very concerned about it.

I would also like to thank the gentleman from New York (Mr. GILMAN) and the ranking member of the Committee on International Relations. I would just like to say sincerely, I want to thank the gentleman from Waveland, Mississippi, home of Little Jays, for being able to give such a great background for this bill, articulating this piece of legislation. I appreciate the fact that he got into the details so that the rest of us do not have to restate them. I think that we can talk about the general issue.

The general issue, Mr. Speaker, is the fact that as we have set a policy in this country nationally, that the waters of

the United States are, and should, remain clean, pure, and safe. Sadly, over the last 25, 30, 40 years, we have had places where there were major breakdowns. Frankly, they are not always places where we can blame our own industrial commercial or economic or political or public irresponsibility.

The Tijuana River happens to flow through a community of over 1 million people in the Republic of Mexico; and it flows north like the Nile, not south like the Mississippi. And, it flows towards the United States into an estuarine preserve that has been set aside as a critical habitat preservation by the United States, and then flows into the oceans of the United States and flows north through the communities of Imperial Beach and Coronado.

I, for one, happen to be an individual who was raised as a child in Imperial Beach and grew up with the hideous problem of pollution in our waters that did not come from our neighborhood, but came from our neighbors. I would just ask everyone to be very sensitive of the fact that when a young person is raised, it is bad enough for that person to go to their beaches and find out that they cannot go into the water, it is unsafe, it is polluted, it is a danger to their life and to the wildlife around them, but to then also be told in less than tactful ways that it is somebody else that did this to you, that a foreign government or foreign people imposed this on your life and your little part of paradise.

I think for too long we have allowed that to occur. As the Federal Government over the last 30 years has demanded and required local communities to come up and participate in the cleansing and the cleaning of the waters of the United States, sadly, the United States for too long has found reasons not to go to our neighbors to the north or the south and say look, neighbor, good neighbors do not pollute each other's backyard. Do not threaten the children of the person on the other side of the fence. Sadly, that has happened for all too long.

Mr. Speaker, today we are asking for support of a bill that will work with Mexico in addressing a Mexican problem that is being inflicted on American citizens. Today, we are asking for support of a bill that says, Mexico recognizes that it has created an environmental problem and is willing to work with us at treating their sewage in Mexico, not in the United States.

Now, my colleague, the gentleman from California (Mr. FILNER), joined with me and the gentleman from California (Mr. CUNNINGHAM) and with the gentleman from California (Mr. HUNTER) and with the gentleman from California (Mr. PACKARD). Every member of the delegation of San Diego County that represents over 3 million people finds that it is time that the Federal Government try to think outside the box, try to encourage innovative approaches without compromising environmental options.

Mr. Speaker, I am very proud to say as somebody who has worked on this issue for over a quarter of a century, that I really think that we have fallen on an idea that may set an example not just for our current relationships with Tijuana and Mexico. It may be something that our committees of international relations may want to look at, and work with committees like the Committee on Transportation and Infrastructure on an international policy, that we pay for outcome and treatment, not for projects that may, or hopefully will treat; that we pay for the actual protection of the environment rather than the promise of the protection of the environment.

Now, this bill does not get the job done all by itself, but it opens the door that allows us as a region and as a Nation to start cooperating with Mexico in a way that we will ask Mexico to meet us halfway, that we will participate in the creation of service and infrastructure capabilities to avoid the environmental damage that has happened in the past; to clean up a problem that has been ignored for all too long and to address the fact that Mexico not only has a challenge that we are willing to work with them on, but has an opportunity to take this problem and create it into an asset: reusable water.

Mr. Speaker, I think that we have to recognize that H.R. 3378 provides the means to implement a plan that the City of San Diego, the mayor of Tijuana, the Surfrider Foundation consistently has found is not only the right answer here, but may be the answer to many other places where we have problems like this. The citizens of the City of Imperial Beach and Coronado and San Diego have waited far too long for the United States Government to protect them in their environment, to hold our neighbors to the same standards that we require of our own citizens, and to do it in a manner that does not cause conflict, but creates consensus and cooperation.

This bill should be used as a blueprint as how we can work with foreign governments to be able to have an outcome-based environmental strategy. This bill will enable us to be able to show how governments and peoples can work together for not just the good of the environment, but for the community at large that shares the environment.

Mr. Speaker, I ask my colleagues who strongly express their care and need and their desire to protect the environment to support this bill, and support the concept that if we really care about the environment, then we will care about it in every square inch of this Nation, and we will do what we can, when we can, where we can.

The Tijuana sewage problem has gone on for too long. My children, Mr. Speaker, are second-generation sewage kids. They have grown up under the cloud that their beaches may be polluted at any moment. I want to make

sure that my grandchildren do not have to be threatened with their beaches being closed, their environment being polluted.

I want to thank the ranking member who is here today for his very, very committed involvement in this, and I want to say clearly that I know the gentleman from California (Mr. FILNER); I have worked with him a long time. Bob would like to be here; we have very critical work he is doing in San Diego, and the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. PACKARD) all join us in saying please join us in protecting our part of the United States, to treat our citizens with the equity that every other American has been guaranteed, and let us do it while we are working with a bright, new, cooperative future with the Republic of Mexico.

Mr. Speaker, I rise in strong support of H.R. 3378, and urge my colleagues to again cast the votes on behalf of the environment and public health of the San Diego-Tijuana border region.

Just over a year ago, Mr. Speaker, the House voted 427-0 in support of a Sense of Congress brought by myself and my colleague Mr. FILNER; this resolution expressed the Sense of Congress that the governments of the U.S. and Mexico should enter into negotiations of a new Treaty Minute, to allow for the siting of secondary sewage treatment infrastructure in Mexico, and the development of a privately funded Mexican facility to provide for the treatment to secondary levels of raw sewage originating in Mexico, which continues to present a public health threat to citizens and their environment on both sides of the border.

My colleagues, by supporting this amendment last July, you were recognizing the need to "think outside the box" in order to provide a comprehensive solution for one of the most vexing international environmental and public health challenges we face today. The overwhelming support for that resolution has paved the way for the bill we are considering today—H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000. My colleague Mr. FILNER and I introduced this bipartisan bill to fulfill the intent of that Sense of Congress, and after its consideration and approval by the Transportation and Infrastructure Committee, and the International Relations Committee, we stand here today at a historic point in U.S.-Mexico environmental cooperation, poised to move forward in a mutually beneficial manner.

Before proceeding any further, Mr. Speaker, I want to specifically thank Transportation Committee Chairman SHUSTER and International Relations Committee Chairman GILMAN, and their respective ranking members, Mr. OBERSTAR and Mr. GEJDENSON, for all their hard work in helping to bring this bill to the floor. It is a credit to the vision of these gentlemen that the San Diego-Tijuana border region now stands to benefit from the comprehensive solution that H.R. 3378 will provide, and I thank them for their ability to see what can be accomplished here, and their willingness to work with me and my colleagues in a bipartisan manner to do so.

Many of you are well aware of the ongoing health and environmental threats which have

existed along this border region for decades, as a result of renegade flows of untreated sewage from Mexico. We have reached a critical point in the rapid growth of the San Diego-Tijuana border region; already, we are experiencing peak sewage flows into the U.S. from Mexico in excess of 75 million gallons per day (mgd), and it is essential that any treatment works that are built are able to respond to and address these ever-increasing flows. We are here today in support of a proposal which will help to meet and address this threat in a substantive manner. The facilities which would be constructed in Mexico under H.R. 3378 would allow for development of 50 mgd of treatment initially, with the ability to expand its capacity as needed to deal with future flows. Other alternatives would be inadequate to meet the region's needs, lack the ability to be expanded to treat increasing future flows, and provide no long term solution for the region.

An added and significant benefit of the facilities which will be developed in Mexico under this bill is their ability to reclaim and reuse treated wastewater (which would belong to Mexico) and make it available to the rapidly expanding business and industrial sectors of Tijuana. In this growing and arid border region, water is a particularly scarce and valuable commodity, and water which can be reclaimed and reused from these treatment facilities can reduce the high demand for precious potable water supplies for drinking and other uses in Mexican households.

In addition to the strong bipartisan support which Congress has already demonstrated for this approach, there is significant support in the border region as well, ranging from the City of San Diego, Mayor of Tijuana, and the Surfrider Foundation, a conservation organization which is committed to healthy oceans. I have a brief statement from the Surfrider Foundation which I would ask to be entered into the record at this point, along with a letter of support from the Mayor of Tijuana, which I would also ask to be included. I would like to add, Mr. Speaker, that I am extremely encouraged by the responses to this proposal from both the Mayor of Tijuana, and from representatives of the incoming President of Mexico, Vicente Fox. Let me quote two excerpts from the Mayor's letter to me:

... Bajagua represents the kind of entrepreneurial solution that will not only help comprehensively meet both of our constituents' sewage treatment needs, it will also provide a much needed source of water for the citizens and businesses of Tijuana.

As you know, I am a member of the PAN. As such, I feel comfortable stating that the Bajagua project is representative of the type of private sector solution that President-elect Fox would like to use and extol as a model in Mexico during his administration.

Mr. Speaker, we ought not to underestimate the historic and precedent-setting potential of our vote here today. In addition to providing a comprehensive means by which to address this border sewage problem, we have the opportunity to establish a new relationship and way of doing business with our neighbor to the south. With this successful blueprint, going "outside the box" to develop solutions to long-standing problems will hopefully become the rule, rather than the exception. It is exciting to see the binational eagerness to move forward with this project, and that enthusiasm can be sustained and directed at other challenges as well.

Mr. Speaker, throughout my career in public service, I have wholeheartedly supported and fought for the appropriate treatment of these renegade flows in order to protect our beaches, estuaries, and the United States citizens who have had to live with this problem for far too long. I am more than willing to spend whatever time and money may be needed in order to deal with this problem comprehensively and conclusively, but both time and available dollars are extremely precious commodities, particularly when the public health continues to be at risk. Fortunately for these citizens and their impacted communities, such as my hometown of Imperial Beach, this opportunity has emerged to "think outside the box" and implement a progressive and comprehensive strategy that will benefit the entire region well into the future. There is tremendous and achievable potential in this approach which, once implemented, can provide a long-term and comprehensive solution to a chronic environmental program. It would be my hope that the success of this project will influence policy-makers in both Mexico and the United States, who will recognize the wisdom of moving away from the old method of doing business and in this new and innovative direction in order to better and more effectively address other environmental challenges faced by both nations.

If we are successful in implementing this process, the children of families in both San Diego and Tijuana will be able to go to their beaches, play in the estuaries, fish and swim in the oceans, and live their lives in their communities without the chronic stigma and health threat of the sewage pollution which has been an unfortunate fact of life in this region.

I want to again thank my colleagues for the support they've demonstrated for these goals, and again urge their support for H.R. 3378.

TIJUANA, BAJA CALIFORNIA,  
September 6, 2000.

Hon. Brian Bilbray,  
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN BILBRAY: On behalf of the City of Tijuana, I would like to extend and invitation on your next visit to the region to visit with me in Tijuana and discuss the issue of cross-border sewage flows. Specifically I would to discuss our support and encouragement for the Bajagua proposal, which I understand is currently undergoing review in the United States Congress.

Our reasons for support are various and we can discuss them in more detail at our meeting, but in short, Bajagua represents the kind of entrepreneurial solution that will not only help comprehensively meet both of our constituent's sewage treatment needs, it will also provide a much needed source of water for the citizens and businesses in Tijuana.

As you know, I am a member of the PAN. As such, I feel comfortable stating that Bajagua project is representative of the type of private sector solution that President-elect Fox would like to use and extol as a model in Mexico during his administration.

Please let me know of your availability to meet and discuss this and other issues of mutual concern, I look very much to your visit.

Sincerely,  
FRANCISCO DE LAMADRID,  
Mayor, City of Tijuana.

**SURFRIDER FOUNDATION POLICY REGARDING  
DELAYS IN ACHIEVING SECONDARY TREAT-  
MENT AT THE U.S. MEXICAN BORDER**

JULY 9, 1999

Currently, more than 50 million gallons per day (mgd) of raw, untreated sewage enters the Tijuana River and the Tijuana Municipal Wastewater System. Less than half of this, approximately 25 mgd, is treated to advanced primary standards at the International Wastewater Treatment Plant (ITPO) and discharged into the ocean via the South Bay ocean outfall. A portion of the remaining untreated sewage, up to 71 mgd, receives some indeterminate level of treatment at the San Antonio de Los Buenos Treatment Plant in Mexico. The remainder of untreated sewage is discharged directly into the nearshore marine environment at the mouth of the Tijuana river and at Punta Banderas, 5 miles south of the Border. Together with numerous other groups, the San Diego County Chapter of the Surfrider Foundation is concerned about the environmental impacts and human health risks of discharging any raw sewage into the ocean, as well as effluent that receives anything less than secondary treatment.

The Environmental Protection Agency (EPA) and International Boundary and Water Commission (IBWC) are required to achieve secondary standards of treatment for all sewage discharged from the ITP by December 2000. Several options for an appropriate treatment plant have been considered by EPA and the IBWC, however, no final preferred option has been chosen. The frontrunner to date is a 25 mgd secondary treatment plant using "Completely Mixed Aerated" pond technology at the "Hofer" site adjacent to the ITP. Because the deadline to begin construction of a secondary treatment plant which would be operational by the December date has passed, the agencies have sought more time to select a preferred alternative. Additionally, this added time has been sought to fully consider options not previously considered, which would provide for a comprehensive solution to the known and future anticipated volume of sewage.

The Surfrider Foundation agrees with many others that secondary treatment must be achieved as quickly as possible. The harmful effects to the deep ocean environment, the public, as well as to the beaches and beach communities of southern San Diego County must not continue. However, recognizing that a partial solution is not solution, the Surfrider Foundation is strongly in favor of a comprehensive solution, fully aware of the risk of slight delay. A comprehensive solution will offer the benefits of timeliness as well as the consideration of other priority issues such as the ability to treat all present and future flows, impact of the plant location upon the immediate environment and population, plant expansion capability, feasibility of beneficial water reuse, proper sludge handling, and the relationship and compatibility of the proposal within the existing system of wastewater treatment on both the U.S. and Mexico.

Therefore, the Surfrider Foundation will support the EPA and the IBWC in their efforts to provide comprehensive secondary treatment of all sewage flowing from the Tijuana River as quickly as possible.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the ranking member for mentioning one of the many great restaurants in my district, but before the people of Bay St. Louis take offense, I better claim that as my hometown, although Waveland has always been very good to me.

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I know the gentleman is from the great community of Bay St. Louis. It is just that I always remember that one of the great landmarks of Bay St. Louis has to be in Waveland; and the gentleman's office, at least your campaign office, is obviously the greatest location for crawfish anywhere in the United States, and that is Little Jays.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am sure every member of the Kidd family thanks the gentleman from California for that great commercial.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full Committee on Transportation and Infrastructure.

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

Mr. Speaker, I want to express my great appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) for moving this legislation in such an expeditious fashion in bringing it to the House floor in order to address and, in the process of addressing, resolve a long-standing problem. I want to express my great appreciation and admiration to and for the gentleman from California (Mr. FILNER), who has been dogged and persistent in his determination to address this issue. To the gentleman from California (Mr. BILBRAY) who recently spoke, I would like to express my appreciation for his kind words, but also for his persistence, practically from the first day he arrived in this body, in literally descending upon me and other members of our committee in appealing for legislative action to address the problem of clean water, the quality of water of the beaches along San Diego, the use of which he is so well known, and for his partnership with the gentleman from California (Mr. FILNER) and the rest of the San Diego area delegation.

I would just like to address a couple of issues here that I think are very critical. The question has been raised, why should the United States be providing financial support for, in this case, in effect guaranteeing the financing of a project built in Mexico? Well, the first very simple fact is, as the gentleman from California (Mr. BILBRAY) well expressed, the Tijuana River flows into the United States, part of its course, and then out into the waters that both the United States and Mexico share. Furthermore, while there are 1 million-plus people in Tijuana and about 3 million in the U.S. San Diego side, this is 4 million headed for 6 million in a very few years. The growth is absolutely explosive, both population growth and economic growth in this very dynamic region of the North American continent. If we do not act now, the waters into which the Tijuana flows will be destroyed, perhaps for

decades to come. Now is the time to act.

Secondly, this is not an issue without precedent. We have in the past provided authorization for and financing of works constructed in another country that benefit the United States. Specifically, Canada. The Red River on which Minnesota and North Dakota border flows north into Canada. The way weather works, it is a little bit warmer in Minnesota and North Dakota a little bit earlier than it is in Canada, so that by the time the ice breakup reaches Canada, it is still frozen in Canada, the water backs up and floods Minnesota and North Dakota.

So our Committee on Transportation and Infrastructure, then the Committee on Public Works, 4 decades ago authorized the construction by the Corps of Engineers, in cooperation with the Canadian authorities, of works in Canada to free up ice so the Red River of the north could flow freely without backing up and causing flooding in the United States, a benefit to U.S. citizens from work constructed in another country and paid for by the United States.

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The same principle applies here. That is what is at stake. It is important that we undertake this work and that it go forward. Of course, it will require a further international agreement between the United States and Mexico, which I am confident will be forthcoming.

Again, in conclusion, I commend the gentlemen from California, Mr. FILNER and Mr. BILBRAY, for their farsightedness in addressing this issue and bringing this legislation to the floor, and I urge its overwhelming passage.

Mr. FILNER. Mr. Speaker I rise in support of H.R. 3378, a bill providing the best chance for a comprehensive solution to the problem of Mexican sewage flowing in to the U.S. and our waters.

I introduced H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act, along with my colleague, Mr. BILBRAY, to end a problem that has plagued the San Diego area for decades. No other district has endured raw sewage from Mexico flowing unabated in their riverbeds and beaches.

By treating Mexican sewage in Mexico, this bill advances a common-sense solution to the problem of international sewage along the border between the United States. This is a win-win solution for both countries. The growing amount of sewage currently left untreated by Mexico and flowing into the U.S. would be treated—a win for both countries. And the treated sewage—which belongs to Mexico to begin with—could be reused in Mexican industrial and agricultural endeavors.

Current plans—those short-sighted plans supported by both the EPA and International Boundary Water Commission (IBWC)—call for treating less than half of the sewage that fouls our beaches and estuaries. It has taken these bureaucracies 10 years to prepare to build a secondary treatment arm of the International Wastewater Treatment (the IWTP). In that time, the sewage flows have more than doubled, yet they continue to fight for a plan that

will not solve the problem. The problem in beach pollution now is not the quality of the outfall coming from the International Wastewater Treatment Plant, but a growing quantity of sewage that Tijuana can't handle.

The plan that Mr. Bilbray and I are advancing in H.R. 3378 would take care of the growing quantity of sewage as well as the sewage now being treated at the IWTP. Instead of spending money on an impartial solution, it would quickly provide a comprehensive solution to the problem.

This is an acute problem. An official of the Surfrider foundation said, "I'm surfing in sewage." He put it a little less delicately—and it is not a very genteel situation in my District when sewage washes up on the beach, flows down our rivers and canyons and fouls the water where our children should be able to swim worry-free.

A solution to not surfing in sewage? Build enough sewage treatment to handle the problem. That's what our bill would do. It says we will pursue a plan that can easily treat 50 million gallons of sewage each day—and perhaps even more.

The plan makes even more sense when you know that the Mexican sewage will be reclaimed and reused by industrial and agricultural users in Mexico to help cover the cost. That way, all the hazardous and unhealthy sewage that now flows into our ocean without proper treatment will be cleaned—and much of it reused so that it never gets to the ocean.

We may owe that to our surfers—but we definitely owe that to our children. I ask you to support this bill so that this innovative plan to protect the health and safety of San Diegans can move forward.

Mr. BOEHLERT. Mr. Speaker, I thank the chairman and ranking member of the Transportation and Infrastructure Committee for helping to bring H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act, to the House floor for action.

I also commend Representatives BILBRAY and FILNER of California, who introduced H.R. 3378, for their dedicated bi-partisan leadership in getting us to where we are today.

Their bill would authorize the United States to take actions to comprehensively address the treatment of sewage generated in the area of Tijuana, Mexico that flows untreated or partially treated into the San Diego, California area.

This pollution, occurring because the region's wastewater treatment capacity can not keep pace with its rapid growth, has created serious sanitation issues for decades in the U.S. In fact, the city of San Diego has declared a continued state of emergency since 1993 due to the threats to public health and the environment resulting from increasing sewage flows into the area.

To provide sufficient wastewater treatment capacity in the area, H.R. 3378 encourages the U.S. to negotiate new international agreements with Mexico. It also authorizes the United States to enter into an innovative public-private partnership to construct and operate a new wastewater treatment facility in Mexico.

It's time to resolve this serious sanitation issue that has plagued the San Diego border area for decades. I support passage of H.R. 3378, as amended, and urge my colleagues to do the same.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have no further requests for

time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3378, 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.

#### ESTUARY RESTORATION ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1775) to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1775

*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 "Estuary Restoration Act of 2000".

#### SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and to create a national database of estuary habitat restoration information.

#### SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) COUNCIL.—The term "Council" means the Estuary Habitat Restoration Council established by section 5.

(2) ESTUARY.—The term "estuary" means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries.

(3) ESTUARY HABITAT.—The term "estuary habitat" means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity

that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means a project to carry out an estuary habitat restoration activity.

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term "estuary habitat restoration plan" means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term "estuary habitat restoration plan" includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(8) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) NON-FEDERAL INTEREST.—The term "non-federal interest" means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 4(g)(2), a nongovernmental organization.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(11) STATE.—The term "State" means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands,

the United States Virgin Islands, American Samoa, and Guam.

**SEC. 4. ESTUARY HABITAT RESTORATION PROGRAM.**

(a) **ESTABLISHMENT.**—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this Act.

(b) **ORIGIN OF PROJECTS.**—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) **REQUIRED ELEMENTS OF PROJECT PROPOSALS.**—To be eligible for the estuary habitat restoration program established under this Act, each proposed estuary habitat restoration project must—

(1) address restoration needs identified in an estuary habitat restoration plan;

(2) be consistent with the estuary habitat restoration strategy developed under section 7;

(3) be technically feasible;

(4) include a monitoring plan that is consistent with standards for monitoring developed under section 8 to ensure that short-term and long-term restoration goals are achieved; and

(5) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out and properly maintain the project.

(d) **SELECTION OF PROJECTS.**—

(1) **IN GENERAL.**—The Secretary, after considering the advice and recommendations of the Council, shall select estuary habitat restoration projects taking into account the following factors:

(A) The scientific merit of the project.

(B) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(C) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(D) Whether the project is cost-effective.

(E) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(F) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(2) **PRIORITY.**—In selecting estuary habitat restoration projects to be carried out under this Act, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (1)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(e) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of an estuary habitat restoration project carried out under this Act shall not exceed 65 percent of such cost.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of an estuary habitat restoration project carried out under this Act shall include lands, easements, rights-of-way, and relocations and may include serv-

ices, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(f) **INTERIM ACTIONS.**—

(1) **IN GENERAL.**—Pending completion of the estuary habitat restoration strategy to be developed under section 7, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) **FEDERAL SHARE.**—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(g) **COOPERATION OF NON-FEDERAL INTERESTS.**—

(1) **IN GENERAL.**—The Secretary shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (e)(2); and

(B) provide for maintenance and monitoring of the project to the extent the Secretary determines necessary.

(2) **NONGOVERNMENTAL ORGANIZATIONS.**—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this Act, the Secretary, upon the recommendation of the Governor of the State in which the project is located and in consultation with appropriate officials of political subdivisions of such State, may allow a nongovernmental organization to serve as the non-Federal interest.

(h) **DELEGATION OF PROJECT IMPLEMENTATION.**—In carrying out this Act, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, after considering the advice and recommendations of the Council, determines such delegation is appropriate.

**SEC. 5. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.**

(a) **COUNCIL.**—There is established a council to be known as the "Estuary Habitat Restoration Council".

(b) **DUTIES.**—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and making recommendations concerning such proposals based on the factors specified in section 4(d)(1), including recommendations as to a priority order for carrying out such projects and as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 4(h);

(2) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(3) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this Act and, as necessary, updating the national strategy; and

(4) providing advice on the development of the database, monitoring standards, and report required under sections 8 and 9.

(c) **MEMBERSHIP.**—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary's designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary's designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator's designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary's designee).

(5) The Secretary of Agriculture (or such Secretary's designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) **PROHIBITION OF COMPENSATION.**—Members of the Council may not receive compensation for their service as members of the Council.

(e) **CHAIRPERSON.**—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) **CONVENING OF COUNCIL.**—

(1) **FIRST MEETING.**—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of enactment of this Act for the purpose of electing a chairperson.

(2) **ADDITIONAL MEETINGS.**—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this Act is fully carried out, but not less often than annually.

(g) **COUNCIL PROCEDURES.**—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) **PUBLIC PARTICIPATION.**—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

**SEC. 6. ADVISORY BOARD.**

(a) **IN GENERAL.**—The Council shall establish an advisory board (in this subsection referred to as the "board").

(b) **DUTIES.**—The board shall provide advice and recommendations to the Council—

(1) on the strategy developed pursuant to section 7; and

(2) on the Council's consideration of proposed estuary habitat restoration projects and the Council's recommendations to the Secretary pursuant to section 5(b)(1), including advice on the scientific merit, technical merit, and feasibility of a project.

(c) **MEMBERS.**—The Council shall appoint members of the board representing diverse public and private interests. Members of the board shall be selected such that the board consists of—

(1) 3 members with recognized academic scientific expertise in estuary or estuary habitat restoration;

(2) 3 members representing State agencies with expertise in estuary or estuary habitat restoration;

(3) 2 members representing local or regional government agencies with expertise in estuary or estuary habitat restoration;

(4) 2 members representing nongovernmental organizations with expertise in estuary or estuary habitat restoration;

(5) 2 members representing fishing interests;

(6) 2 members representing estuary users other than fishing interests;

(7) 2 members representing agricultural interests; and

(8) 2 members representing Indian tribes.

(d) **TERMS.**—

(1) **IN GENERAL.**—Except as provided by subparagraph (B), members of the board shall be appointed for a term of 3 years.

(2) **INITIAL MEMBERS.**—As designated by the chairperson of the Council at the time of appointment, of the members first appointed—

(A) 9 shall be appointed for a term of 1 year; and

(B) 9 shall be appointed for a term of 2 years.

(e) **VACANCIES.**—Whenever a vacancy occurs among members of the board, the Council shall appoint an appropriate individual to fill that vacancy for the remainder of the applicable term.



(f) **BOARD LEADERSHIP.**—The board shall elect from among its members a chairperson of the board to represent the board in matters related to its duties under this Act.

(g) **COMPENSATION.**—Members of the board shall not be considered to be employees of the United States and may not receive compensation for their service as members of the board, except that while engaged in the performance of their duties while away from their homes or regular place of business, members of the board may be allowed necessary travel expenses as authorized by section 5703 of title 5, United States Code.

(h) **TECHNICAL SUPPORT.**—Technical support may be provided to the board by regional and field staff of the Corps of Engineers, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the Department of Agriculture. The Secretary shall coordinate the provision of such assistance.

(i) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the board, the Secretary may provide to the board the administrative support services necessary for the board to carry out its responsibilities under this Act.

(j) **FUNDING.**—From amounts appropriated for that purpose under section 10, the Secretary shall provide funding for the board to carry out its duties under this Act.

**SEC. 7. ESTUARY HABITAT RESTORATION STRATEGY.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Council, in consultation with the advisory board established under section 6, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) **GOAL.**—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) **INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.**—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) **ELEMENTS OF THE STRATEGY.**—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation and other direct and indirect values; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this Act.

(e) **PUBLIC REVIEW AND COMMENT.**—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) **PERIODIC REVISION.**—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

**SEC. 8. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.**

(a) **UNDER SECRETARY.**—In this section, the term “Under Secretary” means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) **DATABASE OF RESTORATION PROJECT INFORMATION.**—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) **MONITORING DATA STANDARDS.**—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) **COORDINATION OF DATA.**—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) **USE OF EXISTING PROGRAMS.**—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) **PUBLIC AVAILABILITY.**—The Under Secretary shall make the information collected and maintained under this section available to the public.

**SEC. 9. REPORTING.**

(a) **IN GENERAL.**—At the end of the third and fifth fiscal years following the date of enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this Act.

(b) **CONTENTS OF REPORT.**—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this Act, including descriptions of, and partners involved with, projects selected, in progress, and completed under this Act that comprise those acres;

(2) information from the database established under section 8(b) related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this Act; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

**SEC. 10. FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **ESTUARY HABITAT RESTORATION PROJECTS.**—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) \$30,000,000 for fiscal year 2001;

(B) \$35,000,000 for fiscal year 2002; and

(C) \$45,000,000 for each of fiscal years 2003 through 2005.

Such amounts shall remain available until expended.

(2) **MONITORING.**—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this Act, \$1,500,000 for each of fiscal years 2001 through 2005. Such amounts shall remain available until expended.

(b) **SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF THE COUNCIL AND ADVISORY BOARD.**—Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or \$1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council and the advisory board established under section 6.

**SEC. 11. GENERAL PROVISIONS.**

(a) **AGENCY CONSULTATION AND COORDINATION.**—In carrying out this Act, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) **COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.**—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) **FEDERAL AGENCY FACILITIES AND PERSONNEL.**—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this Act, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this Act.

(d) **IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.**—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this Act.

(e) **STUDY OF BIOREMEDIATION TECHNOLOGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, with the full participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) REQUIREMENTS.—The study shall—

(A) evaluate and assess bioremediation technology—

(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

(iii) on nonpoint petroleum hydrocarbon discharges; and

(iv) as a first response tool for petroleum hydrocarbon spills; and

(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

H.R. 1775, the Estuary Restoration Act of 2000, authorizes estuary restoration projects and requires the development of a comprehensive strategy for estuary protection and restoration.

This bill, which was introduced by our colleague on the committee, the outstanding gentleman from Maryland (Mr. GILCHREST), will establish the public-private partnerships we need to help preserve and restore water quality, water supply, habitat, commercial fisheries, and many recreational opportunities in our Nation's estuaries.

The bill we bring to the floor today represents the combined efforts of the Committee on Transportation and Infrastructure and the Committee on Resources.

I want to extend my thanks to the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and also the ranking member of that committee, the gentleman from California (Mr. GEORGE MILLER), for their cooperation.

In particular, I also want to give thanks to the chairman of our full committee, the gentleman from Pennsylvania (Mr. SHUSTER), and also to the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI), on our committee.

I want to assure our colleagues that this bill does not create any new regulatory authorities, and that the restoration strategy is subject to adequate opportunities for public review and comment.

I also support the intent of the bill to ensure that projects and activities are based upon sound scientific understanding. I strongly support passage of H.R. 1775, and urge our colleagues to do the same.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1775, the Estuary Restoration Act of 2000. Estuaries and coastal environments are precious natural resources that need to be restored and protected. They provide important habitat for numerous fish and wildlife, as well as recreational areas, transportation linkages, and sources of residential and industrial water supplies.

It has been estimated that coastal and estuarine waters are worth billions of dollars to this country. Yet, despite the inherent value of these areas, for too long we have viewed our Nation's oceans, bays, and rivers as convenient dumping grounds for waste associated with human life and development.

However, as we have fortunately learned, these earlier practices were a mistake, a mistake which we will correct. H.R. 1775 will further assist in this effort, providing assistance to restore habitat and biological health to the Nation's estuaries.

I want to commend the gentleman from Maryland (Mr. GILCHREST), from my family's ancestral home, for his efforts in sponsoring this legislation. I support its passage.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Maryland (Mr. GILCHREST), an outstanding representative and the author of the legislation.

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

I would like to invite the gentleman from Mississippi (Mr. TAYLOR), as this bill passes and the restoration projects begin, to take a canoe trip down one of the more beautiful tidal estuaries of the Chesapeake Bay, the Pocomoke River, the ancestral homeland of the gentleman from Mississippi, in a canoe, and we will see what progress is being made.

I want to thank the staff on the Committee on Transportation and Infrastructure and the Committee on Resources for working together to blend our concepts and ideas in a unique fashion so that this bill can be signed into law and be successful.

We now have the capacity, I think, as human beings to begin the process of understanding the complexities of the dynamics of the mechanics of natural processes. The web of life that sustains all of us is now in the process by us at the beginning early stages of understanding.

An Indian philosopher said, I think his name was Chief Seattle, "Touch a flower, trouble a star." When human activity interferes in a dull way, not a natural, dynamic way, with the environment, it has a negative, degrading effect. Our estuaries have been degraded over the last especially 100 years.

The process of this bill is to make the correction so that we work with the natural processes by understanding their mechanics as to working against them. Habitats in many of America's

estuaries have been degraded or destroyed over the last 100 years. Their many economic values and their quality have been either ignored or unknown.

Population growth in coastal watersheds, dredging, draining, bulldozing, paving, pollution, dams, sewage discharges, et cetera, et cetera, et cetera, have had their impacts. From these human activities, the loss that we now have seen of these estuary habitats is evident.

For example, in our coastal States alone, more than 55 million acres of wetlands have been destroyed in the last 100 years. In the Chesapeake Bay, 90 percent of the sea grasses that we know are homes to many of the marine ecosystem life is gone. Only 2 percent of the oyster harvest of 100 years ago is left. Thirty years ago we harvested 30 million pounds of oysters. Now it is less than 1 million.

In San Francisco Bay, 95 percent of its original wetlands have been destroyed, and only 300 of the original 6,000 miles of stream habitat in the Central Valley support spawning salmon.

Seventy percent of salt marshes along Narragansett Bay are being cut off from full tidal flow, and 50 percent, 50 percent have been filled and are virtually gone forever.

Louisiana estuaries continue to lose 25,000 acres annually of coastal marshes. An area roughly the size of Washington, D.C. is lost due to neglect or ignorance or some other human activity. For the most part, the loss of each estuary is an accumulation, a small accumulation of small development projects, almost unseen to the residents' naked eyes.

Other impacts have destroyed in a very small way one acre at a time, and this destruction alone cannot be blamed for the loss of our estuaries and their habitats and wetlands, but the cumulative effects of the destruction are surprising in their extent and severity. Those tiny little developments, another shopping plaza, another road, another acre filled in, another housing development, another building, another boat, the extent and severity has amounted to tens of millions of acres.

We can, I think, coordinate Federal, State and local management efforts to protect our estuaries. We must also provide sufficient resources for estuary restoration, without which all of our planning and coordination efforts are useless. Our estuaries are sick and dying, and planning without implementation is like a diagnosis without any follow-up treatment. If we want to bring estuaries back to health, we need to commit the time, money, and creativity necessary to restore the vital organs that make estuaries live and breathe. We know how to do it. Now let us roll up our sleeves, put on our boots, and get to work.

The last comment on this bill, H.R. 1775, the National Estuary Habitat Restoration Partnership Act, is going to

try to restore 1 million acres over 10 years. One national park in Alaska, one national park in Alaska, is 13 million acres, so it is a very humble beginning.

It is not about a new layer of Federal bureaucracy, however. It is about coordination of existing estuary restoration efforts. This bill will complement the efforts of programs like the National Estuary Program and the Coastal Wetlands Conservation Grants by providing direction to Federal agencies to work together with the States, with other governments, with the National Estuary Program, conservation groups, to get together to address the critical needs.

That means someone from the Corps of Engineers, someone from the Department of Agriculture, someone from a State agency, and someone from a nonprofit agency will all stand in the stream together, forget what their titles are, but they will roll up their sleeves with their boots, put the mud in the right place, and get the catfish back in the streams. We can do it.

I want to thank the gentleman from Minnesota (Mr. OBERSTAR) for all his work on this effort. Not only are the estuaries and coastal areas going to be included in this legislation, but also the Great Lakes, and they are great lakes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my colleague, the gentleman from Maryland, for articulating so perfectly what needs to be done. I want to commend him for his efforts.

Mr. Speaker, I yield the remainder of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me. I want to compliment the gentleman on a very comprehensive statement of the issue at hand, and also express my appreciation to the chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Ohio (Mr. LATOURETTE), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Maryland (Mr. GILCREST), for their continuing surveillance and attention to detail and hard work on this critically important aspect of our environment.

Mr. Speaker, the gentleman from Maryland has been dogged in his persistence in his pursuit of protective legislation which he has so eloquently, very touchingly described tonight.

The disappearance of the Nation's wetlands is one of the greatest losses of this country. In the Central Mississippi Flyway, we have lost well over 50 percent of the wetlands that existed at the time of the formation of this Union. That is an irretrievable loss. No matter what we do, we cannot recreate those wetlands that have been lost.

What we can do, at least what this legislation gives us the opportunity to do, is to protect those wetlands and those estuaries that remain.

The great salt water estuaries of this world, of which the Chesapeake Bay is uncontestedly the greatest, are the meeting places of salt and fresh water where new life forms take place, the creation of new life from the mixing of fresh and salt water. It is recognized as one of the extraordinary reserves of nature.

We must understand these estuaries better. We must work to protect their integrity.

As the gentleman from Maryland has so well said, while we have addressed the problems of point source discharge that have served to vastly clean up our lakes and rivers, we have not yet adequately, not in the least, adequately addressed the matter of nonpoint source runoff.

□ 2300

If we fail on the one hand to protect wetlands and fail on the other hand to prevent senseless runoff from open lands, whether urban and suburban, residential and shopping center construction, or agricultural land that is inadequately able to protect runoff if we fail to protect the wetlands on the other hand that serve as a great filtering place, then we will destroy the estuaries of this country and the rest of the world.

This legislation moves us in the right direction. It does not deal with the fundamental problem of nonpoint source cleanup, which I hope we will be able to address in the forthcoming sessions of Congress.

As reported out of the Committee on Transportation and Infrastructure, this legislation would have prevented nonprofit entities to serve as local sponsor of estuary habitat restoration projects in coordination with the State and local appropriate officials.

However, during negotiations with the Committee on Resources, this provision was amended to require that nonprofit organizations obtain the recommendation of the governor before, before they, the nonprofits, would be eligible to serve as local sponsors.

I felt that this would be a very substantial burden for nonprofit in light of the fact that the legislation creates a multilayer competitive review process to ensure funding of only the most worthy restoration projects and requires local sponsors to provide 35 percent of the costs. I do not think we should be providing or saddling another restriction on who is eligible to be a local sponsor.

I have raised this with the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee. He has given me his personal assurance that we will review this matter in further detail as the bill moves forward through this body and into conference with the Senate. I thank him for his commitment to work with me on this matter.

I also appreciate the remarks the gentleman from Maryland (Mr. GILCREST) made about the Great Lakes being included in the auspices of this legislation. The Great Lakes represent one-fifth of all the fresh water on the face of the Earth. That resource, too, is vital as we consider this estuary legislation. We consider the unique resources. While the rivers that discharge into the Great Lakes are not the meeting of salt and fresh water, they are the meeting place of different aquatic species that, again, result in the creation of new life. It is important that these areas, these Great Lakes estuaries be considered in the ambit of this legislation.

I appreciate the gentleman's cooperation, his work with me to come to this legislation. I urge the passage of this legislation.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 1775, the Estuary Restoration Act of 2000.

First, let me thank Chairman BUD SHUSTER and Representatives JIM OBERSTAR and BOB BORSKI of the Transportation and Infrastructure Committee, as well as thank the chairman and ranking member of the Resources Committee, for their leadership and cooperation in moving this important legislation forward.

I also want to recognize the leadership of the bill's sponsor, Representative WAYNE GILCREST.

Estuaries are places where fresh water meets the open sea, creating some of the most diverse and productive habitat in the country.

For example, 75 percent of the commercial fish and shellfish catch in the United States comes from estuaries. Without clean water, these fisheries can collapse, creating economic havoc and destroying a way of life. The recent crisis for lobstermen in Long Island Sound is vivid reminder of what can happen.

More than 70 percent of Americans visit coastal areas every year—including estuaries like the Chesapeake Bay that is so dear to Congressman GILCREST. Fishing, boating, and tourism in these areas all depend on clean water.

More than 110 million people currently live in coastal regions. Estuaries provide critical water supply for these people.

Even Americans who never travel to coastal areas rely on clean estuary habitat. Migratory birds and anadromous fish spend part of their lives in estuaries and part of their lives inland. So duck hunters and fisherman in upstate New York need clean estuaries as much as duck hunters and fisherman in the Chesapeake Bay.

Given their important role, it is essential we increase our efforts to restore and protect our estuaries, which are at risk in many areas. Population growth, increased development, and other pressures have caused significant damage to, and loss of, our estuaries.

H.R. 1775 strengthens efforts across the United States, at the Federal, State and local levels, to restore our valuable estuary habitat.

H.R. 1775 authorizes \$200 million for the Secretary of the Army to carry out estuary habitat restoration projects.

The Secretary will select these projects in consultation with a National Estuary Habitat Council that develops a long-term national estuary restoration strategy.

The bill also establishes an advisory board of experts to provide scientific and technical expertise to the National Council and the Secretary.

Finally, under H.R. 1775, restoration projects will be monitored and evaluated to help ensure their long-term success.

I urge all Members to support this bill, which takes an important step forward to comprehensively address restoration of our estuaries.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 1775, the Estuary Restoration Act of 2000. As an original cosponsor, I believe this bill will be tremendously instrumental for the restoration of our nation's major estuaries, including Galveston Bay which borders my district in Texas.

Estuaries act as nurseries for much of our marine life. These complex and productive areas urgently need recognition if estuaries are to continue supporting over 70 million jobs and countless millions of hours of recreation. Due to lack of recognition of their value, millions of acres of estuaries have been lost over the decades, losses which persist today. In my district, Galveston Bay is part of the national estuary program and has suffered troubling habitat loss. It would benefit tremendously under this bill.

Galveston Bay's watershed encompasses one of the most heavily industrialized and most heavily populated regions in the United States. Since the 1950's, 30,000 acres of wetlands have been lost in the estuary. Wastewater discharges from communities and industries into Galveston Bay account for half of Texas' total wastewater discharges every year. Like many of America's beloved bays and estuaries under these circumstances, the productivity of Galveston Bay has declined. In addition to the ecological loss, declining productivity is an alarming economic trend, because Galveston Bay produces two-thirds of Texas oyster harvest, one-third of Texas' bay shrimp catch, and one-quarter of Texas' blue crab catch. Declining productivity also means reduced recreation for a Bay that currently supports the third largest recreational boating fleet in the United States. In response, the local community has reacted, but recognition and support have been limited.

This act's defining principle is grassroots action. The bill authorizes \$315 million over 5 years for matching grant funds to be used by nonprofit groups, State and local governments, neighborhood associations, schools, and concerned citizen organizations like the Galveston Bay Foundation. The goal of this \$315 million is the restoration of 1 million acres of estuary over the next 10 years, so that our estuaries can continue producing food, flood mitigation, water quality employment, and recreational benefits along American coastlines. This bill provides a \$315 million investment to ensure the sustainability of activities that contribute well over \$100 billion to the U.S. economy. The matching grants will rehabilitate our Nation's estuaries by allowing local volunteer restoration activities to continue, strengthen, and take-off. Priority will be given to projects which build partnerships between public and private groups, relationships which can continue long after the period of this act. We in the Federal Government should make the prudent decision to invest in America's quality of life, environment, and economy by passing H.R. 1775.

As proof of the ability of local communities to take on estuary restoration, the Galveston

Bay Foundation is exemplary of the type of organization that the Estuary Restoration Act will facilitate. The Galveston Bay Foundation began by restoring small areas measured in square feet, and now is pursuing the ambitious goal of restoring 24,000 of the 30,000 estuary acres lost in Galveston Bay. Assisted by the National Estuary Program, the Galveston Bay Foundation also monitors water quality by recruiting and training volunteers and by obtaining and distributing monitoring equipment. With the passage of the Estuary Restoration Act of 2000, organizations across the country including the Galveston Bay Foundation can leverage the investment efficiently and effectively on the local level.

I believe that H.R. 1775 is essential to implement longterm, local estuary conservation and management plans. Estuaries are integral parts of any nearby community and effect absolutely every community. I urge my colleagues to pass the Estuary Restoration Act and invest in the ecological and economic future of America's coastal areas by providing assistance to those who use it best—local communities.

Mr. SAXTON. Mr. Speaker, I strongly support H.R. 1775 and would like to thank the gentleman from Maryland for his tireless work on this legislation.

H.R. 1775 addresses the serious problem of declining estuary and coastal wetland habitat throughout the United States. Despite our best efforts, we are continuing to lose valuable coastal and estuary acreage to erosion, subsidence, water quality degradation, invasive species, contaminated sediments, and other impacts. These areas are biologically important for many commercial and recreational fish species, shellfish, migratory birds, and other wildlife. These areas are also among this nation's busiest ports, playing an important role in the national economy.

This legislation would provide much-needed assistance to halt the degradation of these areas while allowing continued economic uses. Restoration projects are expensive, and H.R. 1775 creates new Federal, State, and local partnerships to undertake these projects.

H.R. 1775 builds upon the existing authorities and expertise of the Army Corps of Engineers, with the help of Federal partners such as NOAA and the U.S. Fish and Wildlife Service. This bill requires that restoration projects include a monitoring component to ensure that we learn from these restoration projects and continue to find innovative solutions.

Mr. Speaker, H.R. 1775 represents the hard work of both the Transportation and Resources Committees, and it is an innovative approach to on-the-ground projects. I urge an "aye" vote on this legislation.

Mr. LATOURETTE. Mr. Speaker, we have no additional requests for time. We will be prepared to yield back when the gentleman from Mississippi (Mr. TAYLOR) does the same.

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

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House sus-

pend the rules and pass the bill, H.R. 1775, 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.

#### MISSISSIPPI SOUND RESTORATION ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4104) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and barrier island restoration projects for the Mississippi Sound, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4104

*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 "Mississippi Sound Restoration Act of 2000".*

#### SEC. 2. NATIONAL ESTUARY PROGRAM.

(a) *FINDING.*—Congress finds that the Mississippi Sound is an estuary of national significance.

(b) *ADDITION TO NATIONAL ESTUARY PROGRAM.*—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Mississippi Sound, Mississippi;" before "and Peconic Bay, New York."

#### SEC. 3. MISSISSIPPI SOUND.

*Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:*

#### "SEC. 121. MISSISSIPPI SOUND.

"(a) *ESTABLISHMENT OF RESTORATION PROGRAM.*—The Administrator shall establish within the Environmental Protection Agency the Mississippi Sound Restoration Program.

"(b) *PURPOSE.*—The purpose of the program shall be to restore the ecological health of the Sound, including barrier islands, coastal wetlands, keys, and reefs, by developing and funding restoration projects and related scientific and public education projects and by coordinating efforts among Federal, State, and local governmental agencies and nonregulatory organizations.

"(c) *DUTIES.*—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Sound under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Sound and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Sound.

"(d) *GRANTS.*—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Sound under section 320; and

"(2) for public education projects recommended by the management conference.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) SOUND.—The term 'Sound' means the Mississippi Sound located on the Gulf Coast of the State of Mississippi.

"(2) PROGRAM.—The term 'program' means the Mississippi Sound Restoration Program established under subsection (a).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out this section. Such sums shall remain available until expended."

**SEC. 4. SENSE OF THE CONGRESS.**

It is the sense of the Congress that all recipients of grants under this Act (including amendments made by this Act) shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, the purpose of H.R. 4104, introduced by the gentleman from Mississippi (Mr. TAYLOR) is to authorize financial and technical assistance for water quality restoration activities in the Mississippi Sound.

H.R. 4104 provides a framework for voluntary and cooperative efforts to restore the Mississippi Sound by identifying the Mississippi Sound as an estuary of national significance recommended for inclusion in the National Estuary Program, and also creating a Mississippi Sound program within EPA to coordinate and provide assistance to State and local efforts, to reduce pollution and restore the ecological health of the Sound.

I want to commend the gentleman from Mississippi (Mr. TAYLOR) for moving this legislation to the floor so expeditiously, and I support the legislation, and I urge an aye vote.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for his remarks.

Mr. Speaker, one of the best-kept secrets in America is no longer a well-kept secret. The Mississippi coast, with the advent of legalized gaming, has gone from a relatively quiet backwater community to one of the most popular destination resorts in the United States of America. The Gulfport airport that traditionally handled over 200,000 people will board over a million people this year.

All that being said, there are a heck of a lot more people using the Mississippi Sound than ever before, a heck of a lot more people living in the vicinity of it.

In all of the estuarine area in the Mississippi gulf coast, which is so simi-

lar to the Chesapeake Bay in characteristics with the bays and coastal marshes, is facing the same sort of stress that the Chesapeake Bay and other estuarine areas around the country have faced.

Although we still have record oyster harvest, we are having a phenomenal shrimp season this year, the bottom line is that, much as the gentleman from Maryland (Mr. GILCHREST) mentioned, our losses of coastal marshes are not taking place in hundreds of acres or thousands of acres, but truly an acre at a time, just as he mentioned it.

Although 1,200 acres were permitted to be filled by the Corps of Engineers last year, this is not a police state. I think it is fair to say, if 1,200 acres were permitted, probably 5,000 acres were truly lost.

What we are trying to do is restore some of the mistakes that man has made along the Mississippi Gulf Coast using the resources available.

We would like to be a pilot project in the United States of America for the beneficial use of dredge material when the Federal Government dredges and maintains its channels. Rather than taking that offshore and dumping it, we want to use that material to rebuild and restore our coastal marshes, to rebuild our barrier islands. We want to take the riprap that is created from Federal projects and start rebuilding some of the reefs that were unnecessarily destroyed in the 1950s and 1960s to provide aggregate material for building roads.

We have a lot of opportunities. What we need more than anything else is a game plan entailing the entire three coastal counties and our partners in Louisiana, since we were part of the Lake Pontchartrain Basin as well, to work together to take this jewel that God created and make it as pristine as possible.

I know the hour is late. I do not think it needs any further explanation. I want to thank the gentleman from Ohio (Mr. LATOURETTE) for his help. I want to thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, for his great assistance in getting this on the calendar tonight.

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

Mr. LATOURETTE. Mr. Speaker, we have no requests for time. I also urge passage of the bill.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), ranking member, one of the gentlemen who was so helpful in bringing this to the floor tonight.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time. I want to, again, express my appreciation to the gentleman from

Pennsylvania (Chairman SHUSTER) for bringing this legislation to the committee and to the floor so expeditiously, and to compliment the gentleman from Mississippi (Mr. TAYLOR) for his dogged pursuit of this legislation. He has been a relentless advocate for action on the Mississippi Sound. The restoration act that he brings to the floor tonight is one that he has championed for many years and advocated vigorously within the committee and is one that will stand as a crown jewel in his legislative achievement.

Much progress has been made under the Clean Water Act since 1972, but many bodies of water still require additional attention and resources to achieve the clean water goals that we set forth 28 years ago.

The unique ecosystem in southern Mississippi that covers 2,400 square miles with a drainage basin, as the gentleman from Mississippi (Mr. TAYLOR) said, that extends from Mississippi into Louisiana, is one of the great jewels of our natural resources in the United States. But much of the problem that this legislation will address bears a made-in-other-States label.

The runoff from 10 States all along the Mississippi drainage basin all the way to Canada wind up in this ecosystem. All the rest of us have a responsibility to help Mississippi and Louisiana and the Mississippi Sound area protect this diverse environment, this essential habitat for an extraordinary variety of species of fish, birds, mammals, and plants.

□ 2310

The legislation the gentleman has so thoughtfully crafted will move us along in that direction, and I greatly appreciate his leadership, that of our committee, the subcommittee chairman, the gentleman from New York (Mr. BOEHLERT); the gentleman tonight who presents the bill, the gentleman from Ohio (Mr. LATOURETTE), who has been such a strong voice for protection of the Great Lakes and the nonindigenous invasive species legislation that he championed and I have cosponsored with him.

His understanding there brings to bear a new dimension, an important dimension on this legislation being considered tonight. I urge its enactment.

Mr. BOEHLERT. Mr. Speaker, H.R. 4104, the Mississippi Sound Restoration Act of 2000, amends the Clean Water Act to require EPA to establish a Mississippi Sound Restoration Program, and to carry out water quality and environmental restoration projects for the Sound.

I commend Representative GENE TAYLOR for introducing H.R. 4104, a bill that will help restore and protect one more of our national treasures.

I also thank the chairman and ranking member of the Transportation and Infrastructure Committee for helping to bring this bill to the House floor for action.

I support passage of H.R. 4104, and urge my colleagues to do the same.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4104, as amended.

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

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

“A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and environmental restoration projects for the Mississippi Sound, Mississippi, and for other purposes.”.

A motion to reconsider was laid on the table.

## CLEAN WATERS AND BAYS ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, as amended.

The Clerk read as follows:

S. 835

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

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Clean Waters and Bays Act of 2000”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

#### TITLE I—ESTUARY RESTORATION

- Sec. 101. Short title.
- Sec. 102. Purposes.
- Sec. 103. Definitions.
- Sec. 104. Estuary habitat restoration program.
- Sec. 105. Establishment of Estuary Habitat Restoration Council.
- Sec. 106. Advisory board.
- Sec. 107. Estuary habitat restoration strategy.
- Sec. 108. Monitoring of estuary habitat restoration projects.
- Sec. 109. Reporting.
- Sec. 110. Funding.
- Sec. 111. General provisions.

#### TITLE II—CHESAPEAKE BAY RESTORATION

- Sec. 201. Short title.
- Sec. 202. Findings and purposes.
- Sec. 203. Chesapeake Bay.
- Sec. 204. Sense of Congress; requirement regarding notice.

#### TITLE III—NATIONAL ESTUARY PROGRAM

- Sec. 301. Additions to national estuary program.
- Sec. 302. Grants.
- Sec. 303. Authorization of appropriations.

#### TITLE IV—FLORIDA KEYS WATER QUALITY

- Sec. 401. Short title.
- Sec. 402. Florida Keys water quality improvements.
- Sec. 403. Sense of Congress; requirement regarding notice.

#### TITLE V—LONG ISLAND SOUND RESTORATION

- Sec. 501. Short title.

Sec. 502. Nitrogen credit trading system and other measures.

Sec. 503. Assistance for distressed communities.

Sec. 504. Reauthorization of appropriations.

#### TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION

- Sec. 601. Short title.
- Sec. 602. National estuary program.
- Sec. 603. Lake Pontchartrain Basin.
- Sec. 604. Sense of Congress.

#### TITLE VII—ALTERNATIVE WATER SOURCES

- Sec. 701. Short title.
- Sec. 702. Grants for alternative water source projects.
- Sec. 703. Sense of Congress; requirement regarding notice.

#### TITLE VIII—CLEAN LAKES

- Sec. 801. Grants to States.
- Sec. 802. Demonstration program.
- Sec. 803. Sense of Congress; requirement regarding notice.

#### TITLE IX—MISSISSIPPI SOUND RESTORATION

- Sec. 901. Short title.
- Sec. 902. National estuary program.
- Sec. 903. Mississippi Sound.
- Sec. 904. Sense of Congress.

#### TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

- Sec. 1001. Short title.
- Sec. 1002. Purpose.
- Sec. 1003. Definitions.
- Sec. 1004. Actions to be taken by the Commission and the Administrator.
- Sec. 1005. Negotiation of new treaty minute.
- Sec. 1006. Authorization of appropriations.

#### TITLE I—ESTUARY RESTORATION

##### SEC. 101. SHORT TITLE.

This title may be cited as the “Estuary Restoration Act of 2000”.

##### SEC. 102. PURPOSES.

The purposes of this title are—

- (1) to promote the restoration of estuary habitat;
- (2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;
- (3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and
- (4) to develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and to create a national database of estuary habitat restoration information.

##### SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) COUNCIL.—The term “Council” means the Estuary Habitat Restoration Council established by section 105.

(2) ESTUARY.—The term “estuary” means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries.

(3) ESTUARY HABITAT.—The term “estuary habitat” means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term “estuary habitat restoration activity” means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term “estuary habitat restoration activity” includes—

- (i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;
- (ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;
- (iii) the control of nonnative and invasive species in the estuary;
- (iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;
- (v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and
- (vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term “estuary habitat restoration activity” does not include an activity that—

- (i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or
- (ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term “estuary habitat restoration project” means a project to carry out an estuary habitat restoration activity.

##### (6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term “estuary habitat restoration plan” means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term “estuary habitat restoration plan” includes estuary habitat restoration components of—

- (i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);
- (ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);
- (iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and
- (iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(8) INDIAN TRIBE.—The term “Indian tribe” has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) NON-FEDERAL INTEREST.—The term “non-federal interest” means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 104(g)(2), a nongovernmental organization.

(10) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(11) STATE.—The term “State” means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South



Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and Guam.

**SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.**

(a) **ESTABLISHMENT.**—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title.

(b) **ORIGIN OF PROJECTS.**—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) **REQUIRED ELEMENTS OF PROJECT PROPOSALS.**—To be eligible for the estuary habitat restoration program established under this title, each proposed estuary habitat restoration project must—

(1) address restoration needs identified in an estuary habitat restoration plan;

(2) be consistent with the estuary habitat restoration strategy developed under section 107;

(3) be technically feasible;

(4) include a monitoring plan that is consistent with standards for monitoring developed under section 108 to ensure that short-term and long-term restoration goals are achieved; and

(5) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out and properly maintain the project.

(d) **SELECTION OF PROJECTS.**—

(1) **IN GENERAL.**—The Secretary, after considering the advice and recommendations of the Council, shall select estuary habitat restoration projects taking into account the following factors:

(A) The scientific merit of the project.

(B) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(C) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(D) Whether the project is cost-effective.

(E) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(F) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(2) **PRIORITY.**—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (1)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(e) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of an estuary habitat restoration project carried out under this title shall not exceed 65 percent of such cost.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of an estuary habitat restoration project carried out under this title shall include lands, easements, rights-of-way, and relocations and may include services, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(f) **INTERIM ACTIONS.**—

(1) **IN GENERAL.**—Pending completion of the estuary habitat restoration strategy to be developed under section 107, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) **FEDERAL SHARE.**—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(g) **COOPERATION OF NON-FEDERAL INTERESTS.**—

(1) **IN GENERAL.**—The Secretary shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (e)(2); and

(B) provide for maintenance and monitoring of the project to the extent the Secretary determines necessary.

(2) **NONGOVERNMENTAL ORGANIZATIONS.**—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this title, the Secretary, upon the recommendation of the Governor of the State in which the project is located and in consultation with appropriate officials of political subdivisions of such State, may allow a nongovernmental organization to serve as the non-Federal interest.

(h) **DELEGATION OF PROJECT IMPLEMENTATION.**—In carrying out this title, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, after considering the advice and recommendations of the Council, determines such delegation is appropriate.

**SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.**

(a) **COUNCIL.**—There is established a council to be known as the “Estuary Habitat Restoration Council”.

(b) **DUTIES.**—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and making recommendations concerning such proposals based on the factors specified in section 104(d)(1), including recommendations as to a priority order for carrying out such projects and as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 104(h);

(2) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(3) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; and

(4) providing advice on the development of the database, monitoring standards, and report required under sections 108 and 109.

(c) **MEMBERSHIP.**—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary’s designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary’s designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator’s designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary’s designee).

(5) The Secretary of Agriculture (or such Secretary’s designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) **PROHIBITION OF COMPENSATION.**—Members of the Council may not receive compensation for their service as members of the Council.

(e) **CHAIRPERSON.**—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) **CONVENING OF COUNCIL.**—

(1) **FIRST MEETING.**—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of enactment of this Act for the purpose of electing a chairperson.

(2) **ADDITIONAL MEETINGS.**—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this title is fully carried out, but not less often than annually.

(g) **COUNCIL PROCEDURES.**—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) **PUBLIC PARTICIPATION.**—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

**SEC. 106. ADVISORY BOARD.**

(a) **IN GENERAL.**—The Council shall establish an advisory board (in this section referred to as the “board”).

(b) **DUTIES.**—The board shall provide advice and recommendations to the Council—

(1) on the strategy developed pursuant to section 107; and

(2) on the Council’s consideration of proposed estuary habitat restoration projects and the Council’s recommendations to the Secretary pursuant to section 105(b)(1), including advice on the scientific merit, technical merit, and feasibility of a project.

(c) **MEMBERS.**—The Council shall appoint members of the board representing diverse public and private interests. Members of the board shall be selected such that the board consists of—

(1) 3 members with recognized academic scientific expertise in estuary or estuary habitat restoration;

(2) 3 members representing State agencies with expertise in estuary or estuary habitat restoration;

(3) 2 members representing local or regional government agencies with expertise in estuary or estuary habitat restoration;

(4) 2 members representing nongovernmental organizations with expertise in estuary or estuary habitat restoration;

(5) 2 members representing fishing interests;

(6) 2 members representing estuary users other than fishing interests;

(7) 2 members representing agricultural interests; and

(8) 2 members representing Indian tribes.

(d) **TERMS.**—

(1) **IN GENERAL.**—Except as provided by subparagraph (B), members of the board shall be appointed for a term of 3 years.

(2) **INITIAL MEMBERS.**—As designated by the chairperson of the Council at the time of appointment, of the members first appointed—

(A) 9 shall be appointed for a term of 1 year; and

(B) 9 shall be appointed for a term of 2 years.

(e) VACANCIES.—Whenever a vacancy occurs among members of the board, the Council shall appoint an appropriate individual to fill that vacancy for the remainder of the applicable term.

(f) BOARD LEADERSHIP.—The board shall elect from among its members a chairperson of the board to represent the board in matters related to its duties under this title.

(g) COMPENSATION.—Members of the board shall not be considered to be employees of the United States and may not receive compensation for their service as members of the board, except that while engaged in the performance of their duties while away from their homes or regular place of business, members of the board may be allowed necessary travel expenses as authorized by section 5703 of title 5, United States Code.

(h) TECHNICAL SUPPORT.—Technical support may be provided to the board by regional and field staff of the Corps of Engineers, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the Department of Agriculture. The Secretary shall coordinate the provision of such assistance.

(i) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the board, the Secretary may provide to the board the administrative support services necessary for the board to carry out its responsibilities under this title.

(j) FUNDING.—From amounts appropriated for that purpose under section 110, the Secretary shall provide funding for the board to carry out its duties under this title.

#### SEC. 107. ESTUARY HABITAT RESTORATION STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council, in consultation with the advisory board established under section 106, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) GOAL.—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) ELEMENTS OF THE STRATEGY.—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use of Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation and other direct and indirect values; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this title.

(e) PUBLIC REVIEW AND COMMENT.—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) PERIODIC REVISION.—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

#### SEC. 108. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) UNDER SECRETARY.—In this section, the term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) MONITORING DATA STANDARDS.—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) COORDINATION OF DATA.—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) USE OF EXISTING PROGRAMS.—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) PUBLIC AVAILABILITY.—The Under Secretary shall make the information collected and maintained under this section available to the public.

#### SEC. 109. REPORTING.

(a) IN GENERAL.—At the end of the third and fifth fiscal years following the date of enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this title.

(b) CONTENTS OF REPORT.—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this title, including descriptions of, and partners involved with, projects selected, in progress, and completed under this title that comprise those acres;

(2) information from the database established under section 108(b) related to ongoing monitoring of projects to ensure that short-

term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this title; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

#### SEC. 110. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTUARY HABITAT RESTORATION PROJECTS.—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) \$30,000,000 for fiscal year 2001;

(B) \$35,000,000 for fiscal year 2002; and

(C) \$45,000,000 for each of fiscal years 2003 through 2005.

Such amounts shall remain available until expended.

(2) MONITORING.—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title, \$1,500,000 for each of fiscal years 2001 through 2005. Such amounts shall remain available until expended.

(b) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF THE COUNCIL AND ADVISORY BOARD.—Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or \$1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council and the advisory board established under section 106.

#### SEC. 111. GENERAL PROVISIONS.

(a) AGENCY CONSULTATION AND COORDINATION.—In carrying out this title, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—In carrying out this title, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) FEDERAL AGENCY FACILITIES AND PERSONNEL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this title.

(d) IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this title.

(e) STUDY OF BIOREMEDIATION TECHNOLOGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) REQUIREMENTS.—The study shall—

- (A) evaluate and assess bioremediation technology—
- (i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;
  - (ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;
  - (iii) on nonpoint petroleum hydrocarbon discharges; and
  - (iv) as a first response tool for petroleum hydrocarbon spills; and
- (B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

## TITLE II—CHESAPEAKE BAY RESTORATION

### SEC. 201. SHORT TITLE.

This title may be cited as the “Chesapeake Bay Restoration Act of 2000”.

### SEC. 202. FINDINGS AND PURPOSES.

- (a) FINDINGS.—Congress finds that—
- (1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;
  - (2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;
  - (3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;
  - (4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and
  - (5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this title are—

- (1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and
- (2) to achieve the goals established in the Chesapeake Bay Agreement.

### SEC. 203. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

#### “SEC. 117. CHESAPEAKE BAY.

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) ADMINISTRATIVE COST.—The term ‘administrative cost’ means the cost of salaries and fringe benefits incurred in administering a grant under this section.

“(2) CHESAPEAKE BAY AGREEMENT.—The term ‘Chesapeake Bay Agreement’ means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay eco-

system and signed by the Chesapeake Executive Council.

“(3) CHESAPEAKE BAY ECOSYSTEM.—The term ‘Chesapeake Bay ecosystem’ means the ecosystem of the Chesapeake Bay and its watershed.

“(4) CHESAPEAKE BAY PROGRAM.—The term ‘Chesapeake Bay Program’ means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

“(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term ‘Chesapeake Executive Council’ means the signatories to the Chesapeake Bay Agreement.

“(6) SIGNATORY JURISDICTION.—The term ‘signatory jurisdiction’ means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

“(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

“(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

“(2) PROGRAM OFFICE.—

“(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

“(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

“(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

“(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

“(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

“(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

“(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

“(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

“(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

“(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

“(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to achieve the goals and requirements contained in subsection (g)(1), subject to such terms and conditions as the Administrator considers appropriate.

“(2) FEDERAL SHARE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in

accordance with guidance issued by the Administrator.

“(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

“(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

“(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

“(e) IMPLEMENTATION AND MONITORING GRANTS.—

“(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

“(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

“(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

“(2) PROPOSALS.—

“(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

“(B) CONTENTS.—A proposal under subparagraph (A) shall include—

“(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

“(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

“(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

“(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

“(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

“(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

“(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

“(A) all projects and activities funded for the fiscal year;

“(B) the goals and objectives of projects funded for the previous fiscal year; and

“(C) the net benefits of projects funded for previous fiscal years.

“(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

“(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or

operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and sub-watershed planning and restoration programs.

“(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

“(3) BUDGET COORDINATION.—

“(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

“(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

“(g) CHESAPEAKE BAY PROGRAM.—

“(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve—

“(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

“(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

“(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

“(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

“(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

“(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

“(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

“(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

“(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

“(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

“(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

“(1) IN GENERAL.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

“(2) REQUIREMENTS.—The study and report shall—

“(A) assess the state of the Chesapeake Bay ecosystem;

“(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

“(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

“(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

“(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

“(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

“(2) REQUIREMENTS.—The study shall—

“(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

“(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality conditions;

“(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

“(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2000 through 2005.”

#### SEC. 204. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267), it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under section 117 of the Federal Water Pollution Control Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under section 117 of the Federal Water Pollution Control Act shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

### TITLE III—NATIONAL ESTUARY PROGRAM

#### SEC. 301. ADDITIONS TO NATIONAL ESTUARY PROGRAM.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting “Lake Ponchartrain Basin, Louisiana and Mississippi; Mississippi Sound, Mississippi;” before “and Peconic Bay, New York.”

#### SEC. 302. GRANTS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) PURPOSES.—Grants under this subsection shall be made to pay for activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

“(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

“(A) shall not exceed—

“(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

“(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

“(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.”

#### SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking “\$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991” and inserting “\$50,000,000 for each of fiscal years 2000 through 2004”.

### TITLE IV—FLORIDA KEYS WATER QUALITY

#### SEC. 401. SHORT TITLE.

This title may be cited as the “Florida Keys Water Quality Improvements Act of 2000”.

#### SEC. 402. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

##### “SEC. 121. FLORIDA KEYS.

“(a) IN GENERAL.—Subject to the requirements of this section, the Administrator may make grants to the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

“(b) CRITERIA FOR PROJECTS.—In applying for a grant for a project under subsection (a), an applicant shall demonstrate that—

“(1) the applicant has completed adequate planning and design activities for the project;

“(2) the applicant has completed a financial plan identifying sources of non-Federal funding for the project;

“(3) the project complies with—

“(A) applicable growth management ordinances of Monroe County, Florida;

“(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

“(C) applicable water quality standards; and

“(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

“(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality

benefits relative to other projects under consideration.

“(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

“(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

“(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771-3773);

“(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

“(4) other appropriate State and local government officials.

“(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall not be less than 25 percent.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

“(1) \$32,000,000 for fiscal year 2001;

“(2) \$31,000,000 for fiscal year 2002; and

“(3) \$50,000,000 for each of fiscal years 2003 through 2005.

Such sums shall remain available until expended.”.

**SEC. 403. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.**

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

**TITLE V—LONG ISLAND SOUND RESTORATION**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Long Island Sound Restoration Act”.

**SEC. 502. NITROGEN CREDIT TRADING SYSTEM AND OTHER MEASURES.**

Section 119(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(1)) is amended by inserting “, including efforts to establish, within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the Plan” before the semicolon at the end.

**SEC. 503. ASSISTANCE FOR DISTRESSED COMMUNITIES.**

Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

“(1) ELIGIBLE COMMUNITIES.—

“(A) STATES TO DETERMINE CRITERIA.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such

criteria are developed after public review and comment.

“(B) CONSIDERATION OF IMPACT ON WATER AND SEWER RATES.—In determining if a community is a distressed community for the purposes of this subsection, the State shall consider the extent to which the rate of growth of a community’s tax base has been historically slow such that implementing the plan described in subsection (c)(1) would result in a significant increase in any water or sewer rate charged by the community’s publicly-owned wastewater treatment facility.

“(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

“(2) REVOLVING LOAN FUNDS.—

“(A) LOAN SUBSIDIES.—Subject to subparagraph (B), any State making a loan to a distressed community from a revolving fund under title VI for the purpose of assisting the implementation of the plan described in subsection (c)(1) may provide additional subsidization (including forgiveness of principal).

“(B) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State under subparagraph (A) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

“(3) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, a State may give priority to a distressed community.”.

**SEC. 504. REAUTHORIZATION OF APPROPRIATIONS.**

Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 503 of this Act) is amended—

(1) in paragraph (1) by striking “1991 through 2001” and inserting “2000 through 2003”; and

(2) in paragraph (2) by striking “not to exceed \$3,000,000 for each of the fiscal years 1991 through 2001” and inserting “not to exceed \$80,000,000 for each of fiscal years 2000 through 2003”.

**TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Lake Pontchartrain Basin Restoration Act of 2000”.

**SEC. 602. NATIONAL ESTUARY PROGRAM.**

(a) FINDING.—Congress finds that the Lake Pontchartrain Basin is an estuary of national significance.

(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting “Lake Pontchartrain Basin, Louisiana and Mississippi:” before “and Peconic Bay, New York.”.

**SEC. 603. LAKE PONTCHARTRAIN BASIN.**

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following: “SEC. 122. LAKE PONTCHARTRAIN BASIN.

“(a) ESTABLISHMENT OF RESTORATION PROGRAM.—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

“(b) PURPOSE.—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

“(c) DUTIES.—In carrying out the program, the Administrator shall—

“(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

“(2) assist and support the activities of the management conference, including the im-

plementation of recommendations of the management conference;

“(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

“(4) develop a comprehensive research plan to address the technical needs of the program;

“(5) coordinate the grant, research, and planning programs authorized under this section; and

“(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

“(d) GRANTS.—The Administrator may make grants—

“(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320;

“(2) for public education projects recommended by the management conference; and

“(3) for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) BASIN.—The term ‘Basin’ means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

“(2) PROGRAM.—The term ‘program’ means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated—

“(A) \$100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana; and

“(B) \$5,000,000 for each of fiscal years 2001 through 2005 to carry out this section.

Such sums shall remain available until expended.

“(2) PUBLIC EDUCATION PROJECTS.—Not more than 15 percent of the amount appropriated pursuant to paragraph (1)(B) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).”.

**SEC. 604. SENSE OF CONGRESS.**

It is the sense of Congress that all recipients of grants pursuant to this title shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants.

**TITLE VII—ALTERNATIVE WATER SOURCES**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Alternative Water Sources Act of 2000”.

**SEC. 702. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.**

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

**“SEC. 220. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.**

“(a) IN GENERAL.—The Administrator may make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

“(b) ELIGIBLE ENTITY.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for

municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

**“(C) SELECTION OF PROJECTS.—**

**“(1) LIMITATION.—**A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

**“(2) ADDITIONAL CONSIDERATION.—**In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

**“(d) COMMITTEE RESOLUTION PROCEDURE.—**

**“(1) IN GENERAL.—**No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds \$3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

**“(2) REQUIREMENTS FOR SECURING CONSIDERATION.—**For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.

**“(e) USES OF GRANTS.—**Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

**“(f) COST SHARING.—**The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

**“(g) REPORTS.—**

**“(1) REPORTS TO ADMINISTRATOR.—**Each recipient of a grant under this section shall submit to the Administrator, not later than 18 months after the date of receipt of the grant and biennially thereafter until completion of the alternative water source project funded by the grant, a report on eligible activities carried out by the grant recipient using amounts from the grant.

**“(2) REPORT TO CONGRESS.—**On or before September 30, 2005, the Administrator shall transmit to Congress a report on the progress made toward meeting the critical water supply needs of the grant recipients under this section.

**“(h) DEFINITIONS.—**In this section, the following definitions apply:

**“(1) ALTERNATIVE WATER SOURCE PROJECT.—**The term ‘alternative water source project’ means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater.

**“(2) CRITICAL WATER SUPPLY NEEDS.—**The term ‘critical water supply needs’ means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

**“(i) AUTHORIZATION OF APPROPRIATIONS.—**There is authorized to be appropriated to

carry out this section \$75,000,000 for each of fiscal years 2000 through 2004. Such sums shall remain available until expended.”

**SEC. 703. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.**

**(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—**In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

**(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—**In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

**(c) NOTICE OF REPORT.—**Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

**TITLE VIII—CLEAN LAKES**

**SEC. 801. GRANTS TO STATES.**

Section 314(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1324(c)(2)) is amended by striking “\$50,000,000” the first place it appears and all that follows through “1990” and inserting “\$50,000,000 for each of fiscal years 2001 through 2005”.

**SEC. 802. DEMONSTRATION PROGRAM.**

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting “Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota;” after “Saug Lake, Minnesota;”;

(2) in paragraph (3) by striking “By” and inserting “Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734-736), by”;

(3) in paragraph (4)(B)(i) by striking “\$15,000,000” and inserting “\$25,000,000”.

**SEC. 803. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.**

**(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—**In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

**(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—**In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

**(c) NOTICE OF REPORT.—**Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of expenditure.

**TITLE IX—MISSISSIPPI SOUND RESTORATION**

**SEC. 901. SHORT TITLE.**

This title may be cited as the “Mississippi Sound Restoration Act of 2000”.

**SEC. 902. NATIONAL ESTUARY PROGRAM.**

**(a) FINDING.—**Congress finds that the Mississippi Sound is an estuary of national significance.

**(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—**Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting

“Mississippi Sound, Mississippi;” before “and Peconic Bay, New York.”

**SEC. 903. MISSISSIPPI SOUND.**

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following: **“SEC. 123. MISSISSIPPI SOUND.**

**“(a) ESTABLISHMENT OF RESTORATION PROGRAM.—**The Administrator shall establish within the Environmental Protection Agency the Mississippi Sound Restoration Program.

**“(b) PURPOSE.—**The purpose of the program shall be to restore the ecological health of the Sound, including barrier islands, coastal wetlands, keys, and reefs, by developing and funding restoration projects and related scientific and public education projects and by coordinating efforts among Federal, State, and local governmental agencies and non-regulatory organizations.

**“(c) DUTIES.—**In carrying out the program, the Administrator shall—

**“(1) provide administrative and technical assistance to a management conference convened for the Sound under section 320;**

**“(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;**

**“(3) support environmental monitoring of the Sound and research to provide necessary technical and scientific information;**

**“(4) develop a comprehensive research plan to address the technical needs of the program;**

**“(5) coordinate the grant, research, and planning programs authorized under this section; and**

**“(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Sound.**

**“(d) GRANTS.—**The Administrator may make grants—

**“(1) for restoration projects and studies recommended by a management conference convened for the Sound under section 320; and**

**“(2) for public education projects recommended by the management conference.**

**“(e) DEFINITIONS.—**In this section, the following definitions apply:

**“(1) SOUND.—**The term ‘Sound’ means the Mississippi Sound located on the Gulf Coast of the State of Mississippi.

**“(2) PROGRAM.—**The term ‘program’ means the Mississippi Sound Restoration Program established under subsection (a).

**“(f) AUTHORIZATION OF APPROPRIATIONS.—**There is authorized to be appropriated \$10,000,000 to carry out this section. Such sums shall remain available until expended.”

**SEC. 904. SENSE OF CONGRESS.**

It is the sense of Congress that all recipients of grants under this title (including amendments made by this title) shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants under this title.

**TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000”.

**SEC. 1002. PURPOSE.**

The purpose of this title is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially



treated into the United States causing significant adverse public health and environmental impacts.

**SEC. 1003. DEFINITIONS.**

In this title, the following definitions apply:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **COMMISSION.**—The term “Commission” means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) **IWTP.**—The term “IWTP” means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80-82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) **SECONDARY TREATMENT.**—The term “secondary treatment” has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(6) **MEXICAN FACILITY.**—The term “Mexican facility” means a proposed public-private wastewater treatment facility to be constructed and operated under this title within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) **MGD.**—The term “mgd” means million gallons per day.

**SEC. 1004. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.**

(a) **SECONDARY TREATMENT.**—

(1) **IN GENERAL.**—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 1005 of this Act, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) **ADDITIONAL AUTHORITY.**—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) **COMPREHENSIVE PLAN.**—Not later than 24 months after the date of enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) **CONTRACT.**—

(1) **IN GENERAL.**—Subject to the availability of appropriations to carry out this

subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) **TERMS.**—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 30 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility.

(I) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(K) To the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(L) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(M) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this Act and the contract.

(N) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination

of all records maintained pursuant to subparagraph (M) to facilitate the monitoring and evaluation required under subsection (d).

(3) **LIMITATION.**—The Contract Disputes Act of 1978 (41 U.S.C. 601-613) shall not apply to a contract executed under this section.

(d) **IMPLEMENTATION.**—

(1) **IN GENERAL.**—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) **REPORT.**—The Inspector General shall transmit to Congress a report containing the evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

**SEC. 1005. NEGOTIATION OF NEW TREATY MINUTE.**

(a) **CONGRESSIONAL STATEMENT.**—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this title, in order that the other provisions of this title to address such pollution may be implemented as soon as possible.

(b) **NEGOTIATION.**—

(1) **INITIATION.**—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this title.

(2) **IMPLEMENTATION.**—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this title shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **MATTERS TO BE ADDRESSED.**—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this title.

**SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this title.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from

Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, S. 835 as amended is a package of 10 House-passed water quality bills. H.R. 3313 is the bill of the gentlewoman from Connecticut (Mrs. JOHNSON), the Long Island Sound Restoration Act which the House passed on May 9 of this year by a vote of 391-to-29. H.R. 3039 is a bill that was authored by our late colleague who was so well memorialized today, the gentleman from Virginia (Mr. BATEMAN), the Chesapeake Bay Restoration Act which passed the House on April 12 of this year by a vote of 418-to-7; H.R. 1775, offered by the gentleman from Maryland (Mr. GILCHREST), Estuary Restoration Act of 2000, which just passed the House by voice vote; H.R. 1237, the bill of the gentleman from New Jersey (Mr. SAXTON) to reauthorize the national estuary program which the House passed on May 8 by voice vote; H.R. 673, offered by the gentleman from Florida (Mr. DEUTSCH), Florida Keys Water Quality Improvement Act, which passed the House on May 3 of this year by a vote of 411-to-7; H.R. 2957, offered by the gentleman from Louisiana (Mr. VITTER), the Lake Pontchartrain Basin Restoration Act of 2000, which passed the House on May 3, 2000 by a vote of 418-to-6; H.R. 1106, offered by the gentlewoman from Florida (Mrs. THURMAN), Alternative Water Sources Act of 2000 which passed the House on May 3 by a vote of 416-to-5; H.R. 2328, offered by the gentleman from New York (Mr. SWEENEY), a bill to reauthorize the Clean Lakes program which passed the House on April 12, by a vote of 420-to-5; H.R. 4104, offered by the gentleman from Mississippi (Mr. TAYLOR), the Sound Restoration Act which just passed the House by voice vote; H.R. 3378, offered by the gentleman from California (Mr. BILBRAY), the Tijuana River Valley Estuary and Beach Sewage Clean Up Act of 2000 which just passed the House about half an hour ago.

This legislation addresses identified needs and will provide significant improvements to the quality of our Nation's waters. I want to thank all of the bill sponsors and all of the members of the Committee on Transportation and Infrastructure, in particular our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), the outstanding representative, the gentleman from Minnesota (Mr. OBERSTAR), the chairman of our subcommittee, the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Pennsylvania (Mr. BORSKI) for their hard work in bringing this legislation to the floor.

I think that S. 835, which we now consider, again demonstrates the quality and quantity of work that is done

in a bipartisan fashion by the Committee on Transportation and Infrastructure. The fact that there are 10 bills rolled into one Senate bill is a tribute to the outstanding leadership that we have on the committee from our chairman and also the ranking member and confirms, I think, the suspicion that in a time of partisanship these two outstanding bipartisan gentlemen are joined at the hip and they are more interested in getting things done to build America than they are in scoring political points.

The House has already expressed its overwhelming support for these individual bills. I urge all Members to support this omnibus legislation. We hope to work with the Senate expeditiously to send this legislation to the President's desk.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the substitute amendment offered to S. 835. The Estuary Habitat and Chesapeake Bay Restoration Act amendment substitutes the text of S. 835, the Estuary Habitat and Chesapeake Bay Restoration Act that was approved by unanimous consent in the Senate in March with the text of the recently-passed estuary restoration program sponsored by our colleague, the gentleman from Maryland (Mr. GILCHREST). In addition, the substitute amendment includes a collection of other Clean Water Act related bills that have been approved by the House during the 106th Congress. These are H.R. 3039, the Chesapeake Bay Restoration Act, sponsored by our late colleague, the gentleman from Virginia (Mr. BATEMAN), and I thank the gentleman from Ohio (Mr. LATOURETTE) very much for mentioning the gentleman from Virginia (Mr. BATEMAN).

H.R. 1237, a bill to reauthorize the EPA's national estuary program sponsored by the gentleman from New Jersey (Mr. SAXTON); H.R. 673, the Florida Keys Water Quality Improvements Act sponsored by the gentleman from Florida (Mr. DEUTSCH); H.R. 3313, the Long Island Sound Restoration Act sponsored by the gentlewoman from Connecticut (Mrs. JOHNSON); H.R. 2957, the Lake Pontchartrain Basin Restoration Act sponsored by my neighbor and colleague, the gentleman from Louisiana (Mr. VITTER); H.R. 1106, the Alternative Sources Water Act, sponsored by the gentlewoman from Florida (Mrs. THURMAN); H.R. 2328, a bill to reauthorize EPA's Clean Lakes program; H.R. 4104 and H.R. 3378 which we just recently approved.

I support the substitute amendment and urge my colleagues to vote in favor of its passage.

Mr. Speaker, I yield the remainder of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me this time, and I support the somewhat unusual process that we are using here to expedite the action of this body on very important legislation that our committee has already considered. I particularly appreciate that one of the bills included here is that authored by our late colleague on the committee and colleague in the House the gentleman from Virginia (Mr. BATEMAN).

I missed the opportunity earlier in the day to participate in the eulogies because I was committed to a number of meetings in my office with constituents, but I just want to say that we have lost one of the truly amiable, decent, distinguished, caring people ever to serve in this body. The gentleman from Virginia (Mr. BATEMAN) was one of the most gentle, thoughtful, considerate people I have ever known, and as a colleague one of the most thoughtful and sensitive people.

His legislative work was truly significant. He was an advocate for our Nation's defense establishment. He was, I think as one of his colleagues in the Virginia delegation said so well, the gentleman from Virginia (Mr. SISISKY), he knew about readiness. He knew there was a readiness problem in the military before the military knew it. That was the way of gentleman from Virginia (Mr. BATEMAN).

I greatly appreciated the companionship that with shared and the cooperation on a number of issues in our committee, and in his committee of previous service, the Committee on Armed Services on which he jointly served throughout this last term.

I extend to Laura, his dear, wonderful wife, very beautiful and treasured person, my deepest sympathies and those of my wife. I know this is a great loss. Herb was looking forward to retirement. One could just see the twinkle in his eye of the enjoyment that he was looking forward to, spending time with his family and time for himself to travel and to see more of America and to see more of the beloved area of Virginia that he served so well. My prayers are with the gentleman from Virginia (Mr. BATEMAN) and with his family in their hour of need.

Mr. BOEHLERT. Mr. Speaker, I am proud to be a strong supporter of the House Amendment to S. 835, the Clean Waters and Bays Act of 2000.

S. 835 was introduced by the late Senator John Chafee in April 1999 and passed the Senate by unanimous consent on March 30, 2000. Senator Chafee was a champion for the environment and S. 835 reflects his dedication to ensuring that all Americans have safe and clean water.

As passed by the Senate, S. 835 is a clean water omnibus bill that encourages estuary restoration through partnerships with the Corps of Engineers, and Reauthorizes the Clean Water Act's Chesapeake Bay Program, Long Island Sound Office, and National Estuary Program.

The House Amendment to S. 835 replaces the Senate text with the text from House-passed bills on estuary restoration, the Chesapeake Bay Program, the Long Island Sound, and the National Estuary Program. In addition, the House amendment adds House-passed bills to reauthorize the Clean Lakes Program, as well as bills to address other water infrastructure needs at both the national and regional levels.

Each bill in this package is non-controversial and has already passed the House with overwhelming support. The purpose of this omnibus package is to have a vehicle that we can work out with the Senate and send to the President's desk.

S. 835 will go a long way toward addressing the specific water quality needs that my subcommittee on water resources and environment identified through extensive hearings.

The solutions put forth by this bill are solutions that every Member of Congress should be proud to embrace. This legislation does not impose any new mandates. Instead, this legislation encourages cooperative efforts at the local, state and federal levels and fosters public-private partnerships to identify and address water quality problems.

I urge all Members to Support S. 835, as amended.

Mr. TAYLOR of Mississippi. Mr. Speaker, we have no additional requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. 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 Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 835, as amended.

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

A motion to reconsider was laid on the table.

#### APPOINTMENT OF CONFEREES

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

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

There was no objection.

□ 2320

#### GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days within which to revise and extend their remarks on H.R. 3378, H.R. 1775, H.R. 4104 and S. 835.

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

There was no objection.

#### SENSE OF HOUSE REGARDING UNITED STATES-INDIA RELATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 572) expressing the sense of the House of Representatives that it is in the interest of both the United States and the Republic of India to expand and strengthen United States-India relations, intensify bilateral cooperation in the fight against terrorism, and broaden the ongoing dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step.

The Clerk read as follows:

H. RES. 572

Whereas the United States and the Republic of India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas in keeping with this vision India has given refuge to His Holiness the Dalai Lama, Burmese refugees fleeing repression in Burma, and is a refuge for people in the region struggling for their basic human rights;

Whereas the United States and India are partners in peace with common interests in and complementary responsibility for ensuring international security and regional peace and stability;

Whereas the United States and India are allies in the cause of democracy, sharing our experience in nurturing and strengthening democratic institutions throughout the world and fighting the challenge to democratic order from forces such as terrorism;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship, commerce, and increasingly of kinship among our people;

Whereas the industry, enterprise, and cultural contributions of Americans of Indian heritage have enriched and enlivened the societies of both the United States and India; and

Whereas the bonds of friendship between the United States and India can be deepened and strengthened through cooperative programs in areas such as education, science and technology, information technology, finance and investment, trade, agriculture, energy, the fight against poverty, improving the environment, infrastructure development, and the eradication of human suffering, disease, and poverty: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) the United States and the Republic of India should continue to expand and strengthen bilateral security, economic, and political ties for the mutual benefit of both countries, and for the maintenance of peace, stability, and prosperity in South Asia;

(2) the United States should consider removing existing unilateral legislative and administrative measures imposed against India, which prevent the normalization of United States-India bilateral economic and trade relations;

(3) established institutional and collaborative mechanisms between the United States and India should be maintained and enhanced to further a robust partnership between the two countries;

(4) it is vitally important that the United States and India continue to share information and intensify their cooperation in combating terrorism; and

(5) the upcoming visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step toward broadening and deepening the friendship and cooperation between United States and India.

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

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

#### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 572.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, today I introduced H. Res. 572, along with the gentleman from Connecticut (Mr. GEJDENSON), a resolution expressing the sense of the House of Representatives that it is in the interest of both our Nation and India to expand and strengthen U.S.-India relations. To intensify bilateral cooperation in our fight against terrorism and to broaden the ongoing dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India Atal Bihari Vajpayee, is a significant step.

This coming Thursday, Indian Prime Minister Atal Vajpayee will address a joint session of the Congress. His historic visit comes at a precious moment in U.S.-Indian relations. The world's two largest and most vibrant democracies are in the process of creating a relationship that truly reflects our mutual interests.

Both of our governments are dedicated to the protection of the rule of law, to democracy, and to freedom of religion. Our citizens share a fervent faith in these core values. It is also why India and the United States see eye to eye on so many regional concerns.

China's hegemony, the spread of Islamic terrorism spilling out of Afghanistan and Pakistan, the narco-dictatorship in Burma, China's illegal occupation of Tibet, are serious concerns to both of our nations.

During this past summer, the world was horror stricken when Islamic terrorists gunned down some 101 Hindu pilgrims in Kashmir. The massacre came only 2 weeks after the largest militant Kashmiri group Hezb-ul Mujahadeen called for a cease-fire. The killings apparently were intended to sabotage any attempt to peacefully broker a settlement to the Kashmir crisis.

All of us were outraged by the brutal barbaric killings of innocent civilians. Such malicious extraordinary violence reinforces my conviction that India and the United States must develop a much closer military and intelligence relationship. A special relationship is needed so that we can share our knowledge and skills in order to successfully confront our mutual enemies who wish to destroy the basic principles of our societies.

Regrettably, the State Department has confused our friends and allies in Asia by promoting a strategic partnership with China and by ignoring the fact that Beijing, in violation of the Nuclear Nonproliferation Treaty, transfers and sells nuclear and ballistic weapons technology to Pakistan, a nation that has been spreading terrorism throughout South Asia by supporting the Taliban and other repressive forces.

China has also sold billions of dollars of arms to the narco-dictatorship in Burma that borders on India. We need to lift the remaining economic sanctions that were imposed on India for testing nuclear weapons. As long as the State Department permits China to go unchecked and it continues to stoke the fires in South Asia, India will need to be able to defend itself.

India's Prime Minister's address to Congress this week will afford all of us, all Members of the House and Senate, the opportunity to hear about the issues of importance and the U.S.-India bilateral relationship, including trade, energy, investment, science, information technology, as well as our cooperative efforts to combat terrorism and to achieve regional peace and security in South Asia, a region of prime importance to our national interests.

As the current Indian government works to ensure that India remains secure, our democracy should be marching shoulder to shoulder with her during this new century. So I look forward to meeting with the prime minister and working closely with him and his government on initiatives that bring peace and prosperity to India and to Asia and even stronger bonds of friendship between our two nations. Accordingly, I urge all of our colleagues to support this resolution.

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

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

Mr. Speaker, while it is just morning in India, it is rather late in the evening here, so I will be brief. A few folks watching at home include my son, Ari,

who stayed up to hear this debate. And I am sorry to see the chairman engage in some gratuitous assaults on the administration, because, indeed, it is President Clinton who led the recent trip to India and really welded together these two great democracies.

And while Congress and many of the people in government, executive and legislative, had not recognized for a long time the important bond between India and the United States and Connecticut with the leadership of Chet Bowles, twice ambassador to India, the Congressman from my district, when I was a young man and a governor of the State of Connecticut, he understood even then how important this relationship between the United States and India was.

The present ambassador at work for Chester Bowles is doing a fine job there, as the gentleman from New York (Mr. GILMAN) pointed out. This Thursday we will have an address by the Prime Minister of India, an address that will be greeted in this House by near bipartisan support and approval.

As we have ended the confrontation with the old Soviet Union, the natural bonds between our two democracies continue to build a stronger and stronger relationship. The United States is India's largest trading partner. The Americans in this country and Indians from abroad who have come here have built a stronger and stronger relationship, and as Indian-Americans have felt more a part of our society, they have helped build that bridge between the United States and India.

This visit by the Prime Minister is a visit that will take us to the next level, bringing America's attention squarely focused on India and the shared values we have in democracy fighting terrorism, confronting infectious diseases, and helping develop democracy around the globe. India truly is a marvelous example of people. Consider about a billion people, half of them very poor, still they sustain a civil society that most countries in the world have not yet attained.

Mr. Speaker, I join with the gentleman's statements, at least part of the gentleman's statement, and that is commending the President for having gone to India, commending the Prime Minister for coming here. And I can assure him and the Indian people that there will be no head of state that gets a warmer and friendlier greeting from the American people and from this Congress than the Prime Minister of India will get.

Mr. Speaker, I urge passage of this legislation.

Mr. Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

On Thursday, September 14th, the United States Congress will meet in a rare joint session to hear from the prime minister of India. It is appropriate that Prime Minister Vajpayee should be accorded this honor.

After all, world's largest democracy and the world's oldest have much in common. India is

one of our most important and strategic relationships.

The visit of Indian Prime Minister Atal Bihari Vajpayee to the U.S. provides an opportunity for a further broadening and deepening of the bilateral relationship.

With the end of the Cold War and the subsequent liberalization of the Indian economy, U.S.-India relations have steadily improved. President Clinton was enthusiastically received when he visited India in March, 2000. During that visit, the two leaders set forth the framework for a new partnership between our two countries in the Joint Vision Statement.

The Prime Minister's visit provides us with an important opportunity to further the goals of the Vision Statement.

The U.S. is India's largest trading partner and largest investor. Home to one-fifth of the world's population, India continues to reduce and eliminate barriers to trade, and U.S. investment has grown from \$500 million per year in 1991 to over \$15 billion in 1999.

The Asian Development Bank has forecast a 7 percent growth in GDP for India over the next two years in light of India's stable government, proposed structural reforms and proven ability to capitalize on the global technology revolution.

The Clinton administration has identified India as one of the world's 10 major emerging markets. The waiver of economic sanctions by the U.S. and the opening up of the insurance sector in India are likely to further increase foreign direct investment in India.

India is a vital U.S. ally in the fight against global terrorism. Because there are significant links between terrorists groups operating in India and those targeting the U.S., the U.S.-India Joint Working Group on Counter-Terrorism was recently founded to coordinate antiterrorism efforts and share intelligence information. In the same manner that the United States and India have forged strong economic and commercial links, so too must we strengthen our partnership for peace and build a comprehensive regime to counter terrorism.

The million-strong Indian-American community in the U.S. provides a strong bond between India and the U.S. Indian-Americans have made immeasurable contributions to our country and are a vital part of communities from San Francisco to Miami and every where in between—even, I am proud to note, in my home state of Connecticut.

Indian Americans, who have organized themselves into a large number of associations and organizations, are playing an important role in deepening and strengthening cooperation between India and the United States.

As the President stated in his March 22 address to the Parliament of India, "India and America are natural allies, two nations conceived in liberty, each finding strength in its diversity, each seeing in the other a reflection of its own aspiration for a more humane and just world."

It is essential for the United States and India—the world's two largest democracies—to strengthen our growing bonds of friendship.

I urge my colleagues to support the House Resolution to welcome Prime Minister Vajpayee to the United States and encourage a robust U.S.-India partnership.

Mr. ROYCE. Mr. Speaker, I rise in support of H.Res. 572, of which I am a cosponsor. Indian Prime Minister Vajpayee's state visit this

week caps off a special year in U.S.-India relations that began with President Clinton's March visit to India. The Prime Minister's visit provides another excellent opportunity for the U.S. and India to advance further our rapidly improving and mutually beneficial relationship.

I want to commend Speaker HASTERT for inviting the Prime Minister to share his vision of India's relationship with the U.S. with members of the House and Senate. Thursday's speech will be the first congressional address by a foreign leader in over two years. This address will be an especially significant moment for the over 100 members of the Congressional Caucus on India and Indian Americans, who have worked hard on legislation affecting India.

I had the privilege of traveling to India with the President, and saw firsthand the country's vitality and the desire by the Indian people to develop a closer relationship with America. In New Delhi, President Clinton and Prime Minister Vajpayee signed a joint statement on "India-U.S. Relations: A Vision for the 21st Century." This is an important statement, coming after years of American indifference toward India. It is important that we treat this statement as a living document, working to ensure that its vision becomes reality.

The joint statement includes a pledge "to reduce impediments to bilateral trade and investment and to expand commerce" between our two countries. The U.S. is now not only the largest investor in India, it is also India's largest trading partner, with trade between the two countries totaling nearly \$13 billion.

The Prime Minister's state visit will also be a larger opportunity to highlight the great economic and cultural contributions of all Indo-Americans, who act as a valuable bridge between our two countries. I join my colleagues in welcoming the Prime Minister and look forward to his speech before members of the House and the Senate.

Ms. SCHAKOWSKY. Mr. Speaker, I am so proud to join my colleagues, the Distinguished Chairman and the ranking Democratic member of the International Relations Committee in welcoming to the United States the Honorable Prime Minister of India, Atal Behari Vajpayee.

On behalf of Illinois' Indian American community and the people of Illinois in the 9th Congressional District, I want to express a most sincere welcome and best wishes for an enjoyable and meaningful visit to Prime Minister Vajpayee.

As my colleagues and the Prime Minister are aware, the Chicago Metropolitan area boasts one of our country's most diverse populations, including a thriving Indian-American community of over 100,000 that is growing every year. As a member of Congress who values the relationship between our two nations and recognizes the significance of Prime Minister Vajpayee's visit, I believe this is an opportunity to strengthen relations between India and our country even further. The Prime Minister's visit also gives the Indian American community a chance to showcase its contributions to American society and to the U.S.-India dialogue.

I was fortunate to be one of eight members of Congress privileged to join President Clinton on his historic trip to India earlier this year. That was such an incredible and valuable experience for me, one which I learned from and which has helped me to understand the rich history and cultural traditions of a great num-

ber of my constituents who are of Indian descent.

I was so touched and honored by the warm reception the President's delegation received. I know that we will all do our best to reciprocate so that Prime Minister Vajpayee's visit is greeted with the honor and respect it deserves.

On Thursday, Prime Minister Vajpayee will address a joint session of Congress. This will be the first address to a joint session of Congress by an Indian Prime Minister in six years and the only address by a world leader to the 106th Congress.

It is important that on this historic occasion, Congress sends a strong message on the importance of our relationship with India in such critical areas as trade, national security, health, science and technology and education. The friendship between our people has never been stronger and the relationship between our governments has reached a new height of cooperation. That is why I am a proud original cosponsor of H. Res. 572. The resolution expresses the Sense of the Congress that the United States and India should continue to work together.

I urge all members to vote in support of it, and on behalf of myself, my family and my constituents, I offer a wholehearted and gracious welcome to Prime Minister Vajpayee.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 572.

The question was taken.

Mr. GILMAN. 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.

□ 2330

#### 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.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

(Mr. PITTS. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

(Mr. RAMSTAD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### REMEMBERING THE SINKING OF THE HMT ROHNA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the greatest naval disaster in the United States during World War II was the sinking of the USS *Arizona*. 1,177 were killed. The *Arizona* has been memorialized in the national consciousness.

On November 26, 1943, however, a loss of American military personnel of almost identical magnitude occurred when the British troop transport ship, the HMT *Rohna*, was sunk by a radio-controlled rocket-boosted bomb launched from a German bomber off the coast of North Africa. By the next day, 1,015 American troops and more than 100 British and Allied officers and crewmen had perished.

The U.S. troops aboard the *Rohna* have been largely forgotten by their country. I only learned of this disaster because a neighbor of mine on Whidbey Island had a brother who was lost when the *Rohna* was sunk. He made me aware of the issue and the book about the sinking of the *Rohna*.

It is a grim story. Hundreds died when the German missile struck. The majority, however, died from exposure

and drowning when darkness and rough seas limited the rescue efforts. Less than half, over 900, survived, which was less than half.

American, British and French rescue workers worked valiantly to save those *Rohna* passengers and crew who made it off the ship and into the ocean. The USS *Pioneer* picked up two-thirds of all those that were saved, 606 GIs. Many of those in the water had to endure hours of chilling temperatures before being picked up. As the evening moved into the middle of the night and the early morning hours, some men were speechless with the cold. Many died deaths of unbelievable agony.

The United States Government had not properly acknowledged this event. Because inadequate records were kept, some survivors had to fight for years to prove that the *Rohna* even existed, let alone that survivors might be due some recognition.

Finally, at a 1996 memorial dedication honoring the Americans who died on the *Rohna*, survivor John Fieviet spoke the following words:

I dedicate this memorial to the memory of those who fell in the service of our country. I dedicate it in the names of those who offered their lives that justice, freedom and democracy might survive to be the victorious ideals of the world. The lives of those who made the supreme sacrifice are glorious before us. Their deeds are an inspiration. As they served America in the time of war, yielding their last full measure of devotion, may we serve America in time of peace. I dedicate this monument to them, and with it, I dedicate this society to the faithful service of our country and the preservation of the memory of those who died, that liberty might live.

The men who gave their lives for their country on board this ship were heroes who deserve to be recognized and not forgotten. Parents of virtually all of them died without learning how their sons had died, because this was something that was not made public. Their brothers and sisters, wives and children need to hear their story. All Americans need to learn of their bravery and sacrifice. Not only do the victims of the tragic sinking need to be honored, but also their comrades, who survived, to be sent on to the Burma-India-China theater of the war and there to serve valiantly.

On November 11, 1993, Charles Osgood featured the *Rohna* story on his widespread radio program. For the first time, in 1993, a broad cross-section of America got to hear the story of some of its unknown warriors. Osgood revisited the subject two weeks later. According to Osgood, "It is not that we forgot, it is just that we never knew."

Americans need to know about the *Rohna*. They need to know about the men who died on board, sacrificing their lives in the fight against tyranny. Americans need to know, and certainly must never forget.

REVISIONS OF APPROPRIATE LEVELS OF DEBT IN THE CONGRESSIONAL BUDGET RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, section 213(1) of the conference report on the Concurrent Resolution on the Budget for Fiscal Year 2001 (H. Con. Res. 290) permits certain adjustments if the Congressional Budget Office (CBO) increases its estimate of the surplus. CBO recently increased its estimate of the on-budget surplus for the current fiscal year by \$57.2 billion. I submit for printing in the Congressional Record revisions to the levels of the public debt and the debt held by the public for fiscal years 2000–2005 based on that increase in the surplus.

REVISED APPROPRIATE LEVELS OF DEBT IN THE CONGRESSIONAL BUDGET RESOLUTION  
(End of year in billions of dollars)

Fiscal year	Public debt	Debt held by the public
2000	5,583.0	3,413.0
2001	5,666.6	3,256.0
2002	5,757.5	3,077.9
2003	5,857.2	2,891.2
2004	5,951.6	2,689.8
2005	6,040.9	2,467.0

Questionnaires may be directed to Dan Kowalski at 67270.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2000 AND THE 5-YEAR PERIOD FY 2000 THROUGH FY 2004

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2000 and for the 5-year period of fiscal year 2000 through fiscal year 2004. This status report is current through September 6, 2000.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 290. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2000.

The second table compares the current levels of budget authority and outlays of each authorizing committee with jurisdiction over direct spending programs with the "section 302(a)" allocations for discretionary action made under H. Con. Res. 290 for fiscal year 2000 and fiscal years 2000 through 2004. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to enforce section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2000 with the revised "section 302(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the budget Act because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that, if at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to provisions of section 251(b)), there shall be a sequestration of funds within that category to bring spending within the established limits. As determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for information purposes only.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET; STATUS OF THE FISCAL YEAR 2000 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 290

Reflecting Action Completed as of September 6, 2000 (On-budget amounts, in millions of dollars)

	Fiscal year 2000	Fiscal year 2000–2004
Appropriate Level (as amended):		
Budget authority <sup>1</sup>	1,484,852	NA
Outlays <sup>2</sup>	1,455,479	NA
Revenues <sup>3</sup>	1,465,500	7,768,100
Current Level:		
Budget authority	1,482,479	NA
Outlays	1,458,357	NA
Revenues	1,465,492	7,871,246
Current Level over (+)/under (–) Appropriate Level:		
Budget authority	–2,373	NA
Outlays	2,878	NA
Revenues	–8	103,146

NA—Not applicable because annual appropriations Acts for Fiscal Years 2002 through 2004 will not be considered until future sessions of Congress.

<sup>1</sup>Budget Authority—Enactment of any measure providing new budget authority in excess of \$2,373,000,000 for FY 2000 (if not already included in the current level estimate) would cause FY 2000 budget authority to exceed the appropriate level set by H. Con. Res. 290.

<sup>2</sup>Outlays—Enactment of any measure providing new outlays for FY 2000 (if not already included in the current level estimate) would cause FY 2000 outlays to further exceed the appropriate level set by H. Con. Res. 290.

<sup>3</sup>Revenues—Enactment of any measure that would result in any revenue loss for FY 2000 (if not already included in the current level estimate) would cause revenues to fall further below the appropriate level set by H. Con. Res. 290. Enactment of any measure resulting in any revenue loss for FY 2000 through 2004 in excess of \$103,146,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 290.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(A) REFLECTING ACTION COMPLETED AS OF SEPT. 6, 2000

(Fiscal years in million of dollars)

	2000		2000–2004	
	BA	Outlays	BA	Outlays
HOUSE COMMITTEE				
Agriculture:				
Allocation	5,500	5,500	13,489	12,533
Current Level	5,500	5,500	13,485	12,562
Difference			(4)	29
Armed Services:				
Allocation				
Current Level				
Difference				
Banking and Financial Services:				
Allocation				(968)
Current Level				
Difference				968
Commerce:				
Allocation				
Current Level			10	10
Difference			10	10
Education & the Workforce:				
Allocation				
Current Level				
Difference				



DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(A) REFLECTING ACTION COMPLETED AS OF SEPT. 6, 2000—Continued  
(Fiscal years in million of dollars)

	2000		2000-2004	
	BA	Outlays	BA	Outlays
<b>HOUSE COMMITTEE</b>				
Government Reform & Oversight:				
Allocation				
Current Level			14	14
Difference			14	14
House Administration:				
Allocation				
Current Level				
Difference				
International Relations:				
Allocation				
Current Level				
Difference				
Judiciary:				
Allocation				
Current Level			(456)	(410)
Difference			(456)	(410)

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(A) REFLECTING ACTION COMPLETED AS OF SEPT. 6, 2000—Continued  
(Fiscal years in million of dollars)

	2000		2000-2004	
	BA	Outlays	BA	Outlays
<b>HOUSE COMMITTEE</b>				
Resources:				
Allocation			121	6
Current Level	7	3	(65)	(65)
Difference	7	3	(186)	(71)
Science:				
Allocation				
Current Level				
Difference				
Select Committee on Intelligence:				
Allocation				
Current Level				
Difference				
Small Business:				
Allocation				
Current Level				
Difference				

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(A) REFLECTING ACTION COMPLETED AS OF SEPT. 6, 2000—Continued  
(Fiscal years in million of dollars)

	2000		2000-2004	
	BA	Outlays	BA	Outlays
<b>HOUSE COMMITTEE</b>				
Transportation & Infrastructure:				
Allocation				
Current Level				
Difference				
Veterans' Affairs:				
Allocation			4,666	4,492
Current Level				
Difference			(4,666)	(4,492)
Ways and Means:				
Allocation	(50)		3,012	3,064
Current Level	53	52	21	20
Difference	103	52	(2,991)	(3,044)
Total Authorized:				
Allocation	5,450	5,500	21,288	19,127
Current Level	5,560	5,555	13,009	12,131
Difference	110	55	(8,279)	(6,996)

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET & EMERGENCY DEFICIT CONTROL ACT OF 1985  
(Dollars in millions)

	Defense <sup>1</sup>		Nondefense <sup>1</sup>		General purpose		Violent crime trust fund		Highway category		Mass transit category	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps <sup>2</sup>	NA	NA	NA	NA	580,289	569,224	4,500	6,344	NA	24,574	NA	4,117
Current Level <sup>3</sup>	298,744	289,521	282,210	291,370	580,954	580,891	4,486	6,999	NA	24,393	NA	4,569
Difference (Current level—Caps)	NA	NA	NA	NA	665	11,667	-14	655	NA	-181	NA	452

<sup>1</sup> Defense and nondefense categories are advisory rather than statutory.  
<sup>2</sup> Established by OMB Sequestration Update Report for Fiscal Year 2001.  
<sup>3</sup> Consistent with H. Con. Res. 290.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2000—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)  
(In millions of dollars)

	302(b) suballocations last updated on October 12, 1999 <sup>1</sup>		Current level reflecting action completed as of September 6, 2000		Difference	
	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,882	14,346	14,825	14,994	943	648
Commerce, Justice, State	35,774	34,907	38,461	38,429	2,687	3,522
National Defense	267,692	259,130	277,137	267,864	9,445	8,734
District of Columbia	453	448	434	505	(19)	57
Energy & Water Development	20,190	20,140	21,295	21,343	1,105	1,203
Foreign Operations	12,625	13,168	16,400	14,136	3,775	968
Interior	13,888	14,354	15,142	15,029	1,254	675
Labor, HHS & Education	75,763	77,063	89,504	90,539	13,741	13,476
Legislative Branch	2,478	2,484	2,466	2,450	(12)	(34)
Military Construction	8,374	8,775	8,489	8,598	115	(177)
Transportation <sup>2</sup>	12,400	43,445	13,256	43,739	856	294
Treasury-Postal Service	13,706	14,115	13,807	14,232	101	117
VA-HUD-Independent Agencies	68,633	82,045	74,502	85,267	5,869	3,222
Reserve/Offsets	0	0	0	0	0	0
Unassigned <sup>3</sup>	42,395	29,609	(278)	(273)	(42,673)	(29,882)
Grand total	588,253	614,029	585,440	616,852	(2,813)	2,823

<sup>1</sup> The Appropriations Committee did not revise the fiscal year 2000 302(b) suballocations after the passage of H. Con. Res. 290.  
<sup>2</sup> Transportation does not include mass transit BA.  
<sup>3</sup> Unassigned includes the allocation adjustments provided under Section 314, but not yet allocated under Section 302(b), and amounts included in H. Con. Res. 290 not allocated by the Appropriations Committee.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 8, 2000.

Hon. JOHN R. KASICH,  
Chairman, Committee on the Budget,  
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, the enclosed report shows the effects of Congressional action on the fiscal year 2000 budget and is current through September 6, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution and the Budget for Fiscal Year 2001, which replace H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000.

Since my last letter, dated June 19, 2000, the Congress has cleared and the President has signed the Military Construction Appropriations Act, 2001 (Public Law 106-246) and the Department of Defense Appropriations

Act, 2001 (Public Law 106-259). Those actions changed budget authority and outlays.  
Sincerely,

Barry B. Anderson,  
(for Dan L. Crippen).

Enclosure.

FISCAL YEAR 2000 HOUSE CURRENT LEVEL REPORT AS OF SEPT. 7, 2000  
(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,465,500
Permanents and other spending legislation	876,422	836,631	0
Appropriation legislation <sup>1</sup>	869,318	889,756	0
Offsetting receipts	-284,184	-284,184	0
Total, previously enacted	1,461,556	1,442,203	1,465,500
Enacted this session:			
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106-176)	7	3	0

FISCAL YEAR 2000 HOUSE CURRENT LEVEL REPORT AS OF SEPT. 7, 2000—Continued  
(In millions of dollars)

	Budget authority	Outlays	Revenues
Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106-181)	2,805	0	0
Trade and Development Act of 2000 (P.L. 106-200)	53	52	-8
Agricultural Risk Protection Act of 2000 (P.L. 106-224)	5,500	5,500	0
Military Construction Appropriations Act, 2001 (P.L. 106-246)	15,173	13,799	0
Department of Defense Appropriations Act, 2001 (P.L. 106-259)	1,779	0	0
Total, enacted this session	25,317	19,354	-8
Entitlements and Mandatories: Adjustment to baseline estimates for payments to states for foster care and adoption assistance	-35	0	0

FISCAL YEAR 2000 HOUSE CURRENT LEVEL REPORT AS OF SEPT. 7, 2000—Continued  
(In millions of dollars)

	Budget authority	Outlays	Revenues
Less: Items Excluded for Comparability with Budget Resolution <sup>1</sup> .....	-4,359	-3,200	0
Total Current Level <sup>1</sup> .....	1,482,479	1,458,357	1,465,492
Total Budget Resolution <sup>2</sup> .....	1,484,852	1,455,479	1,465,500
Current Level Over Budget Resolution .....	0	2,878	0
Current Level Under Budget Resolution .....	-2,373	0	-8
Memorandum: Revenues, 2000-2004:			
House Current Level .....	0	0	7,871,246
House Budget Resolution .....	0	0	7,768,100
Amount Current Level Over Resolution .....	0	0	103,146

Source: Congressional Budget Office.  
Note.—P.L. = Public Law.

<sup>1</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority or outlays for Social Security administrative expenses. As a result, current level excludes these items. In addition, for comparability purposes, current level budget authority excludes \$1,159 million that was appropriated for mass transit.

<sup>2</sup> Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability reviews, the Earned Income Tax Credit, and adoption assistance. Of these revisions, \$510 million in budget authority and \$301 million in outlays are included in the budget resolution but are not yet included in the current level.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2001 AND THE 5-YEAR PERIOD FY 2001 THROUGH FY 2005

Mr. KASICH. Mr. Speaker, to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 202 and 203 of the conference report accompanying H. Con. Res. 290, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2001 and for the 5-year period of fiscal years 2001 through fiscal year 2005. This status report is current through September 6, 2000.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, revenues, the surplus and advance appropriations with the aggregate levels set forth by H. Con. Res. 290. This comparison is needed to implement section 311(a) of the Budget Act and sections 202 and 203(b) of H. Con. Res. 290, which create points of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2001 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each authorizing committee with jurisdiction over direct spending programs with the "section 302(a)" allocations for discretionary action made under H. Con. Res. 290 for fiscal year 2001 and fiscal years 2001 through 2005. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to enforce section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2001 with the revised "section 302(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that, if at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to section 251(b)), there shall be a sequestration of amounts within that category to bring spending within the established limits. As the determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for informational purposes only.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 2001 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 290 REFLECTING ACTION COMPLETED AS OF SEPT. 6, 2000

(On-budget amounts, in millions of dollars)

	Fiscal Year	
	2001	2001-2005
Appropriate Level (as amended):		
Budget Authority .....	1,529,558	NA
Outlays .....	1,501,656	NA
Revenues .....	1,503,200	8,022,400
Surplus .....	1,544	NA
Advance Appropriations .....	23,500	NA
Current Level:		
Budget Authority .....	1,245,386	NA
Outlays .....	1,334,025	NA
Revenues .....	1,514,241	8,169,171
Surplus .....	180,216	NA
Advance Appropriations .....	0	NA
Current Level over (+)/under(-) Appropriate Level:		
Budget Authority .....	-284,172	NA
Outlays .....	-167,631	NA
Revenues .....	11,041	146,771
Surplus .....	178,672	NA
Advance Appropriations .....	-23,500	NA

NA—Not applicable because annual appropriations Acts for Fiscal Years 2002 through 2005 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing new budget authority for FY 2001 (if not already included in the current level estimate) in excess of \$284,172,000,000 would cause FY 2001 budget authority to exceed the appropriate level set by H. Con. Res. 290.

OUTLAYS

Enactment of any measure providing new outlays for FY 2001 in excess of \$167,631,000,000 (if not already included in the current level estimate) would cause FY 2001 outlays to exceed the appropriate level set by H. Con. Res. 290.

REVENUES

Enactment of any measure that would result in any revenue loss for FY 2001 in excess of \$11,041,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 290.

Enactment of any measure resulting in any revenue loss for FY 2001 through 2005 in excess of \$146,771,000,000 (if not already included in the current level) would cause revenues to fall below the appropriate levels set by H. Con. Res. 290.

SURPLUS

Enactment of any measure that reduces the surplus for FY 2001 by more than \$178,672,000,000 (if not already included in the current level estimate) would cause FY 2001 surplus to fall below the appropriate level set by section 202 of H. Con. Res. 290.

ADVANCE APPROPRIATIONS

Enactment of any measure that would result in FY 2001 advance appropriations in excess of \$23,500,000,000 (if not already included in the current level estimate) would cause the FY 2001 advance appropriations to exceed the appropriate level set by Section 203(b) of H. Con. Res. 290.

DIRECT SPENDING LEGISLATION: COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(a) REFLECTING ACTION COMPLETED AS OF SEPT. 6, 2000

(Fiscal years, in millions of dollars)

House committee	2001		2001-2005	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation .....	3,062	2,295	9,837	8,824
Current Level .....	3,061	2,166	9,787	8,837
Difference .....	(1)	(129)	(50)	13
Armed Services:				
Allocation .....				
Current Level .....				
Difference .....				
Banking and Financial Services:				
Allocation .....		(107)		(1,329)
Current Level .....				
Difference .....		107		1,329
Commerce:				
Allocation .....				
Current Level .....			15	15
Difference .....			15	15
Education & the Workforce:				
Allocation .....				
Current Level .....				
Difference .....				
Government Reform & Oversight:				
Allocation .....				
Current Level .....	1	1	20	20
Difference .....	1	1	20	20
House Administration:				
Allocation .....				
Current Level .....				
Difference .....				
International Relations:				
Allocation .....				
Current Level .....				
Difference .....				
Judiciary:				
Allocation .....				
Current Level .....	(114)	(75)	(570)	(524)
Difference .....	(114)	(75)	(570)	(524)
Resources:			162	44
Allocation .....				
Current Level .....	(96)	(98)	(62)	(58)
Difference .....	(96)	(98)	(224)	(102)
Science:				
Allocation .....				
Current Level .....				
Difference .....				
Select Committee on Intelligence:				
Allocation .....				
Current Level .....				
Difference .....				
Small Business:				
Allocation .....				
Current Level .....				
Difference .....				
Transportation & Infrastructure:				
Allocation .....				
Current Level .....				
Difference .....				
Veterans' Affairs:				
Allocation .....	510	479	7,280	7,037
Current Level .....				
Difference .....	(510)	(479)	(7,280)	(7,037)
Ways and Means:				
Allocation .....	55	25	3,035	3,038
Current Level .....	(47)	(47)	(29)	(28)
Difference .....	(102)	(72)	(3,064)	(3,066)
Total Authorized:				
Allocation .....	3,627	2,692	20,314	17,614
Current Level .....	2,805	1,947	9,161	8,262
Difference .....	(822)	(745)	(11,153)	(9,352)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2001: COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In millions of dollars]

	Revised 302(b) suballocations as of July 19, 2000 (H. Rpt. 106-761)		Current level reflecting action completed as of Sept. 6, 2000		Difference	
	BA	O	BA	O	BA	O
Agriculture, Rural Development	14,548	14,972	42	3,882	(14,506)	(11,090)
Commerce, Justice, State	34,904	35,778	283	12,279	(34,621)	(23,499)
National Defense	288,297	279,618	287,590	277,807	(707)	(1,811)
District of Columbia	414	414	0	36	(414)	(378)
Energy and Water Development	21,743	21,950	0	7,908	(21,743)	(14,042)
Foreign Operations	13,281	14,974	0	9,859	(13,281)	(5,115)
Interior	14,723	15,224	36	5,399	(14,687)	(9,825)
Labor, HHS and Education	99,547	95,075	18,954	64,188	(80,593)	(30,887)
Legislative Branch	2,468	2,480	0	352	(2,468)	(2,128)
Military Construction	4,932	2,119	4,932	2,119	(0)	(0)
Transportation <sup>1</sup>	13,735	48,255	20	28,651	(13,715)	(19,604)
Treasury-Postal Service	14,402	14,751	62	3,202	(14,340)	(11,549)
VA-HUD-Independent Agencies	78,317	85,840	3,561	47,808	(74,756)	(38,032)
Unassigned	42	985	0	768	(42)	(217)
<b>Grand Total</b>	<b>601,353</b>	<b>632,435</b>	<b>315,480</b>	<b>464,258</b>	<b>(285,873)</b>	<b>(168,177)</b>

<sup>1</sup> Transportation does not include mass transit BA.

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SEC. 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

[Dollars in millions]

	Defense <sup>1</sup>		Nondefense <sup>1</sup>		General purpose		Highway category		Mass transit category	
	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps <sup>2</sup>	NA	NA	NA	NA	541,095	554,133	0	26,920	NA	4,639
Current Level	296,407	289,819	19,073	150,928	315,480	440,747	0	18,968	0	4,543
Difference (Current Level—Caps)	NA	NA	NA	NA	-225,615	-113,386	NA	-7,952	NA	-96

<sup>1</sup> Defense and nondefense categories are advisory rather than statutory.  
<sup>2</sup> Established by OMB Sequestration Update Report for Fiscal Year 2001.

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, September 8, 2000.

Hon. JOHN R. KASICH,  
 Chairman, Committee on the Budget,  
 House of Representatives, Washington, DC.  
 DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2001 budget and is current through September 6, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the

technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001. The budget resolution figures incorporate revisions submitted to the House by the Committee on the Budget to reflect funding for emergency requirements, disability reviews, and adoption assistance. Those revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last letter dated June 19, 2000, the Congress has cleared and the President has signed the Military Construction Appropriations Act, 2001 (Public Law 106-246), the Valles Caldera Preservation Act (Public Law

106-248), the Griffith Project Prepayment and Conveyance Act (Public Law 106-249), the Semipostal Authorization Act (Public Law 106-253), and the Department of Defense Appropriations Act, 2001 (Public Law 106-259). In addition, the Congress cleared for the President's signature the Long-Term Care Security Act (H.R. 4040). Those actions changed budget authority and outlays.

Sincerely,  
 BARRY B. ANDERSON  
 (For Dan L. Crippen, Director).

Enclosure.

FISCAL YEAR 2001 HOUSE CURRENT LEVEL REPORT AS OF SEPT. 7, 2000

[In millions of dollars]

	Budget Authority	Outlays	Revenues	Surplus
<b>Enacted in previous sessions:</b>				
Revenues	0	0	1,514,800	
Permanents and other spending legislation	961,064	916,715	0	
Appropriation legislation <sup>1</sup>	0	266,010	0	
Offsetting receipts	-297,807	-297,807	0	
<b>Total, previously enacted</b>	<b>663,257</b>	<b>884,918</b>	<b>1,514,800</b>	<b>n/a</b>
<b>Enacted this session:</b>				
The Electronic Benefit Transfer Interoperability and Portability Act of 1999 (P.L. 106-171)	1	1	0	
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106-176)	8	6	0	
Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106-181)	3,200	0	-2	
Civil Asset Forfeiture Reform Act of 2000 (P.L. 106-185)	-114	-75	-115	
Trade and Development Act of 2000 (P.L. 106-200)	-47	-47	-442	
Agricultural Risk Protection Act of 2000 (P.L. 106-224)	3,060	2,165	0	
Military Construction Appropriations Act, 2001 (P.L. 106-246)	4,932	-3,982	0	
Valles Caldera Preservation Act (P.L. 106-248)	-1	-1	0	
Griffith Project Prepayment and Conveyance Act (P.L. 106-249)	-103	-103	0	
Semipostal Authorization Act (P.L. 106-253)	-2	2	0	
Department of Defense Appropriations Act, 2001 (P.L. 106-259)	287,806	188,945	0	
<b>Total, enacted this session</b>	<b>298,740</b>	<b>186,907</b>	<b>-559</b>	<b>n/a</b>
<b>Cleared pending signature:</b>				
Long-Term Care Security Act (H.R. 4040)	3	3	0	n/a
<b>Entitlements and Mandatories:</b>				
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	283,386	262,562	0	n/a
Less: Items Excluded for Comparability with Budget Resolution <sup>1</sup>	0	-365	0	n/a
<b>Total Current Level<sup>1</sup></b>	<b>1,245,386</b>	<b>1,334,025</b>	<b>1,514,241</b>	<b>180,216</b>
<b>Total Budget Resolution<sup>2</sup></b>	<b>1,529,558</b>	<b>1,501,656</b>	<b>1,503,200</b>	<b>1,544</b>
Current Level Over Budget Resolution	0	0	11,041	178,672
Current Level Under Budget Resolution	-284,172	-167,631	0	0
<b>Memorandum:</b>				
<b>Revenues, 2001-2005:</b>				
House Current Level	0	0	8,169,171	n/a
House Budget Resolution	0	0	8,022,400	n/a
Current Level Over Budget Resolution	0	0	146,771	n/a
<b>2001 Advances:</b>				
FY 2002 House Current Level	0	0	0	n/a
FY 2001 House Budget Resolution	0	0	23,500	n/a

FISCAL YEAR 2001 HOUSE CURRENT LEVEL REPORT AS OF SEPT. 7, 2000—Continued

[In millions of dollars]

	Budget Authority	Outlays	Revenues	Surplus
Current Level Under Budget Resolution .....	0	0	-23,500	n/a

<sup>1</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority or outlays for Social Security administrative expenses. As a result, current level excludes these items.

<sup>2</sup> Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability revisions, the Earned Income Tax Credit, and adoption assistance. Of these revisions, \$1,030 million in budget authority and \$829 million in outlays are included in the budget resolution but are not yet included in the current level.

Source: Congressional Budget office.

Notes: P.L. = Public Law; n.a. = not applicable.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. BONILLA (at the request of Mr. ARMEY) for today on account of travel delays.

### 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. GEJDENSON) to revise and extend their remarks and include extraneous material:)

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

(The following Members (at the request of Mr. METCALF) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today and September 18.

Mr. PITTS, for 5 minutes, today and September 18.

Mr. RAMSTAD, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, September 18.

Mr. METCALF, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

### SENATE BILL REFERRED

A bill of the senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2386. An act to authorize the United States Postal Service to issue semipostals, and for other purposes; to the Committee on Government Reform, in addition to the Committee on Rules 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.

### HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

February 18, 2000:

H.R. 2130. An act to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes.

February 25, 2000:

H.R. 1451. An act to establish the Abraham Lincoln Bicentennial Commission.

March 5, 2000:

H.R. 3557. An act to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

March 10, 2000:

H.R. 149. An act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

H.R. 764. An act to reduce the incidence of child abuse and neglect, and for other purposes.

March 14, 2000:

H.R. 1883. An act to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

April 5, 2000:

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

April 7, 2000:

H.R. 5. An act to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

April 13, 2000:

H.R. 1374. An act to designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the "John K. Rafferty Hamilton Post Office Building."

April 14, 2000:

H.R. 3189. An act to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Iletto Post Office."

April 25, 2000:

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

April 28, 2000:

H.R. 1231. An act to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery.

H.R. 2368. An act to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States Administration of the Trust Territory of the Pacific Islands.

H.R. 2862. An act to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

H.R. 2863. An act to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah.

H.R. 3063. An act to amend the Mineral Leasing Act to increase the maximum acre-

age of Federal leases for sodium that may be held by an entity in any one state, and for other purposes.

May 2, 2000:

H.J. Res. 86. Joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Force during such war, and for other purposes.

H.R. 1615. An act to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment.

H.R. 1753. An act to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes.

H.R. 3090. An act to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes.

May 18, 2000:

H.R. 434. An act to authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

May 22, 2000:

H.R. 2412. An act to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse."

May 25, 2000:

H.R. 154. An act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

H.R. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

H.R. 834. An act to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

H.R. 1377. An act to designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the "John J. Buchanan Post Office Building."

H.R. 1832. An act to reform unfair and anti-competitive practices in the professional boxing industry.

H.R. 3629. An act to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

H.R. 3707. An act to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

June 15, 2000:

H.R. 3293. An act to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

H.R. 4489. An act to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

June 20, 2000:

H.R. 1953. An act to authorize leases for terms not exceed 99 years on land held in trust for the Torres Martinex Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 2484. An act to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program.

H.R. 3639. An act to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building."

H.R. 3642. An act to authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contribution to the Nation and the world, and for other purposes.

H.R. 4542. An act to designate the Washington Opera in Washington, D.C., as the National Opera.

June 27, 2000:

H.R. 4387. An act to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

June 28, 2000:

H.J. Res. 101. Joint resolution recognizing the 225th birthday of the United States Army.

July 1, 2000:

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

July 6, 2000:

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building."

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building."

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office."

H.R. 2307. An act to designate the building of the United States Postal Services located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building."

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office."

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office."

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office."

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station."

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina.

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Brodyhill Postal Building."

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building."

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building."

July 10, 2000:

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

July 13, 2000:

H.R. 4425. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

July 27, 2000:

H.R. 3544. An act to authorize a gold medal to be presented on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.

H.R. 3591. An act to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

July 28, 2000:

H.R. 4391. An act to amend title 4 of the United States Code to establish sourcing requirements for State and local taxation of mobile telecommunication services.

H.R. 4437. An act to grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

August 2, 2000:

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal Law enforcement.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

August 9, 2000:

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

August 18, 2000:

H.R. 1167. An act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

H.R. 1749. An act to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

H.R. 1982. An act to name the Department of Veterans Affairs outpatient clinic in Rome, New York, as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic."

H.R. 3291. An act to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribal of Utah, and for other purposes.

August 19, 2000:

H.R. 3519. An act to provide for negotiations for the creation of a trust fund to be administered by the International Bank for

Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

## SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

February 11, 2000:

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

February 25, 2000:

S. 632. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

March 14, 2000:

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

March 17, 2000:

S. 376. An act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

April 25, 2000:

S.J. Res. 43. Joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

May 2, 2000:

S. 1567. An act to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the "C.B. King United States Courthouse."

S. 1769. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.

May 5, 2000:

S.J. Res. 40. Providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. Providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

May 15, 2000:

S. 452. An act for the relief of Belinda McGregor.

May 18, 2000:

S. 1744. An Act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted.

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

May 23, 2000:

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse."

May 25, 2000:

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

May 26, 2000:

S.J. Res. 44. Joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

June 20, 2000:

S. 291. An act to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

S. 356. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

S. 777. An act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

June 29, 2000:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

June 30, 2000:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

July 10, 2000:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

July 20, 2000:

S. 148. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

July 25, 2000:

S. 1892. An act to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for the resource within the Department of Agriculture, and for other purposes.

July 26, 2000:

S. 986. An act to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority.

August 7, 2000:

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

August 8, 2000:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

#### ADJOURNMENT

Mr. METCALF. Mr. Speaker, pursuant to House Resolution 573, I move that the House do now adjourn in the memory of the late Honorable Herbert H. Bateman.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p.m.) pursuant to House Resolution 573, the House adjourned until tomorrow, Wednesday, September 13, 2000, at 10 a.m. in memory of the late Honorable Herbert H. Bateman of Virginia.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9961. A letter from the Under Secretary, Food Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Requirements for and Evaluation of WIC Program Bid Solicitations for Infant Formula Rebate Contracts (RIN: 0584-AB52) received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9962. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers: List of Foreign Market Stocks [Regulation T] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9963. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Substances Approved for Use in the Preparation of Meat and Poultry Products [Docket No. 95N-0220] (RIN: 0910-AA58) received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9964. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Establishment of an Improved Model for Predicting the Broadcast Television Field Strength received at Individual Locations [ET Docket No. 00-11] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9965. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendments of Part 2 and 95 of the Commission's Rules to Create a Wireless Medical Telemetry Service [ET Docket No. 99-255; PR Docket No. 92-235] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9966. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Las Vegas and Pecos, New Mexico) [MM Docket No. 00-5; RM-9752] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9967. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Wamsutter and Bairoil, Wyoming) [MM Docket No. 98-86; RM-9284; RM-9671] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9968. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alva, Oklahoma) [MM Docket No. 00-7; RM-9799] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9969. A letter from the Assoc. Bureau Chief/Wireless Telecommunications, Federal Communications Commission, transmitting the Commission's final rule—Amendment to the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services [WT Docket No. 96-6] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9970. A letter from the Director, Office of Congressional Affairs, Nuclear Material

Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—Clarification and Addition of Flexibility (RIN: 3150-AG15) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9971. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for \$1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 2000, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

9972. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-435, "Approval of the Application for Transfer of Control District Cablevision Limited Partnership from Telecommunications, Inc., to AT&T Corp. Act of 2000" received September 12, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9973. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-434, "Uniform Commercial Code Secured Transactions Revision Act of 2000" received September 12, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9974. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-398, "Sacred Heart Way, N.W., Designation Act of 2000" received September 12, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9975. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-436, "Securities Act of 2000" received September 12, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

9976. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9977. 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; Determination of Threatened Status for one Steelhead Evolutionary Unit (ESU) in California (RIN: 1018-AN58) received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9978. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Fire Protection Measures for Towing Vessels [USCG 1998-4445] (RIN: 2115-AF66) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9979. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Maumee River, Ohio [CGD09-00-080] (RIN: 2115-AA97) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9980. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Maumee River, Ohio [CGD09-00-079] (RIN: 2115-AA97) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9981. A letter from the Acting Chief, Office of Regulations and Administrative Law,



USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Rockway Beach, NY [CGD01-00-206] (RIN: 2115-AA97) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9982. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation for San Juan Harbor, Puerto Rico [COTP San Juan 00-065] (RIN: 2115-AA97) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9983. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sharpstown Outboard Regatta, Nanticoke River, Sharpstown, Maryland [CGD05-00-03] (RIN: 2115-AE46) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9984. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Upper Mississippi River [CGD 08-00-014] (RIN: 2115-AE47) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9985. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Tickfaw River, LA [CGD08-00-019] (RIN: 2115-AE47) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9986. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Red River, LA [CGD08-00-020] (RIN: 2115-AE47) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9987. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's "Major" rule—Supplemental Security Income; Determining Disability for a Child Under Age 18 [Regulations No. 4 and 16] (RIN: 0960-AF40) received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3595. A bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; with an amendment (Rept. 106-836). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4148. A bill to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes; with an amendment (Rept. 106-837). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4790. A bill to recognize hunting heritage and provide opportunities for continued hunting on public lands; with an amendment (Rept. 106-838). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 345. Resolution expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces (Rept. 106-839). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4104. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and barrier island restoration projects for the Mississippi Sound, and for other purposes; with amendments (Rept. 106-840). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3661. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; with amendment (Rept. 106-841 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3378. A bill to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region; with an amendment (Rept. 106-842 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee of Conference. Conference report on H.R. 1654. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. 106-843). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 574. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. 106-844). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on International Relations discharged. H.R. 3378 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X the Committee on Agriculture and Transportation and Infrastructure discharged. H.R. 3661 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3378. Referral to the Committee on International Relations extended for a period ending not later than September 12, 2000.

H.R. 3661. Referral to the Committees on Agriculture and Transportation and Infrastructure extended for a period ending not later than September 12, 2000.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself, Mr. DOOLITTLE, Mr. DELAY, and Mr. ROGAN):

H.R. 5146. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of amounts in the Presidential Election Campaign Fund for presidential nominating conventions of political parties; to the Committee on House Administration.

By Mr. HALL of Ohio (for himself, Mr. WOLF, and Ms. MCKINNEY):

H.R. 5147. A bill to prohibit the importation of diamonds mined in certain countries, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself and Mrs. MCCARTHY of New York):

H.R. 5148. A bill to provide for the establishment of a national database of ballistics information about firearms for use in fighting crime, and to require firearms manufacturers to provide ballistics information about new firearms to the national database; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 5149. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions; to the Committee on House Administration.

By Mr. BLUMENAUER (for himself, Mr. DEFAZIO, Ms. HOOLEY of Oregon, and Mr. WU):

H.R. 5150. A bill to direct the Secretary of the Army to conduct studies and ecosystem restoration projects within the Lower Columbia River and Tillamook Bay Estuaries, Oregon and Washington; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, 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. BILIRAKIS (for himself, Mr. PETERSON of Minnesota, and Mr. PETERSON of Minnesota):

H.R. 5151. A bill to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income Medicare beneficiaries and Medicare beneficiaries with high drug costs; 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. CAMP (for himself, Mrs. THURMAN, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Kentucky, Mr. UPTON, Mr. RIVERS, Mr. PAUL, Mr. GREENWOOD, Mr. HAYWORTH, Mr. MCNULTY, Mr. KLECZKA, Mr. LAFALCE, Mr. CANADY of Florida, Mr. BRYANT, Mr. DOYLE, Mr. SKELTON, and Mr. RANGEL):

H.R. 5152. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; 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. HOUGHTON (for himself, Mr. MINGE, Mr. STUPAK, and Mrs. KELLY):

H.R. 5153. A bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas; 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. HUTCHINSON (for himself, Mr. GREEN of Texas, Mr. ROGAN, and Mr. BILBRAY):

H.R. 5154. A bill to amend title 18, United States Code, to impose criminal and civil penalties for false statements and failure to file reports concerning defects in foreign motor vehicle products, and to require the timely provision of notice of such defects, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE (for himself and Mr. DREIER):

H.R. 5155. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year; to the Committee on International Relations.

By Mrs. MCCARTHY of New York:

H.R. 5156. A bill to amend title XVIII of the Social Security Act to establish standards for payment under the Medicare Program for certain orthotic, prosthetic, and pedorthic devices; 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 Ms. MILLENDER-MCDONALD (for herself and Mr. WATTS of Oklahoma):

H.R. 5157. A bill to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD:

H.R. 5158. A bill to secure the Federal voting rights of a person upon the unconditional release of that person from prison and the completion of sentence, including parole; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 5159. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 5160. A bill to provide compensation to wheat producers and elevator operators who sold wheat between May 2, 1993, and January 24, 1994, when the Federal Grain Inspection Service maintained erroneous standards for official inspections of wheat protein content; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 5161. A bill to provide the appointment of an independent counsel to investigate whether officials from the People's Republic of China tried to illegally influence the 1996 Presidential Election; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York (for herself and Mrs. MORELLA):

H.R. 5162. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speak-

er, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself and Mr. COYNE):

H.J. Res. 107. A joint resolution expressing the sense of Congress regarding the need for a White House Conference to discuss and develop national recommendations concerning quality of care in assisted living facilities in the United States; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H. Con. Res. 394. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374; considered and agreed to

By Mr. SMITH of New Jersey (for himself, Mr. KENNEDY of Rhode Island, Mr. PORTER, Mr. MCGOVERN, Mr. WOLF, Mr. HALL of Ohio, Mr. PITTS, Mr. KUCINICH, Ms. MCKINNEY, Mrs. LOWEY, Ms. PELOSI, Mr. CROWLEY, and Mr. EVANS):

H. Con. Res. 395. Concurrent resolution expressing the sense of the Congress condemning the September 6, 2000, militia attack on United Nations refugee workers in West Timor and calling for an end to militia violence in East and West Timor; to the Committee on International Relations.

By Mr. BLILEY:

H. Con. Res. 396. Concurrent resolution celebrating the birth of James Madison and his contributions to the Nation; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. BERREUTER, Mr. HOYER, and Mr. FORBES):

H. Con. Res. 397. Concurrent resolution voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. GEJDENSON, Mr. HOLT, Mrs. MALONEY of New York, Mr. BLAGOJEVICH, Mrs. TAUSCHER, Mr. ACKERMAN, Mr. WEXLER, Mr. PALLONE, Mr. WEINER, Mr. MALONEY of Connecticut, Mr. FOLEY, Mr. TIERNEY, Mr. GEPHARDT, Mr. SHAYS, Mr. MINGE, Mr. BECERRA, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. DOYLE, Mr. DEUTSCH, Mr. MCINTYRE, Mr. SAXTON, Mr. HASTINGS of Florida, Mr. MCDERMOTT, and Mr. KNOLLENBERG):

H. Res. 572. A resolution expressing the sense of the House of Representatives that it is in the interest of both the United States and the Republic of India to expand and strengthen United States-India relations, intensify bilateral cooperation in the fight against terrorism, and broaden the ongoing dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step; to the Committee on International Relations.

By Mr. BLILEY:

H. Res. 573. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia; considered and agreed to

By Mr. GOODE (for himself and Mr. GOODLATTE):

H. Res. 575. A resolution supporting Internet safety awareness; to the Committee on Commerce.

By Ms. PRYCE of Ohio (for herself and Mr. HALL of Ohio):

H. Res. 576. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. HALL of Texas and Mr. FRANKS of New Jersey.

H.R. 218: Mrs. WILSON and Mr. SHIMKUS.

H.R. 220: Mr. NEY.

H.R. 284: Mr. SMITH of New Jersey, Mr. BONIOR, Mr. CRANE, Mrs. MORELLA, Mr. GILLMOR, Mr. MCINTOSH, Mr. EWING, Mr. WEYGAND, Mr. RAHALL, Mr. POMBO, Mr. MCNULTY, Mr. GREEN of Texas, and Mr. SCOTT.

H.R. 360: Mr. MCINTYRE.

H.R. 534: Mr. DIAZ-BALART, Mr. HILLEARY, Mr. MCINTYRE, Mr. CALVERT, Mr. WICKER, Mrs. MALONEY of New York, and Mr. COOKSEY.

H.R. 742: Mr. DIAZ-BALART.

H.R. 842: Mr. FARR of California, Mr. GILLMOR, and Mr. SHERWOOD.

H.R. 937: Mr. RILEY.

H.R. 979: Mr. BACA.

H.R. 1046: Mr. KLINK.

H.R. 1107: Mrs. THURMAN.

H.R. 1216: Mrs. EMERSON, Ms. MCCARTHY of Missouri, and Mrs. KELLY.

H.R. 1217: Mr. HYDE, Mr. BENTSEN, Mr. KUYKENDALL, Mr. PORTMAN, and Mr. CHABOT.

H.R. 1248: Mr. EHLERS and Mr. GREENWOOD.

H.R. 1317: Mr. MICA.

H.R. 1485: Mr. FATTAH and Mr. UDALL of Colorado.

H.R. 1512: Ms. MCKINNEY.

H.R. 1603: Mr. BALDACCI.

H.R. 1622: Mr. OBERSTAR and Mr. CARDIN.

H.R. 1671: Mr. GREEN of Wisconsin, Mr. GOODE, Mrs. KELLY, Mr. MASCARA, Mr. BALDACCI and, Mr. LANTOS.

H.R. 1689: Mr. MICA.

H.R. 1885: Mr. WAXMAN.

H.R. 1954: Mr. WICKER.

H.R. 2341: Mr. GEORGE MILLER of California, Ms. WATERS, Ms. MCCARTHY of Missouri, and Mr. RILEY.

H.R. 2544: Mr. COOK.

H.R. 2592: Mr. GILLMOR.

H.R. 2594: Mr. BERMAN.

H.R. 2620: Mr. BONIOR, Ms. STABENOW, Mr. LAFALCE, Mrs. THURMAN, Mr. ENGLISH, and Mr. SANDLIN.

H.R. 2710: Mr. ENGEL, Mr. CROWLEY, Mr. SISISKY, Mr. LATHAM, Mr. MCINNIS, Mrs. KELLY, Mr. MCINTYRE, Mr. LATOURETTE, and Mr. BLILEY.

H.R. 2720: Mr. FLETCHER, Mr. WICKER, and Mr. LEWIS of Kentucky.

H.R. 2722: Mr. UDALL of Colorado.

H.R. 2733: Mrs. WILSON.

H.R. 2788: Mr. SOUDER and Mr. HAYES.

H.R. 2789: Ms. DANNER.

H.R. 2870: Ms. MCCARTHY of Missouri.

H.R. 2883: Mr. DEAL of Georgia.

H.R. 2892: Mr. MOORE.

H.R. 2915: Mr. RODRIGUEZ.

H.R. 2953: Mr. SESSIONS.

H.R. 2969: Mr. BONIOR.

H.R. 3003: Mr. HILLIARD, Mr. HALL of Ohio, and Mr. BILBRAY.

H.R. 3082: Mr. ROYCE.

H.R. 3091: Mr. MARTINEZ, Mr. ROEMER, Mr. GILCHREST, Mr. BERREUTER, and Mr. REYES.

H.R. 3192: Mr. BAIRD, Mr. ROTHMAN, Mr. ROEMER, Mr. DOOLEY of California, Mr. HOLDEN, and Mr. BACA.

H.R. 3193: Mrs. LOWEY.

H.R. 3214: Mr. CRAMER, Mr. TIERNEY, and Mr. GREEN of Texas.

H.R. 3235: Mr. STRICKLAND.

- H.R. 3308: Mr. MOORE.  
 H.R. 3463: Mr. FORBES and Ms. CARSON.  
 H.R. 3514: Mr. MCGOVERN, Mr. COX, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mr. LEACH, Mr. KILDEE, Mr. FARR of California, and Mr. MASCARA.  
 H.R. 3540: Mr. CHABOT, Mr. UDALL of New Mexico, Mr. JOHN, Mr. KUCINICH, Mr. STRICKLAND, Mr. CALLAHAN, Mr. INSLEE, and Ms. BROWN of Florida.  
 H.R. 3575: Mr. FRELINGHUYSEN.  
 H.R. 3580: Mr. RYUN of Kansas, Mr. YOUNG of Florida, Mr. ROGAN, and Mr. SALMON.  
 H.R. 3624: Mr. KUCINICH.  
 H.R. 3698: Mr. SOUDER, Mr. MALONEY of Connecticut, Mr. PORTMAN, Mr. MORAN of Virginia, and Mr. TAYLOR of North Carolina.  
 H.R. 3812: Mr. FALEOMAVAEGA, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, and Ms. DUNN.  
 H.R. 3896: Mr. CLYBURN.  
 H.R. 3915: Mr. NORWOOD, Mr. CHABOT, Mr. ENGEL, Ms. LEE, Mr. OBERSTAR, Mr. FALEOMAVAEGA, Ms. DANNER, and Mr. MCINTYRE.  
 H.R. 4085: Mr. NEY.  
 H.R. 4094: Mr. ROGERS.  
 H.R. 4106: Mr. MALONEY of Connecticut, Mr. OLVER, Mr. MCHUGH, and Mr. BARCIA.  
 H.R. 4143: Mr. LUCAS of Kentucky.  
 H.R. 4219: Mr. SAXTON, Mr. SHAW, and Mr. KING.  
 H.R. 4250: Mr. ENGEL.  
 H.R. 4259: Mrs. MINK, of Hawaii Ms. MILLENDER-MCDONALD, Mr. JOHN, Ms. DANNER, Mrs. MYRICK, Mr. NEY, Mr. TURNER, Ms. PELOSI, Mr. GREENWOOD, Mr. BASS, Mr. BORSKI, Mr. SANDERS, Mr. ROMERO-BARCELO, Mrs. NAPOLITANO, Mr. HOUGHTON, Ms. KILPATRICK, Mr. LANTOS, Mr. MORAN of Virginia, Ms. HOOLEY of Oregon, Mr. SMITH of Washington, Mr. KOLBE, Mr. LAHOOD, Mr. MCINNIS, Mr. HUNTER, and Mr. GUTIERREZ.  
 H.R. 4271: Mr. HORN and Mr. BASS.  
 H.R. 4272: Mr. HORN, Mr. BASS, and Mr. UDALL of Colorado.  
 H.R. 4273: Mr. HORN, Mr. BASS, and Mr. UDALL of Colorado.  
 H.R. 4274: Mr. FILNER and Mr. HOYER.  
 H.R. 4321: Mr. CONYERS.  
 H.R. 4328: Ms. DANNER, Mr. PASTOR, Mr. MCINTYRE, and Mr. MOAKLEY.  
 H.R. 4380: Mr. EDWARDS.  
 H.R. 4395: Mr. MOAKLEY, Ms. SLAUGHTER, and Mr. NEAL of Massachusetts.  
 H.R. 4398: Mr. LAHOOD.  
 H.R. 4417: Mr. KENNEDY of Rhode Island and Ms. ESHOO.  
 H.R. 4471: Ms. BALDWIN.  
 H.R. 4481: Ms. BERKLEY, Ms. CARSON, Mr. MCNULTY, and Mr. RANGEL.  
 H.R. 4502: Mr. PETERSON of Pennsylvania and Mr. GARY MILLER of California.  
 H.R. 4571: Ms. DANNER.  
 H.R. 4594: Mr. BACA, Mrs. MORELLA, Mr. WAMP, and Mr. BROWN of Ohio.  
 H.R. 4651: Ms. LEE.  
 H.R. 4659: Mr. FARR of California.  
 H.R. 4669: Mr. SMITH of New Jersey, Mr. NETHERCUTT, Mr. GREEN of Wisconsin, Mr. DEFAZIO, and Mr. STUMP.  
 H.R. 4701: Mrs. JONES of Ohio and Ms. BALDWIN.  
 H.R. 4723: Mr. ARMEY, Mr. DELAY, Mr. WELDON of Florida, Mr. SHAYS, Mr. BALLENGER, and Mr. NETHERCUTT.  
 H.R. 4728: Mr. WELDON of Pennsylvania, Mr. MCDERMOTT, Mr. POMBO, Mr. DOOLEY of California, Mr. FOLEY, Mr. THORNBERRY, Mr. RADANOVICH, Mr. WATTS of Oklahoma, Mr. TERRY, Mr. FORD, Mr. RILEY, Mr. SAXTON, Mr. DREIER, and Mr. DOOLITTLE.  
 H.R. 4735: Mr. MATSUI.  
 H.R. 4740: Mr. DAVIS of Florida, Mr. COYNE, Mr. NADLER, and Mr. MINGE.  
 H.R. 4760: Ms. LEE and Mr. PASCARELL.  
 H.R. 4770: Mr. GEJDENSON.  
 H.R. 4792: Mrs. MALONEY of New York.  
 H.R. 4799: Mr. RILEY.  
 H.R. 4800: Mr. GIBBONS.  
 H.R. 4825: Mrs. WILSON, Mr. POMEROY, Mr. DEAL of Georgia, Mr. STARK, Mr. WHITFIELD, Mr. NADLER, Mr. CLYBURN, Mr. LEACH, and Mr. PORTMAN.  
 H.R. 4838: Ms. LOFGREN.  
 H.R. 4841: Mr. HILLEARY and Ms. DANNER.  
 H.R. 4857: Mr. GEORGE MILLER of California, Mr. LARSON, Mr. KUCINICH, Mr. MCDERMOTT, Mr. HOLT, Mr. DEFAZIO, and Mr. KOLBE.  
 H.R. 4858: Mr. MCGOVERN and Mr. HINCHEY.  
 H.R. 4894: Mr. HILL of Indiana, Mr. BUYER, and Mr. HILLIARD.  
 H.R. 4921: Mr. FALEOMAVAEGA.  
 H.R. 4935: Mr. GUTIERREZ and Mr. BONIOR.  
 H.R. 4950: Mr. GILCHREST and Mr. LANTOS.  
 H.R. 4951: Mr. KOLBE.  
 H.R. 4954: Mr. RANGEL and Mrs. MYRICK.  
 H.R. 4964: Mr. RAHALL and Mr. HINCHEY.  
 H.R. 4966: Ms. CARSON and Mr. UDALL of Colorado.  
 H.R. 4971: Mr. ISAKSON, Mr. SHIMKUS, Mr. TERRY, and Mr. SMITH of Texas.  
 H.R. 4976: Mr. GREENWOOD, Mr. BLUMENAUER, Mr. COBLE, Mr. SIMPSON, Mr. ANDREWS, Mr. MALONEY of Connecticut, Mr. BAIRD, Mr. CARDIN, Mr. GEJDENSON, Mrs. THURMAN, Mr. ROGAN, Mr. BONILLA, Mr. SESSIONS, Mr. SHADEGG, and Mr. STUMP.  
 H.R. 4992: Ms. CARSON.  
 H.R. 5054: Mr. BLUMENAUER.  
 H.R. 5062: Mr. KENNEDY of Rhode Island and Mr. ANDREWS.  
 H.R. 5070: Mr. HOLDEN and Mr. BLUMENAUER.  
 H.R. 5089: Mrs. JOHNSON of Connecticut.  
 H.R. 5091: Ms. RIVERS and Mr. FILNER.  
 H.R. 5107: Mr. NADLER, Mr. ROHRABACHER, Mr. JENKINS, and Mr. GOODLATTE.  
 H.R. 5109: Mr. LATOURETTE, Mr. SNYDER, Mr. JENKINS, Mrs. CAPPES, Mr. WELDON of Florida, Mr. RUSH, Ms. CARSON, Mrs. EMERSON, Mr. SIMPSON, Mr. HANSEN, Mr. PETERSON of Minnesota, Mr. GIBBONS, Ms. BERKLEY, Mrs. JONES of Ohio, Ms. HOOLEY of Oregon, Mr. WHITFIELD, Mr. BILIRAKIS, Mr. COOKSEY, Mr. BUYER, Mr. HINOJOSA, and Mr. TIAHRT.  
 H.R. 5117: Mr. GREEN of Wisconsin, Mr. SHIMKUS, and Mr. GORDON.  
 H.R. 5123: Mr. KUYKENDALL.  
 H.R. 5143: Mr. FLETCHER, Mr. LEWIS of Kentucky, and Mr. ROGERS.  
 H.R. 5144: Mr. FLETCHER, Mr. LEWIS of Kentucky, and Mr. ROGERS.  
 H. Con. Res. 62: Mr. KLING.  
 H. Con. Res. 209: Ms. MCCARTHY of Missouri, Mr. HALL of Texas, Mrs. CAPPES, Mr. MORAN of Virginia, and Mr. UDALL OF COLORADO.  
 H. Con. Res. 258: Mrs. BIGGERT.  
 H. Con. Res. 259: Mr. SMITH of Washington, Mr. CAPUANO, Mr. SABO, and Mr. DEUTSCH.  
 H. Con. Res. 273: Mr. FORBES and Mr. MEEHAN.  
 H. Con. Res. 308: Mr. MCINTOSH.  
 H. Con. Res. 327: Mr. MALONEY of Connecticut.  
 H. Con. Res. 328: Mr. GILLMOR.  
 H. Con. Res. 341: Mr. BILIRAKIS and Mr. HALL of Texas.  
 H. Con. Res. 363: Mr. EVANS.  
 H. Con. Res. 384: Mr. MCINTOSH, Mr. SHAD-EGG, Mr. JENKINS, Mr. HANSEN, Mr. ROHR-ABACHER, Mr. PITTS, Mr. GARY MILLER of California, Mr. ARCHER, Mr. OXLEY, Mr. TIAHRT, Mr. LIPINSKI, Mr. NORWOOD, Mr. DICKEY, Mr. MCINTYRE, Mr. SCHAFFER, Mr. BLILEY, Mr. MANZULLO, Mrs. MYRICK, Mr. DEAL of Georgia, Mr. COMBEST, Mr. SMITH of Texas, Mr. RILEY, Mr. WALDEN of Oregon, Mr. GOODE, Mr. BRADY of Texas, Mr. WAMP, Mr. POMBO, Mr. WELDON of Pennsylvania, Mr. LEWIS of Kentucky, Mrs. WILSON, Mr. WOLF, Mr. SOUDER, Mr. GILLMOR, Mr. GOODLATTE, Mr. EVERETT, and Mr. DOOLITTLE.  
 H. Con. Res. 390: Mr. POMBO, Mr. DELAY, Mr. BUYER, Mr. EHRLICH, and Mr. DOYLE.  
 H. Res. 347: Ms. PELOSI, Ms. JACKSON-LEE of Texas, Mr. FORBES, Mr. MCNULTY, Mr. FATTAH, Mr. CASTLE, and Mr. MOAKLEY.  
 H. Res. 547: Mr. LUCAS of Kentucky and Mr. MEEHAN.



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# Congressional Record

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## Senate

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, as You guided our Founding Fathers to establish the separation of church and state to protect the church from the intrusion of government, rather than the intrusion of the church into government, we praise You that in Your providential plan for this Nation there is to be no separation of God and state. With gratitude we declare our motto: "In God We Trust." It is with reverence that, in a moment, we will repeat the words of commitment as part of our Pledge of Allegiance to our flag: "One nation under God, indivisible."

May these words never become so familiar by repetition that we lose our profound sense of awe and wonder, or our feeling of accountability and responsibility to place our trust in You, to seek Your guidance in all decisions, and make patriotism an essential expression of our relationship with You. We praise You for Your truth spelled out in our Bill of Rights and our Constitution. Help us not to take for granted the freedom we enjoy, nor the call You sound in our souls for righteousness in every aspect of our Nation. We repent for any moral decay in our culture, any contradiction of Your commandments in our society, and any reluctance to be faithful to You in our personal lives.

Wake us up and then stir us up with a fresh realization of the unique role You have given this Nation to exemplify what it means to be a blessed nation because we humble ourselves before You and exalt You as our only Sovereign. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, 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. VOINOVICH). The acting majority leader.

### SCHEDULE

Mr. HAGEL. Mr. President, today the Senate will resume debate on the China PNTR legislation. Under the order, the time until 10 a.m. will be equally divided for closing remarks on the Byrd amendment regarding subsidies. Therefore, the first vote of the day will occur at 10 a.m. I understand there may be a possibility that Senator BYRD will request a voice vote rather than a roll-call vote. But depending on that request, following the vote, debate will resume on the Thompson amendment No. 4132. The Senate will recess for the weekly party conferences from 12:30 p.m. to 2:15 p.m. At 2:15, Senator HELMS will be recognized to offer an amendment which will be debated at that time. Further amendments are anticipated; therefore, Senators can expect votes throughout the day and into the evening.

I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say, through the Chair to my friend from Nebraska, we were also informed that Senator BYRD would agree to a voice vote on this. So I think it would be to everyone's best interests that those who have amendments to offer would offer the amendments as quickly as possible.

When Senator BYRD gets here, it is my understanding he wants to say a

few words prior to the voice vote on his amendment. But I think it would be appropriate that the Senate be advised that there likely will not be a recorded vote at 10 o'clock this morning, so Senators should be about their other business.

I also say to the acting leader, we hope those who are managing the various appropriations bills that have passed the Senate and have passed the House would do whatever they can to get the conference process underway. We have a tremendous amount of work to do. And while we are not debating appropriations bills in the evening, as we were last week, there is still a lot of work to be done on those. We hope the conferences, including engaging the administration, would be ongoing at this time so we can have an end game around here to complete those bills.

### RESERVATION OF LEADER TIME

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

### TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4119, to require that the President certify to Congress that

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



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the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products.

Wellstone amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of New Hampshire) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting.

Byrd amendment No. 4117, to require disclosure by the People's Republic of China of certain information relating to future compliance with World Trade Organization subsidy obligations.

Byrd amendment No. 4131, to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products.

Thompson amendment No. 4132, to provide for the application of certain measures to covered countries in response to the contribution to the design, production, development, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Does my friend from Nebraska have a statement?

Mr. HAGEL. No, I do not.

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

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

#### AMENDMENT NO. 4117

Mr. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. It is the amendment offered by the Senator from West Virginia, No. 4117.

Mr. BYRD. I thank the Chair. I will be direct and to the point. This amendment requires the U.S. Trade Representative, acting through the Working Party on the Accession of China to the World Trade Organization, to obtain a commitment from China to disclose information about state-owned enterprises that export products and government assistance given to those state-owned enterprises. My amendment also requests a timetable for China's compliance with WTO subsidy obligations.

Even the staunchest supporters of permanent normal trade relations with China recognize that U.S. trade with China will continue to be an uphill battle insofar as fairness is concerned. The

administration acknowledges this fact, and my good friend Senator ROTH stated the same only yesterday.

There are profound implications to Sino-American relations as a result of granting PNTR to China. State-owned enterprises continue to be the most significant source of employment in most areas in China, and some reports suggest that these subsidized enterprises account for as much as 65 percent of the jobs in many areas of China.

Government control reigns supreme in China. My amendment sends a message that the U.S. Senate seeks transparency in China's likely accession to the World Trade Organization, WTO. My amendment places Members on record as demanding China's compliance with the promises that China has made under the bilateral trade agreement that it signed with the United States.

Opponents of my amendment state that the amendment is redundant and flawed on two bases. First, it was argued that the administration is already required to condition the extension of permanent normal trade relations with the People's Republic of China on a finding that China's state-owned enterprises are not disruptive to our trading interests.

With all due respect to my colleagues, with this bit of news that the subsidy issue rests on some administrative conclusion, I began immediately working double time to get this amendment passed. This news sounded the alarm. I think it would be better to have the information direct, and to make our own conclusions. The Senate has that latitude!

In addition, if the President already has information to certify that China's state-owned enterprises are not disruptive to our trading interests, my amendment should present no problem. Let Members see the raw statistics. Let Members of Congress make up their own minds.

What is the Administration trying to hide? I will have more confidence in what the administration says if I can review the material myself, and if Congress can review it.

I have the same limited confidence in the proposed administrative review team that is supposed to keep an eye on China, which, as opponents of my amendment mentioned, the specifics on how this review team will operate has not yet been determined. Are Senators willing to leave this matter to fate?

The opponents of my amendment also mentioned, and it is true, that China signed a bilateral agreement with the United States that proclaims that China will cease the use of subsidies prohibited under the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement), including those subsidies contingent upon export performance and subsidies contingent upon the use of domestic over imported goods, which are strictly prohibited under the SCM agreement. The WTO

subsidy agreements do, indeed, state that many subsidies are prohibited and shall not be allowed. I'm all for that!

Why should we not know this information? Help me find out by voting in support of this amendment! Help me provide the U.S. steel industry, and other industries, with an assurance—based on more than a nod from the administration—that there are no illegal Chinese subsidies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. BYRD. Mr. President, I yield the remainder of my time.

Mr. HAGEL. Mr. President, this side yields back all time as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 4117) was rejected.

Mr. HAGEL. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I am prepared to make a statement relating to Senator THOMPSON's amendment. However, I understand my colleague from Iowa has a scheduling conflict and therefore needs to complete a statement by 10:10. I therefore ask unanimous consent that Senator GRASSLEY be recognized for up to 8 minutes and that I be recognized following his statement.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object—I don't intend to object if I have an opportunity to follow—I ask that I may be recognized following Senator HAGEL.

Mr. HAGEL. Mr. President, I revise my unanimous consent.

Mr. WELLSTONE. Mr. President, reserving the right to object, I ask unanimous consent that after Senator KENNEDY speaks, it be in order for me to bring my amendment to the floor.

Mr. HAGEL. Mr. President, I further revise my unanimous consent request to include Senator WELLSTONE's request.

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

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. HELMS, my amendment at the desk be made the pending business.

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

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

#### AMENDMENT NO. 4132

Mr. GRASSLEY. Mr. President, as a co-sponsor of Senator THOMPSON's legislation on weapons proliferation, I

want to tell my colleagues why I will not support this, or any other effort, to amend H.R. 4444, the legislation to authorize the permanent extension of nondiscriminatory trade treatment to the People's Republic of China.

First, I want to say that I fully agree with Senator THOMPSON's goals. He wants to reduce the threat posed to the United States by the proliferation of weapons of mass destruction.

So do I.

He wants to curb the transfer of technologies to rogue nations that might destabilize regional security, threaten our allies, or endanger United States forces.

And so do I.

In my view, this Administration has not done nearly enough to safeguard the United States from the growing threat of nuclear proliferation.

You don't have to take my word for it.

For anyone who thinks that the weapons anti-proliferation efforts of this administration have been adequate, and that the world is a safer place under the Clinton-Gore team, just take a look at the Cox Commission Report.

Or the report of the Rumsfeld Commission.

Both of these reports are compelling, and highly disturbing.

But, this is neither the time nor the place to deal with these issues.

The real issue today is whether we will approve this measure to extend permanent normal trade relations with China, and thereby allow the United States to take advantage of a market-opening trade agreement we helped negotiate.

An agreement that will mean new sales, more jobs, and increased prosperity for America's farmers, ranchers, and agricultural producers, our service providers, and our manufacturing sector.

I want to make this very clear:

A vote to amend PNTR, at this late stage, is a vote against PNTR.

If we change so much as one word of this PNTR legislation, it will not be consistent with the legislation passed by the House of Representatives, and will be sent back to that chamber.

With less than 20 legislative days to go in this session of Congress, that would kill the PNTR bill for this year.

And if PNTR is defeated, China will not suffer.

China will still enter the WTO, whether we normalize our trade relations with them or not.

If China enters the WTO, and we have not approved permanent normal trade relations status, our farmers, our service providers, our manufacturers will be forced to sit on the sidelines. Our competitors from Europe, Asia, and Canada will have China's market all to themselves. They will win a competitive advantage over us. Perhaps a permanent one.

The only ones who would suffer would be our farmers, and our workers.

Putting ourselves at this sort of disadvantage will hurt our economy.

And it will not help our national security one bit.

The problem I have with linking trade with national security, or with human rights, or with any other worthy cause, is that this sort of linkage assumes that we can only do one thing, but not the other.

We can either have human rights in China, or we can have free trade.

We can either protect our national security, or we can trade with China and jeopardize our security.

I believe these assumptions are false.

Our relationship with China is complex. It has more than one dimension.

And I believe the United States is big enough, smart enough, tough enough, and sophisticated enough to have more than a one-dimensional China policy.

We can have an effective human rights policy with China.

We can have a tough and effective national security policy.

And we can have a trade policy that serves our vital national interests.

We can do all of this at the same time, and do it well.

But not if we amend this bill and send it back to the House.

One last thing.

I read this morning that thousands of anti-globalization protesters rioted today at the meeting of the World Economic Forum in Melbourne, Australia. Scores of people were hurt. Almost one quarter of the delegates were locked out of the summit by the rioters.

One Australian official was trapped for almost an hour in his vandalized car.

Leaders of the riot claimed they were successful in blockading the conference.

"I think we can claim victory tonight", one of the protest leaders said.

The Melbourne riots come right on the heels of similar anti-globalization riots in Davos, Switzerland, Washington, DC, and last December in Seattle.

These riots are profoundly disturbing. They appear to be growing in intensity and frequency around the world. And they are terribly misguided. Since the United States helped create the global trading system in 1947, free trade has lifted millions of people out of poverty.

As poor nations have gained new prosperity, they have improved the health and education of their citizens.

They have invested in new technologies to clean up the environment.

And all the nations of the world's trade community have helped keep the peace, even during the bleak days of the Cold War.

Today, China is on the verge of rejoining the world trade community it abandoned in 1950.

A vote for normalizing China's trade relations with the United States on a permanent basis will reaffirm our support for a member-driven, rules-based trading system.

It will highlight the importance of trade as a way to achieve prosperity for all, including the world's poorest nations.

And it will repudiate those who would tear down the most successful multilateral trade forum the world has ever known.

I urge my colleagues to support a clean PNTR bill, with no amendments.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise this morning to urge my colleagues to oppose the Thompson amendment.

First, this is not a debate about whether national security or trade is the highest responsibility and priority of our Government. Of course, America's national security takes precedence over all other priorities. It is not helpful when we in this Chamber hear references to putting "trade dollars and business interests ahead of national security." There is not one Member in this body who does not put America's national security interests ahead of all other interests, including trade interests. The national security interests of this country come first for all of us.

That is not the issue. We need to understand very clearly the underlying bill granting China permanent normal trade relations. In granting PNTR to China, we allow our businesses and farmers the opportunity to take advantage of all the far reaching market-opening concessions China made to the United States when it signed the bilateral trade agreement with America last November. PNTR does not change or does not enhance China's access to America's markets. China has had access to our markets for years. It changes America's access to China's markets, which we have not had. There are no American trade concessions to China in PNTR. Our markets have long been open to China.

Voting down PNTR means throwing away what the Chinese have finally agreed to do—give to our businesses and farmers a fair shot at their markets. We must be perfectly clear on this point as we continue this debate on PNTR. That is the issue.

I urge my colleagues to oppose the Thompson amendment, not because I think Senator THOMPSON is wrong about proliferation; quite the opposite. The proliferation of missile technology and weapons of mass destruction clearly represents one of the most serious threats to the security of the United States. It is precisely because it is such a serious problem, with real implications for all Americans—by the way, implications for the world—that it needs to be treated seriously and responsibly.

Tacking this amendment to PNTR without any consideration in any committee of jurisdiction, without one hearing from proliferation experts,



without understanding the national security, geopolitical, and economic consequences for America, would be irresponsible.

Every Senator in this body agrees with Senator THOMPSON about the importance of stemming the proliferation of weapons of mass destruction technology. I strongly disagree with his approach. His amendment would be bad for American nonproliferation efforts, bad for America's economic and trade interests, and bad for American national security. Proliferation is a global problem with implications for the security of the United States and all of our allies and friends across the world.

We cannot deal effectively with proliferation on a unilateral basis. That approach will be ineffective and will only diminish our ability to influence the proliferator. We must have the help of our allies and our friends. It is folly to believe that unilateral sanctions by one nation will stop any nation from its proliferation activities, if that is the intent. It isn't that simple. History has shown clearly that unilateral sanctions are unworkable tools of foreign policy. They end up injuring the interests of the sanctioning nation. The only time a unilateral sanction may be effective is when it covers a unique American product or technology for which there is no foreign availability. Most of all, the items and technologies covered by the Thompson amendment do not fit this category. If we prohibit the sale of these items and technologies without ensuring that our allies and friends are on board, we simply diminish our influence over the target country. At the heart of the debate is how best to influence the behavior of proliferating nations.

Unilateral sanctions will not encourage more responsible behavior on the part of China or any other country. This amendment might terminate a number of assistance programs that are clearly in America's interests to continue. For example, one of the sanctions in the Thompson amendment calls for a cutoff in Export-Import Bank financing for exports to the target country. Now, Export-Import Bank financing is designed to assist American exporters in their efforts to compete in foreign markets for business. It does not and has never been designed to assist foreigners. Cutting off Export-Import Bank financing hurts American exports. It is hard to imagine how this could have a positive effect on the target country's proliferation behavior.

The American people are going to elect a new American President in 2 short months. Proliferation will be a major issue for the new President. The new President and his team must come up with a comprehensive strategy for dealing with it. It is not in the best interests of our national security to handicap our new President by tying his hands with the provisions in this amendment. I believe that China's entry into the WTO, the World Trade Organization, and our granting of

PNTR to China, is of enormous strategic importance to the United States. It is not only a matter of trade. It is not only about leveling the playing field for American businesses and farmers who have never had a fair shot at China's markets. At its core, it is about helping to set China on the road to becoming a responsible member of the global community. It is about taking advantage of an unprecedented opportunity to help the Chinese people gain more control over their own destinies.

We have heard, over the last few days, about human rights, religious rights, freedoms. All encompass this dynamic. Do we believe that we influence the behavior of a totalitarian nation to be better to its people and give its people more opportunities and enhance their lives, give them more control over their own destinies, by walking away from such a relationship? I do not think so. It has never been proven to be the case in history, and I do not think it will be proven to be the case this time.

WTO membership does not permit the Chinese Government to exercise the kind of control over people's lives as it has over the past 50 years. Membership in the WTO requires the Chinese Government to undertake painful economic and legal reforms and to open its markets, open its society. Is this perfect? Of course not. Are there flaws? Of course there are. Are there imperfections? Of course there are. Will there be problems implementing it? Of course there will be. All of these things are in America's strategic interest, however. We need to support China's accession to the WTO and grant them PNTR.

But if we attach this amendment, then we will not pass PNTR this year. As my friend from Iowa so succinctly put it: It will go down. And in whose best interest is that? Let us not forget that trade and prosperity encourage and enhance freedom, peace, and stability in the world.

This amendment would also have a negative impact on our ability to gather intelligence on proliferators. The amendment requires the President to report to the Congress the names of every suspected proliferator in an unclassified report. Although this amendment urges the President to do this in a way that protects sensitive intelligence sources, it is unclear, of course, how that will happen. How will sources be protected if Congress follows the expedited voting procedures in this amendment for overturning a Presidential determination that sanctions should not be imposed for national security reasons? How will we debate the correctness of the President's decision without talking about the intelligence information that led to the President's decision in the first place? It is impossible. Do we believe that by exposing our intelligence sources, by telling the world what we suspect or know, we can have a positive effect on proliferation?

We invest millions and millions of dollars and engage in multiyear projects to gain intelligence on proliferation activities around the world. We should not jeopardize that effort by having the President issue an unclassified report to Congress that lays out exactly what we know and how we were able to determine what we know.

The amendment also seeks to involve our capital markets in foreign policy issues. I do not think—and this is as kindly as I can say it—that this is a wise course of action under any circumstances. America is stronger because the world regards our markets, our capital markets, our financial markets, as the most trustworthy, honest, stable, and most fairly regulated in the world. In no place in our present system are America's capital markets used as a device of foreign policy. This would be dangerously irresponsible and unprecedented, and this would be done without one congressional hearing to examine the consequences of such action.

America is the preeminent capital market in the world, but that position is under constant challenge. International investors can move their money, issue their stocks, access capital anywhere in the world, with the click of a mouse. Why would we want to inject new political redtape and risks and uncertainty into a system that hangs on such a precarious balance? For what? Federal Reserve Chairman Alan Greenspan has been quoted on numerous occasions in the last few days on this issue. I remind my colleagues what Chairman Greenspan said about the Thompson proposal:

So a most fundamental concern about this particular amendment is, it doesn't have any capacity of which I am aware to work. And by being put in effect, the only thing that strikes me as a reasonable expectation is it can harm us more than it would harm others.

This amendment would cast a long shadow of doubt over the American financial market system. This is not in the best interests of America.

I oppose this amendment because it has never received any consideration in any committee of jurisdiction. We have not heard from proliferation experts as to how this amendment would affect our national security. Proliferation is too serious, much too serious to deal with it in this manner. How much time have all our colleagues had to understand this, to develop an appreciation for the consequences of this action? How much time have we put into this? We know there have been four versions. The first I believe that any of us had a chance to look at this was yesterday. That is not responsible legislation.

I oppose this amendment because it employs unilateral sanctions which history has proven are an ineffective way to achieve foreign policy goals. The amendment would tie the hands of the next President before he has had a chance to develop a comprehensive

global nonproliferation policy. It would jeopardize intelligence sources and would cut off programs that are designed to benefit American exporters such as the Export-Import Bank. None of this makes any sense. These consequences would be very harmful to America's interests. I oppose this amendment because it injects foreign policy considerations into our financial regulatory and market systems. This would start us down a very dangerous and unprecedented path that would ultimately weaken our markets and consequently weaken this country.

The underlying bill, PNTR, is of strategic significance to the United States. Passage of this bill, coupled with China's entering into the WTO, will help set China on the path toward economic and political reform, which is clearly in our national interest. It is clearly in the interests of the world. If we attach the Thompson amendment or any amendment to PNTR, we effectively kill PNTR this year and maybe for some time to come.

For all these reasons, I urge my colleagues to oppose this amendment, all amendments to PNTR, and strongly support PNTR.

I yield the floor.

I believe we have a unanimous consent agreement?

The PRESIDING OFFICER. That is correct. The Senator from Massachusetts is recognized.

#### EDUCATION

Mr. KENNEDY. Mr. President, I know we are very much involved in this extremely important decision on the question of trade with China, but I do want to take a few moments this morning to address another issue which I think is of central concern to families across this country.

I think it is particularly appropriate that we give additional focus and attention to the priority of education policy as we are coming into the final days of this session of Congress. I think there is a heightened interest in this issue as some 53 million children are going back to school. They have started going back to school in the last 10 days and are going back to school this week. And, fifteen million children are going to colleges, going back to school now, this week and next.

Parents are wondering what the circumstances will be for their children this school year and in the future, and who is going to ensure their children are going to get an adequate education and will move ahead. Parents understand full well that education is key to the future for their children and, obviously, education is key to our country's future as we are moving more and more into a new information-age and technologically-advanced global economy. This is a matter of enormous urgency.

We understand that there is a fundamental responsibility for the education of children in the elementary and sec-

ondary high schools of this country at the local and State level and that the role of the Federal Government is much more limited. Approximately 7 cents out of every dollar that is spent locally actually comes from the Federal Government.

In my travels around my State of Massachusetts, in talking to parents, they are interested in a partnership. They are interested in their children doing well. They want support for programs that work, and they are less interested in the division of authority between local and State governments and the participation of Congress in assisting academic achievement.

The backbone of congressional participation in the education of children is the Elementary and Secondary Education Act. That is an act of enormous importance. It is not only myself who is saying this, but we have the statements of the majority leader, Senator LOTT, who in January 1999 indicated:

Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

Remarks to the Conference of Mayors on January 29, 1999:

But education is going to have a lot of attention, and it's not just going to be words. . . .

Press conference, June 22, 1999:

Education is number one on the agenda for Republicans in the Congress this year.

Remarks to the U.S. Chamber of Commerce, February 1, 2000:

We're going to work very hard on education. I have emphasized that every year I've been majority leader. . . . And Republicans are committed to doing that.

A speech to the National Conference of State Legislatures, February 3, 2000:

We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Congress Daily, April 20, 2000:

. . . Lott said last week his top priorities in May include agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

Senate, May 1:

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Press Stakeout, May 2.

Question: Senator, on ESEA, have you scheduled a cloture vote on that?

Senator LOTT: No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across the country and every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

Those are the assurances we have been given by the majority leader, and we have had 6 days of discussion about elementary education. Two of those days were discussion only. We had a total of eight amendments, seven roll-calls, one voice vote, and three of those seven were virtually unanimous. So we

have not had this debate which not only the majority leader has said is important, but which families believe is important. The reason they believe it is important is because of the substance of education policy that will be included in that debate. I remind the Senate where we are on the expansion of the number of children enrolled in school. In K-12 enrollment, it is at an all-time high. In 1990, 46 million K-12 children were enrolled, and by the year 2000, 53 million children. There are increasing pressures on local communities across the country.

This chart shows that student enrollment will continue to rise over the next century. There are 53 million students enrolled in the year 2000, but if you look at the projections, 94 million are estimated to be enrolled by the year 2100—41 million more students over the next century, virtually doubling the Nation's population in education which will require building schools and hiring more qualified teachers all across this country.

This is a matter of enormous importance to national policy and family policy. We believe we should not give short shrift to debating what our policies may be. We may have some differences on different sides of the aisle, but we should be debating these policy issues.

On the issue of priorities this year, such as bankruptcy—which we debated for 16 days, we had 55 amendments; 16 days on bankruptcy, 55 amendments. As I mentioned, we had eight amendments on elementary and secondary education. Three were unanimous and one vote was by a voice vote. So we really have not met our responsibilities, I do not believe, on debating education policy.

I strongly favor Federal commitment and investment in programs that have been tried, tested, and proven to be effective and that can be implemented at the local level and have a positive impact on the children.

I want to take a moment to bring the Senate up to speed about what is happening in schools across the country. More students are taking the SAT test: In 1980, 33 percent; 1985, 36 percent; 1990, 42 percent; 1995, 44 percent; 2000, 49 percent. More and more of the children in this country are recognizing the importance of taking the scholastic aptitude test. Children are aware they have to apply themselves, as reflected in the number of students taking the test, and that college education is the key to success in America. Also, the results have been positive. Even though more students are taking the SAT, and the students are more diverse, math scores are the highest in 30 years. But, in order to sustain the gains made, children need to continue to have well-qualified teachers, they need an investment in preschool programs, they need afterschool programs, they have to have available to them the latest technologies so they can move ahead in their academic work.

This is another chart showing more students are taking advanced math and science classes. This reflects 1990 to 2000: Precalculus, in 1990, was 31 percent. It is now 44 percent. Calculus, 19 percent in 1990; 24 percent in 2000. In physics, 44 percent in 1990 to 49 percent in 2000.

We are finding more students are taking college level courses, advanced placement courses, the more challenging courses, and they are doing better and better in these undertakings.

However, our work is far from over. We cannot get away from the fact that there are many others in our country, in urban areas and rural areas, who are facing extraordinary challenges. Those disadvantaged children are really the ones on which we are focused in terms of the Federal elementary and secondary education programs.

Basically, there are important ways in which we can give some help and assistance to these children. We believe in smaller class sizes, with well-trained teachers, and afterschool programs. We believe in making sure the children are going to be ready to learn, either through the Head Start Program or through helping and assisting local groups to try to give help and assistance to those children as they are preparing, even for Head Start, the ready-to-learn program, which basically was a goal we agreed to—Democrats and Republicans alike—in their conference in Charlottesville about 10 years ago. That is an area in which we have not been able to gain support, although we have a bipartisan proposal that is actually currently pending—would be pending were we to get back to the elementary and secondary education bill.

We believe the success of the STAR Program in Tennessee and also in the State of Wisconsin demonstrates the importance of smaller classrooms. Also, all of the various studies have shown quite clearly the importance of having well-trained teachers.

We can learn from States that have moved ahead in providing adequate compensation of teachers, such as Connecticut, North Carolina, and other States, and that have shown that when you have teachers who are well trained and well paid, you get an enhanced academic achievement for these students.

We support afterschool programs—they have a tremendous impact on helping children to enhance their academic achievement.

We should also make college more accessible to every qualified student through GEAR UP and college tuition help, the excellent proposal that has been advanced by Vice President Gore to provide a tax deduction for tuition for children, for parents whose children are going on to college.

Also, in the area of skills training, we tried to address that in an amendment. We actually were able to get a majority in the Senate to support the restoring of a training program, but we have been unable to get that imple-

mented because there was a point of order made against it. We had to amend a bill which did not make it possible for us to carry that forward into a conference.

All of these are matters of enormous importance. We have been impressed—I have—by the debate and discussion at the national level about the Vice President's proposal to understand that learning has to be a continuum and that skills training has to be a continuum.

I often am reminded of the fact that when I first was elected to the Senate, we had a very efficient shipyard down in Fall River, MA. The workers who worked there, their fathers worked there, their grandfathers worked there. More often than not, the sons wanted to work there. But there has been a change. That yard has been closed. Now what we find out is—not only there but across my own State of Massachusetts and across the country—everyone who enters the job market is going to have, on average, seven different jobs over the course of their lifetime.

We have to be able to have continuing education and training programs accessible and available to young and old alike, so that people are going to be able to upgrade their skills. That is enormously important. It is enormously important not only to the young, but it is enormously important to communities such as mine, Massachusetts, where we have an older workforce—we have a transition from a lot of the older industries into newer kinds of industries—and where the real difference is in the development of skills.

We would have the opportunity to address many of those issues I have very briefly mentioned in the Elementary and Secondary Education Act. We certainly would be able to address universal preschool, the issues of qualified teachers, and the importance of skills training that is going to be school based. We could address modern and safe schools. We would be able to address afterschool opportunities, smaller class sizes, and the higher education issues.

Lifelong training would perhaps not be exactly targeted in those programs, but we will have an opportunity to address that, I believe, in the final budget negotiations that are going to be taking place between the two Houses, and with the appropriations. Being able to have a clear indication about where we in the Congress stand on these issues could be enormously instructive in terms of allocating scarce resources.

I just want to say, we are continually frustrated that we have not been able to get this matter back up in the Senate for debate. We note that we were on a two-track agenda just last week, where we did the trade issues during the day and the appropriations in the evening. We would like to suggest that we could do the trade issues, as they are going along, but we are prepared to move ahead to consider the Elemen-

tary and Secondary Education Act in the evenings. We could consider it this week, next week, until we have reached a conclusion to it. We recognize the importance of it.

If we are looking around for priorities—we heard last week about the importance of a lockbox; and we ought to certainly address that issue before we adjourn—but I daresay for most families, this week is education week as their children go back to school. They want to know what they might be able to expect from the Congress, what kind of partnership should they be able to expect, and we should not just give them silence, which we effectively are giving them.

I welcome the fact that this week we are having Vice President Gore speak on the various aspects of education for a series of days in different parts of the country. I would like to see a national debate on education. I would like to see him out there speaking about it. I would like to have seen Governor Bush speaking about it. I would like to see the engagement of their ideas in the forums of their debates. But we ought to be discussing these issues here on the floor of the Senate. That is something I think is of importance.

Every day we let this go by, every day that we refuse to bring this up, I think we are denying the American people the kind of debate on an issue they care about, which they deserve. We hear both of the candidates talk about education. Let the record just demonstrate that we, on our side, want to get back and debate this issue. We want to take action on it. We are prepared to go forward on it. We do not need phone calls from the Vice President on this. We are prepared to go ahead—and go ahead today, tonight, any other time, on it.

We wish the Governor would call the Republican leadership and say: Look, I am interested in the education issues as well. Why don't you go ahead and have a good debate on that issue and in the Senate. Let me tell you what my positions are. Let's have a debate. Let's let the American people understand. Let's give them a window into this discussion, which is so important for families in this country. Let's not exclude them.

I can imagine, as the Vice President is going around talking about education, there are going to be people saying: What is happening in the Congress? I hope he understands that we, on this side, are prepared to have these matters debated, discussed, and resolved. We wish we could join with our colleagues on the other side to do so.

Historically, the issues on education have never been really partisan. We have some differences in terms of accountability, which the Vice President strongly supports. But we believe we ought to be able to have a debate and discussion in the Senate on this issue. We think we are denying the American people the opportunity.

So I would invite the Governor to contact the Republican leadership here

and say: If you are really interested in education, let's bring the elementary and secondary education bill back to the floor. Let's debate it.

We are glad to consider it in the evening time. We have now just about a month left in this session of the Senate. We ought to be resolving the issues on education, on the Patients' Bill of Rights, on prescription drugs, and on the increase in the minimum wage. If we did those four, if we took care of those four issues, I think we could say that this was a Congress of considerable achievement and considerable accomplishment.

Those are central, focused issues about which both of the candidates are talking. But they are speaking all over the country; they are not speaking to us here in the Senate. We have no debate on minimum wage. We are not getting back to the minimum wage or prescription drugs. We aren't getting back to education.

Since we are not going to be able to do that and have it rescheduled, we are going to have to take whatever steps we possibly can on whatever bills that are going to come up in the remaining days. We want to do this well. We want to do it with the understanding of the leadership on both sides. But if we are not going to be able to get focus and attention on these issues, then we are going to have to take whatever opportunity we have, on any of the measures that are coming down the line, in trying to press the people's business in the form of education. And that I commit we will do.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know my colleague from Maine wants 5 minutes to respond. I ask unanimous consent that after my colleague from Maine speaks, my colleague from California have 5 minutes as in morning business, and that I then be able to introduce the amendment.

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

The Senator from Maine.

Ms. COLLINS. Mr. President, first, I thank my friend and colleague from Minnesota for his usual graciousness in allowing me to respond to the comments made by my friend from Massachusetts, Senator KENNEDY.

Let's look at the facts. My colleagues on this side of the aisle have repeatedly said that the reauthorization of the Elementary and Secondary Education Act is our top priority. We produced a very good bill from the HELP Committee on which the Presiding Officer serves so ably. We produced a bill that provides a substantial increase in Federal funding for education to help improve education and the lives of children all over this Nation.

We also adopted an important, innovative, new approach, one that recognizes that Washington is not the fount of all wisdom when it comes to edu-

cational policy. We recognize that schools have different needs, that some need new computers. Others need to hire new math teachers. Still others need to concentrate on providing more programs for gifted and talented students. Schools have different needs. They want to tailor their policies to the needs of the local community.

That is what our bill would do. It would give schools more flexibility in spending Federal dollars while holding them accountable for what counts; that is, results, improved student achievement. We want to get away from the Washington-knows-best approach and let local school boards, teachers, and parents make the decisions about what their children best need.

Unfortunately, our efforts were derailed by our colleagues on the other side of the aisle who insisted on weighing down the education bill with issues completely unrelated to education. The majority leader, Senator LOTT, has tried repeatedly to get a unanimous consent agreement that would allow us to return to the education bill that both sides agree is so important. Unfortunately, the latest effort was once again met with demands for unrelated, nongermane amendments that would sink our ability to produce this important legislation this year.

Those are the facts. Our side stands ready to return to the ESEA bill. We believe that is an extremely important priority. We are very proud of the bill we have produced. We believe it would make a real difference in the lives of American children. We would like to go forward. Unfortunately, we have been met with obstacle after obstacle from our colleagues on Senator KENNEDY's side of the aisle.

That is unfortunate. But the American people deserve to know why we have been unable to complete our work in this very important arena.

I yield the floor and again thank my colleague from Minnesota for his graciousness.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

Mr. President, I add my thanks to my fine colleague for allowing me to have this 5 minutes.

I say to my dear friend from Maine that we all seem to be saying we want to bring up the ESEA so we can debate education. Yet the format under which we would be going back to this bill would be a closed format. Those of us who think it is important, for example, that there be school safety, that we be allowed to offer sensible gun laws so we can, in fact, keep these guns away from these kids wouldn't be able to do it. We could not offer an amendment on school modernization. We could not offer an amendment to expand after-school opportunities, smaller class sizes, more qualified teachers, and accountability for results.

When you say you want to discuss education, yet you shut out the ability

for those of us on this side to offer these amendments that, by the way, many people in the country support by majorities of 80 percent, it seems to me you are not offering anything at all.

The interesting point is that my friends on the other side say: Well, you are just trying to delay things. Nothing could be further from the truth. In 1994, PHIL GRAMM on your side offered a gun amendment on the ESEA. All we are asking for is the opportunity to debate this and debate it so that it is relevant to the American people.

#### THE CLINTON BUDGET

Mrs. BOXER. Mr. President, I asked for the 5 minutes because I want to discuss a timely matter in response to my good friend, Senator JOHN MCCAIN, who made a national radio address of 5 minutes to the Nation in which he criticized the President very strongly for the President's budget plans.

It is wonderful to see that JOHN is back and strong, healthy and feisty, and I am looking forward to testifying before his committee on the issue of violence among children. But I have to say, although I completely respect his opinion, I think his analysis of where we are in the budget debate is so upside down and inside out, I felt compelled to take to the floor today to respond.

Senator MCCAIN said in his radio address:

Our President supports excessive spending that most Americans oppose.

That is a direct quote. He said the President would:

... wreck the economic progress we have made during these good years.

That is very strong language.

I must say respectfully to my friend from Arizona, why have we had "these good years" about which he talks? Clearly, it is because this administration has given us policies that work. We only need to look back to 1992, the Bush-Quayle years. We had the worst recession since the Great Depression. I remember it so well because it is when I ran for the Senate. We had horrific deficits as far as the eye could see, almost \$300 billion. We had crime rising; we had hope falling. We had unemployment skyrocketing, and there was malaise in the country.

The Clinton-Gore budget in 1993 changed all of that by ushering in a new era of economic growth. It was a combination of discipline on the deficit and policies that would invest in our people—economic discipline on the one hand, saying to the people in the very high brackets: You have to pay your fair share, and investing in our people, in education, in the environment, and in infrastructure.

It does not mean everything is perfect, as AL GORE is saying. He is not satisfied. None of us should be satisfied. There is more work to do, and we need to do better.

But let's look at the record since AL GORE has been Vice President: Average

economic growth, 3.8 percent a year under Clinton-Gore, compared to 1.7 percent under Bush-Quayle; unemployment in 1992, a staggering 7.5 percent. In my home State, it was double digits. I will never forget the fear among the people. Today the unemployment rate is 4 percent.

The PRESIDING OFFICER. The Chair advises the Senator that her time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for 3 additional minutes.

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

Mrs. BOXER. Home ownership is the highest ever. The \$290 billion deficit has turned into a \$232 billion surplus. Poverty is the lowest in 20 years. Real wage growth is up 6.5 percent. Under the Reagan-Bush years, there was a decline in the real wage growth of 4.3 percent. There are 22 million new jobs, the most jobs created in history under a single administration.

Now we have the other party saying the President is wrong on his budget ideas. It is their right to say that. But the American people are wise. When you oppose every policy that led to this economic growth, they are going to question you at this particular point in the debate.

Instead of having a radio address where you slam this administration after these great years of growth, why not hold out your hand? Why not hold out your hand to the other side? People are tired of this partisanship.

Let's keep these successful policies going. As Vice President GORE has said, let us do even better. Let's not be satisfied; let's make those deep investments in education and the environment. Let's do even better on paying down the debt. Let us give middle-class tax cuts, not tax cuts to the super-wealthy that are going to wreck this economic recovery. Let us save Social Security and Medicare. The other side wants to do it. Let's join hands.

Let's join hands on a real Patients' Bill of Rights and on a real prescription drug benefit as part of Medicare—and not send our seniors off to the HMOs which really do not have the patients' benefits at heart. Let's do it together before the end of this session. Let's do it now. Let's join hands now rather than throw insults over the radio.

My friends, we have a golden opportunity. I think we have shown we can work together. Let's stop the partisanship. Let's join hands. Let's finish this year on a high note, go home, and feel good that we have done these things. Let's keep up the policies of the past 8 years because they have worked. But let's do even better.

I thank my friend for giving me this time. I thank the Presiding Officer for his indulgence.

I yield the floor.

TO AUTHORIZE EXTENSION OF  
NONDISCRIMINATORY TREAT-  
MENT TO THE PEOPLE'S REPUB-  
LIC OF CHINA—Continued

AMENDMENT NO. 4119

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, amendment No. 4119 deals with the human rights question; it deals with the trade question; it deals with the issue of Chinese exports to the United States of goods made by prison labor.

To curb such exports, this amendment is about existing agreements that we already have with China. This amendment just says we want China to live up to the existing agreements. The United States and China first signed a memorandum of understanding in 1992, which I will refer to as MOU throughout the debate. Then we signed a statement of cooperation in 1994. This amendment would require that the President certify that China is fully compliant with the two trade agreements that China has already made with us before extending PNTR to China.

Let me provide some background on U.S.-China agreements on trade in prison labor products and discuss China's deplorable record in complying with these agreements. Actually, they haven't complied with these agreements. The MOU was intended to end the export to the United States of goods produced by prison labor in China. China agreed to the United States' request back in 1992 that it would promptly investigate any companies that were involved in using prison labor to export products back to our country. But basically the Ministry of Justice in China completely ignored the agreement.

In 1994, therefore, we signed another statement of cooperation with them in which China said: We will agree and we will set some time limits so that within 60 days of the United States' request to visit such a facility we will make that happen. We will be expeditious in making sure we follow through on this agreement.

For the last 3 years, they have not followed through on any of these agreements.

Because of the good work of my colleagues, Senator HARKIN from Iowa and Senator LAUTENBERG from New Jersey—both of whom are going to speak on the floor of the Senate—for the first time in 3 years we had Customs able to visit one of these factories. But this really was the first time that China has budged at all. Other than that, we have seen no agreement, or no follow-through on these agreements.

When I became a member of the Foreign Relations Committee 3 years ago, I remember the first hearing we held had to do with prison labor conditions in China and this whole problem of trade with China. Basically the consensus of all of the witnesses who testi-

fied, including administration witnesses, was that the Chinese compliance with our trade agreements was pitifully inadequate. There has been virtually no compliance with these agreements.

The State Department issued a country-by-country report in 1999 and also in the year 2000. I will summarize. I could quote extensively. Both of these reports make it clear that during the last 2 years, China has not complied with these existing agreements.

Let me simply raise a question with my colleagues. Here we have two trade agreements with China—two understandings. We have basically said to the Chinese Government that people in the United States of America would be outraged if they knew that part of what they were doing was exporting products to our country produced by prison labor. This is a human rights issue. It is a labor issue. And it is also a trade issue.

It is interesting. I talked about a memorandum of understanding. In 1994, the administration used as evidence the fact that China had signed the statement of cooperation. For the first time, the President said: I am going to switch my position and I am going to delink human rights from trade because it is a great step forward that China has signed this statement of cooperation. That judgment turned out to be premature. China's Ministry of Justice ignored seven U.S. Customs' requests for investigation submitted in March of 1994, the same month that the agreement was passed.

China, for years, has refused to allow U.S. officials access to its reeducation through labor facilities—let me repeat that—reeducation through labor facilities, arguing that these are not prisons.

China, in spite of these agreements, has said: We will not allow the United States access to our reeducation through labor facilities because these are not prisons. Beijing would have us believe that these are merely educational institutions. And nothing, if we are at all concerned about human rights in the Senate, could be further from the truth.

Reeducation through labor—known as "laojiao" in Chinese—is a system of administrative detention and punishment without trial. That is what it is. The U.S. Embassy in Beijing insists that reeducation through labor camps are covered by our trade agreements, the MOU. And this is confirmed by the MOU record. Beijing disagrees and continues to claim that these reeducation through labor facilities are not prisons. For over 5 years, China has repeatedly denied or ignored all U.S. requests to visit one of these facilities. We haven't been able to visit even one of these facilities.

What has been this administration's reaction to China's refusal to allow a visit? It has been the same as for all denied visits. We renew our request every 3 months, and the Chinese totally ignore us. This charade ought to

stop. It ought to stop now. That is why I hope there will be strong bipartisan support for this amendment.

What does "reeducation through labor" mean? Let me read some excerpts from Human Rights Watch reports on this subject:

The usual procedure is for the police acting on their own to determine a re-education term. Sentences run from one to three years' confinement in a camp or farm, often longer than for similar criminal offenses. A term can be extended for a fourth year if, in the prison authorities' judgment, the recipient has not been sufficiently re-educated, fails to admit guilt, or violates camp discipline. The recipient of a re-education through labor sentence has no right to a hearing, no right to counsel, and no right to any kind of judicial determination of his case.

That is a quote from a Human Rights Watch report on this subject.

Human Rights Watch also points out that inmates may have their reeducation sentence extended indefinitely, and concludes that reeducation through labor violates many of the provisions of international law, including the International Covenant on Civil and Political Rights, which China signed in 1998. The covenant states:

Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of his detention.

Among other things, reeducation through labor bars the presumption of innocence, involves no judicial officer, provides for no public trial or defense against the charges.

Amnesty International has concluded that it is impossible for China to claim a commitment to the rule of law while maintaining a system that sentences hundreds of thousands of people without due process. I couldn't agree more.

According to the 1999 State Department report on human rights, there are 230,000 people in reeducation through labor camps. Conditions in these camps are similar to those in prisons. What does the report say about these conditions in prisons? It describes them as "harsh, and frequently degrading for both political criminals and common criminals." The report says it is common for political prisoners to be segregated from each other and placed with common criminals. There are credible reports that common criminals have physically beaten up political prisoners at the instigation of the guards.

I am sure my colleagues will agree that reeducation through labor doesn't qualify as an institution whose sole aim is education and rehabilitation, as China claims.

Before certifying that China is in compliance with the MOU and SOC under this agreement, the President must affirm that China is permitting investigation and U.S. inspection of reeducation through labor facilities under the terms of both the memorandum of understanding and the statement of cooperation, two agreements that we have signed with China in 1992 and 1994.

I am offering this amendment because I think it addresses concerns that many Members have in the Senate about PNTR, concerns about China's appalling and worsening human rights record.

I heard my colleague from Nebraska say that the evidence is clear that opening up trade leads to more respect for human rights. The evidence is not clear on that. We have been doing record trade with China. We have a record trade imbalance. They export much more to the United States than vice versa. They export products made by forced prison labor in China. Over the last 10 years, we haven't seen more respect for human rights. Our own State Department reports that all of the human rights organizations reports point to harsh—and in some cases, worsening—conditions.

How can Senators reviewing our trade relations with China give up this little leverage that we have and think somehow it will promote human rights when, as a matter of fact, we have seen no evidence whatever that the Government is moving in that direction. We will give up what little leverage we have.

This amendment is about human rights. It is an amendment that speaks to whether or not we can depend upon China to honor trade agreements. It is an amendment that speaks to the concerns of working people, that they can't possibly compete with prison labor in China.

Senators, I offer this amendment and I call for support on this amendment for three reasons: (A) out of respect for human rights; (B) because we already have these trade agreements with China. This is the most directly relevant amendment to PNTR awaiting action. We already have trade agreements with China and they have not abided by these agreements. Tomorrow they could. In this amendment, we call upon China to live up to these agreements before we automatically extend normal trade relations. What is unreasonable about that?

Finally, I say to Democrats first, and Republicans second—Democrats first, because we are supposed to be more the party of the "people"—in all due respect, a lot of our constituents, a lot of working people, a lot of labor people, have every reason in the world to be a bit skeptical about this new trade agreement and the new global economics when we have China exporting to our country products produced by prison labor.

I think this amendment is all about on whose side are we. Are we on the side of a repressive government that basically pays no attention to anything we say because the message we communicate is: We will, for the sake of commerce, sign any agreement; we are not concerned about these harsh conditions. But are we on the side of human rights? Are we on the side of the idea that China ought to live up to these trade agreements? Are we on the

side of working people, laboring people in our own country who, by the way, will say to each one of you back in your States: Senator, we do not want to be put in a position of losing our jobs because this repressive government can export products made by forced prison labor in China and has not been willing to live up to any of the agreements they have signed with our country.

I ask my colleagues to carefully consider the following questions:

(A) How can we expect China to honor trade agreements with us when it systematically violates the two agreements we signed committing China and the United States to cooperate in curbing trade in prison labor products? They are in noncompliance with two agreements.

(B) How can we do nothing, year after year, to bar imports of Chinese forced labor products when we know that China operates the world's largest forced labor system estimated to encompass over 1,100 camps and as many as 8 million Chinese prisoners? This is the Chinese version of the Soviet gulag. It encompasses a massive complex of prisons, labor camps, and labor farms for those sentenced judicially. Do we want to turn our gaze away from this, Senators? Do we want to pretend we didn't sign these agreements? Do we want to pretend China is complying with these agreements? Do we want to pretend that it is not an important human rights question? Do we want to pretend that this is not important to working people in our country? Do we want to pretend that citizens in our country would not have real indignation if they realized that we weren't willing to at least insist China live up to these trade agreements? And we are not going to if we do not pass this amendment.

(C) How can the administration allow China to ignore agreements to halt forced labor exports, thereby abetting a dehumanizing system that imprisons and persecutes Chinese democrats—Republicans, I use democrats with a small "d"—for peacefully advocating human rights, while enabling Beijing to profit from exports of prison products?

Finally, how can the administration risk the displacement of U.S. workers while we turn a blind eye and China does nothing to bar exports to the United States of products made by prison labor. U.S. citizens are losing jobs.

Colleagues, I look forward to hearing from the other side. H.R. 4444 proposes a toothless remedy. I do not want to let anyone in this debate get away with saying we are very concerned about this question. H.R. 4444 mandates the establishment of an interagency task force on prohibiting importation of products of forced or prison labor. This task force is to make recommendations to the Customs Service on seeking new agreements.

Another task force. In all due respect, this toothless remedy has a



made-for-Congress look to it. We do not want to bite the bullet, we do not want to do something substantive and important, so we do something that is symbolic—at best. Do we need another task force? We do not need another task force. We do not need an inter-agency task force. We already have two agreements with China—1992 and 1994. Another task force is meaningless.

Let me just point out some of the more pointed Chinese proposals which were conveyed in a message sent in May from China's Ministry of Justice to the U.S. Customs attaché in Beijing. The message admonishes the U.S. Embassy to abide by certain principles, which include:

. . . the rule that Chinese officials conduct investigations first, then if necessary arrange visits for American counterparts.

I quote again:

Unnecessary visits will not be arranged if we can clarify and answer questions through the investigations.

Really what the message from the Chinese Government is, is we conduct the investigations first and only afterwards permit the United States to visit suspected sites. This is in total opposition to the memorandum of understanding and the statement of cooperation. We already have the agreements. They are not in compliance with these agreements. And we want to set up a task force?

Let me simply say the view of the Chinese Ministry of Justice that we should trust China's sincerity and therefore reduce the necessity of U.S. on-site visits is nothing short of ridiculous. This is pretty incredible.

The other thing is, H.R. 4444 stipulates that the task force is to:

. . . work with the Customs Service to assist the People's Republic of China in monitoring the sale of goods mined, produced or manufactured by convict labor, forced labor, or indentured labor under penal sanctions to ensure that such goods are not exported to the United States.

The Chinese Government controls prison labor in China. It can curb the export of forced prison labor products anytime it chooses. It certainly does not need the assistance of the United States. This is, frankly, ludicrous. It is just ludicrous.

The State Department, in 1997, affirmed both the memorandum of understanding and the statement of cooperation, of 1992 and 1994, to be binding international agreements. The trouble is that China does not. It continues to get away with this because we impose no penalties for these egregious and continuing Chinese violations. In contrast to the provision now in H.R. 4444, which is toothless, my amendment for the first time will provide China with a strong incentive to comply with the MOE and SOC, for, if it fails to do so, then it will put PNTR at risk. An added benefit is that it would help restore U.S. credibility by holding China accountable for violating trade agreements with the United States.

We are just insisting that China stop treating the bilateral agreements it

has signed with us concerning prison labor exports as mere scraps of paper. What does this amendment ask for? It asks simply that PNTR be denied until the President can certify that China is honoring agreements it has repeatedly violated in the past. Is that too much to ask? Is that too much to ask?

Mr. President, I have a document dated May 8, 2000, from the Deputy Director General of the Prison Administration Bureau, PRC, to David Benner, U.S. Customs Attaché. I ask unanimous consent that it be printed in the RECORD, and I reserve the remainder of my time.

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

PRISON ADMINISTRATION BUREAU,  
MINISTRY OF JUSTICE,  
PRC, May 8, 2000.

DAVID BENNER,  
U.S. Customs Attaché, American Embassy Beijing.

Mr. BENNER: It was a pleasure to meet you on April 20, 2000 and the meeting was successful. As a follow-up, this letter presents the concerned principles and suggestions we mentioned at the meeting. We hope that your government can give us a clear reply as soon as possible.

#### I. BRIEF SUMMARY OF OUR COOPERATION IN THE PAST

The signing of MEMO and COOPERATION AGREEMENT shows our principles and sincerity of cooperation. In the past seven years since the signing of MEMO, we have made great efforts to arrange eight visits to eleven places for American officials. We also conducted investigations into over fifty places and provided the results to American counterpart. We have noticed that American officials have closed most of the cases related to the above places. Among these visits and investigations, no evidence at all has been found to prove the allegation of prison products exportation to the U.S. These facts well show our serious attitude and cooperation sincerity.

#### II. ADDITIONAL EXPLANATION AND EMPHASIS ON SOME COOPERATION PRINCIPLES

1. The objects that will be investigated are prison products being exported to the U.S. No third country should be involved.

2. Abide by the principle that Chinese authorities should hold the sovereign right to conduct investigations.

3. Abide by the rule that Chinese officials conduct investigations first, then if necessary arrange visits for American counterparts. Unnecessary visits will not be arranged if we can clarify and answer questions through the investigations.

4. So-called "PENDING" or unresolved cases should be agreed to both sides.

5. All American visitors have to be diplomats.

6. Any visits and investigations in China have to abide by concerned Chinese laws and regulations.

7. The time limit of sixty days is valid to both sides.

8. The results of the visits and investigations made by American officials have to be formally submitted to Chinese government by American government.

9. American counterparts should provide sufficient information and evidence to support the allegations and to warrant the investigations and arrangement of visits.

10. The investigation of one case must be completed and case closed before starting another or second case.

#### I. SOME SUGGESTIONS

1. In the past seven years, both sides have made great efforts to do tremendous work, no prison products exportation to the U.S. has been found so far. Therefore, a summary is very necessary.

2. American counterpart must trust our sincerity and investigation results, which is the most important basis upon which we cooperate with each other. Site visits are not necessary if we can clarify the allegation by our investigations. Reduction of site visits can result in higher efficiency and avoid unnecessary troubles and unexpected snags.

3. American officials should standardize the ways and norms when close cases regarding the suspected units.

4. American counterpart should be cautious and prudent towards the sources of information and its authenticity. As a matter of fact, a lot of information obtained by American officials was not accurate, some even groundless. This creates unnecessary troubles for both of us. Pertaining to the practice these years, we think it is very necessary for both sides, especially our side to verify the information and evidence obtained by American counterpart.

5. Abide by the regulation in COOPERATION AGREEMENT to conduct investigation one case by one case. This is a serious and responsible attitude and standardized and effective method.

WANG SHU-SHENG,  
Deputy Director General.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

Mr. WELLSTONE. Mr. President, I ask consent this not be charged against my side.

The PRESIDING OFFICER. The quorum call is charged to the side that suggests it.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. I say to my colleagues, Senator LAUTENBERG will be speaking in just a moment, but until he comes out, I yield the floor.

The PRESIDING OFFICER. Who yields time? If no Senator yields time, time will be charged equally to both sides.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, until my colleague from New Jersey is ready, I want to again summarize this amendment for other Senators. This is the issue of Chinese exports to the United States of goods made by prison labor. This is an issue of the memorandum signed in 1992, I say to my colleague from Delaware, to deal with this problem. The Chinese Government agreed: Yes, we are going to stop this.

Then we signed another agreement, a statement of cooperation, in 1994. I have been on the floor citing State Department reports and other evidence—no question about it—that the Chinese



have refused to comply with these agreements. It has been blatant. People in our country would be outraged to know this.

I say to Senators, this is a three-pronged issue. I have talked about these reeducation labor camps. I have talked about the deplorable conditions. It is a human rights issue. I have cited human rights reports. I have said this is a trade issue. They have signed these agreements and have not lived up to them. I have said this is a labor issue. It permits ordinary people—which I mean in a positive way—in the States to be a little suspicious that they could lose their jobs as a result of this.

I hope my colleagues will support this. It is an eminently reasonable amendment. It simply says the President needs to certify that China is fully compliant with these two agreements, which they have already made with us, before extending PNTR to China.

I yield 12 minutes to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague from Minnesota for offering this amendment. I ask unanimous consent to be added as an original cosponsor.

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

Mr. LAUTENBERG. Mr. President, I rise today in support of the Wellstone amendment on prison labor.

China has an extensive prison labor system, and many people are in China's prisons for expressing their opinions, practicing their religion, or engaging in other activities we would regard as the exercise of their fundamental human rights.

Many of these political prisoners have been sentenced to what the Chinese call "re-education through labor" without even being accused of a crime, much less having a fair trial.

In the early 1990s, the U.S. had reason to believe China was using prison labor to produce goods for export, including goods intended for the U.S. market. China's government denied this until we found a document directing the use of prison labor to produce goods for export.

China had long agreed not to use prison labor to make items destined for the U.S. market. In August 1992, after protracted negotiations, the United States and China signed a memorandum of understanding on prohibiting import and export trade in prison labor products. This was followed by a statement of cooperation in 1994.

For several years, the system put in place by these agreements allowed U.S. Customs to investigate when we suspected that prison labor was being used to make goods for sale in the U.S.

Under the agreements, U.S. Customs officers—working with their Chinese counterparts—investigated suspicious sites. Cooperation under the MOU included visits to 11 sites over several years.

In 1997—this is 4 years after the agreement was signed—China stopped allowing U.S. Customs to conduct these inspections. Apparently, the Chinese felt that the U.S. should give them a clean bill of health and accept their assurances on prison labor without further inspections. They went so far as to seek a renegotiation of the memorandum of understanding.

For me, China's compliance with its freely accepted international obligations on prison labor is a critical issue in considering PNTR. China's willingness to suspend implementation of the memorandum of understanding is very troubling.

For China's accession to the World Trade Organization and the 1999 bilateral market access agreement to be meaningful, we need to have confidence that China will fulfill the letter and spirit of its international obligations.

Senator HARKIN and I recently traveled to China, and China's failure to fulfill its commitments on prison labor was a major focus of our visit. Before we left, we worked with the U.S. Embassy in Beijing and the Chinese Embassy in Washington to arrange to accompany U.S. Customs on a long-overdue prison labor site inspection visit.

When we arrived in Beijing, we were told that the Chinese authorities did not understand our request, and then we were told such a visit would not be possible. But we did not give up.

We pressed the point in our first formal meeting in Beijing, with Vice Foreign Minister Yang. We did not make any progress on the issue, but I think the Chinese Government got the message that we were serious.

Later the same day, we met with Vice Premier Qian Qichen. We again pressed the point that China must fulfill its obligations to allow U.S. Customs to inspect suspected prison labor sites, and we asked that we be permitted to join an inspection.

Vice Premier Qian agreed that the time had come to resume implementation of the MOU on prison labor. He agreed that the first inspection would take place in September.

We had a debate about the interpretation of understanding. We wanted to go with Customs. At first, they said we could go to a prison, but that was not our mission. I was distressed by the fact that they chose to interpret what the understanding was after having worked on it for a month before we left the United States for China.

We saw Premier Zhu Rongji and he reaffirmed China's readiness to resume full implementation of the prison labor agreement. We urged that U.S. Customs be allowed to conduct inspections sooner than they planned.

While this trade-related agreement should have been implemented all along, without need for our intervention, I am glad our visit produced progress.

The first long-overdue prison labor site inspection by U.S. Customs took place last Friday, September 8. Accord-

ing to a preliminary report from our Embassy in Beijing, Chinese authorities cooperated well with U.S. Customs and other personnel inspecting a factory in Shandong Province.

I hope the implementation of the agreement will now resume in full, including rapid completion of other outstanding inspection requests.

The amendment before us would make China's implementation of the prison labor memorandum of understanding and statement of cooperation a condition for granting PNTR. In my view, this is a reasonable condition that Premier Zhu has already assured me China will fulfill and that appears to be back on track.

If the Chinese follow through, the President should have no problem reporting to Congress that China is complying with its international obligations under the prison labor agreement by the time China enters the WTO.

I believe this issue of prison labor is critical to our consideration of PNTR for China.

I urge my colleagues to support the Wellstone amendment so that we can be assured China understands that when we have an agreement, we want it complied with.

That is one of the questions that loomed large in our visit. We had an opportunity to meet some of the distinguished leadership of the Chinese Government. We met with the mayor of Shanghai. We met with people who had an influence in provincial policy. More than anything else, I wanted to know that when we had an agreement, when we had an understanding, it was going to be followed through and it was not sufficient to produce excuses such as: Well, we didn't understand what was meant and that wasn't our interpretation; or, we are sorry we can't quite do that now.

That is not sufficient. This is an important agreement we are facing overall—this amendment first and then the overall decision on PNTR.

We need, in my view, to have a positive relationship with the Chinese Republic. It is such an enormous country with so much potential that it would be a positive step for the United States and China to work together for us to have access, not just to their marketplace. The marketplace is important, but there is something more. One billion two hundred million people reside in China, and we do not want to have an area of constant instability. We want to let them know that democracy works. What they have in place now just does not cut the mustard, as we say. So we want to have this understanding.

But in order to move ahead with it, we have to have a clear view that promises made—especially those that are so clear as to have been signed on a document—we want upheld; we do not want them skirted with purported misunderstandings.

So I congratulate my friend from Minnesota for having, as he usually

does, a look at the side of the issue that says: This is what is fair and equitable. That is what counts. And when we look at the marketplace, that is important. But in order to have the kind of wholesome relationship I would like to see us have with China, I think we have to deal with this issue of prison labor right now. I hope our colleagues will support it.

I thank the Chair.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from New Jersey. Before he came to the floor, I mentioned a report that he and Senator HARKIN had done. I really appreciate their strong voices as Senators for human rights.

Mr. President, I reserve the remainder of my time.

I will wait to respond to arguments from the other side.

Mr. HARKIN. Mr. President, this is an important amendment and one that deserves careful consideration and debate by the Senate.

Senator LAUTENBERG and I just returned from China last weekend. I'll have a great deal more to say about our trip and its impact on my thoughts about our relationships with China later. But I do want to speak briefly to our efforts in China as they related to prison labor and directly to this amendment.

As my friend and colleague from Minnesota has pointed out, the U.S. and China entered into an official agreement on prison labor in 1992. Its intent is to prevent the importation of goods into our country made by prison labor in China—a practice made illegal here under Section 1307 of the Tariff Act of 1930.

The agreement is officially titled the "Memorandum of Understanding Between the United States of America and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products." It was signed on August 7, 1992.

Let me read some of the key components. Under the terms of the agreement the United States and China agree to:

Promptly investigate companies, enterprises or units suspected of violating relevant regulations and will immediately report results.

Upon the request of one Party, meet to exchange information on the enforcement of relevant laws.

Will furnish the other Party available evidence and information regarding suspected violations.

Promptly arrange and facilitate visits by responsible officials to its respective enterprises or units.

In March of 1994 we entered into an accompanying statement of cooperation on the implementation of the MOU. This statement fleshes out the details of how our two governments were to carry out the agreement.

This is an important agreement. It aims to assure that U.S. workers aren't

forced to compete with hundreds of prison labor factories in China. Factories that are filled at least partially with prisoners whose only crime is seeking democracy or formation of a true labor union. Prisoners who are held in so-called "re-education facilities" for up to 3 years without trials.

Unfortunately, China's compliance with this agreement has been dismal. From 1992 to 1997 there were joint inspections, but usually only after great effort on our part and often only after long delays—not within 60 days of request as required under the MOU.

But since 1997 China has stopped all compliance with the agreement. They have denied all requests by our U.S. Customs to inspect prison labor facilities suspected of exporting products to the United States.

Let me read a portion of one of the recent letters sent by U.S. Customs to Chinese officials.

So when Senator LAUTENBERG and I went to China, we asked to accompany Chinese officials and our U.S. Customs officials on a visit to one of these 8 sites previously requested by Customs.

We raised this at every level. We first raised it prior to our visit with the Chinese Embassy here in Washington. Then we raised it with the Deputy Foreign Minister Yang Jiechi, then we raised it with Vice Premier Quian QiChen.

We raised our concerns about the failure to abide by the MOU and asked that we be allowed to go along on a visit to see for ourselves that the Tariff Act of 1930 is not being violated.

At first we ran into a brick wall. We were simply told "no." Then we were told they misunderstood our request.

Then they said it was very complicated and would take more time.

Then we had a breakthrough.

They refused to let Senator LAUTENBERG and I go on a visit to one of these facilities, but they have agreed to renew their compliance with the MOU. We got that assurance personally from Premier Zhu Ronji.

We got word last Friday—inspections resumed at one site.

So the first renewed inspection was completed Friday. Now we all see if the Chinese are serious about complying with this agreement. Their track record clearly does not inspire confidence. That is why I am supporting the Wellstone amendment. It would add to our leverage to ensure long-term compliance with this important agreement.

So I urge a vote for this amendment and commend Senator WELLSTONE for bringing it forward.

As I mentioned earlier, I will have a good deal more to say about my trip to China and on the underling PNTR legislation as the debate continues.

Mr. President, I ask unanimous consent to print the memoranda of understanding and a letter to Wang Lixian in the RECORD.

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

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA ON PROHIBITING IMPORT AND EXPORT TRADE IN PRISON LABOR PRODUCTS

The Government of the United States of America and the Government of the People's Republic of China (hereinafter referred to as the Parties),

Considering that the Chinese Government has noted and respects United States laws and regulations that prohibit the import of prison labor products, has consistently paid great attention to the question of prohibition of the export of prison labor products, has explained to the United States its policy on this question, and on October 10, 1991, reiterated its regulations regarding prohibition of the export of prison labor products;

Considering that the Government of the United States has explained to the Chinese Government U.S. laws and regulations prohibiting the import of prison labor products and the policy of the United States on this issue; and

Noting that both Governments express appreciation for each other's concerns and previous efforts to resolve this issue,

Have reached the following understanding on the question of prohibiting import and export trade between the two countries that violates the relevant laws and regulations of either the United States or China concerning products produced by prison or penal labor (herein referred to as prison labor products).

The Parties agree:

1. Upon the request of one Party, and based on specific information provided by that Party, the other Party will promptly investigate companies, enterprises or units suspected of violating relevant regulations and laws, and will immediately report the results of such investigations to the other.

2. Upon the request of one Party, responsible officials or experts of relevant departments of both Parties will meet under mutually convenient circumstances to exchange information on the enforcement of relevant laws and regulations and to examine and report on compliance with relevant regulations and laws by their respective companies, enterprises, or units.

3. Upon request, each Party will furnish to the other Party available evidence and information regarding suspected violations of relevant laws and regulations in a form admissible in judicial or administrative proceedings of the other Party. Moreover, at the request of one Party, the other Party will preserve the confidentiality of the furnished evidence, except when used in judicial or administrative proceedings.

4. In order to resolve specific outstanding cases related to the subject matter of this Memorandum of Understanding, each Party will, upon request of the other Party, promptly arrange and facilitate visits by responsible officials of the other Party's diplomatic mission to its respective companies, enterprises or units.

This Memorandum of Understanding will enter into force upon signature.

Done at Washington, in duplicate, this seventh day of August, 1992, in the English and the Chinese languages, both texts being equally authentic.

For the Government of the United States of America:

ARNOLD KANTER,  
*Under Secretary of State  
for Political Affairs.*

For the Government of the People's Republic of China:

LIU HUOQIU,  
*Vice Foreign Minister, PRC.*

STATEMENT OF COOPERATION ON THE IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA ON PROHIBITING IMPORT AND EXPORT TRADE IN PRISON LABOR PRODUCTS

As the Chinese government acknowledges and respects United States laws concerning the prohibition of the import of prison labor products, and the United States government recognizes and respects Chinese legal regulations concerning the prohibition of the export of prison labor products:

As China and the United States take note and appreciate the good intentions and efforts made by both sides in implementing the "Memorandum of Understanding" signed in August 1992:

The Chinese government and the United States government agree that conducting investigations of suspected exports of prison labor products destined for the United States requires cooperation between both sides in order to assure the enforcement of the relevant laws of both countries. Both sides agree that they should stipulate clear guidelines and procedures for the conduct of these investigations. Therefore, both sides agree to the establishment of specialized procedures and guidelines according to the following provisions:

First, when one side provides the other side a request, based on specific information, to conduct investigations of suspected exports of prison labor products destined for the United States, the receiving side will provide the requesting side a comprehensive investigative report within 60 days of the receipt of said written request. At the same time, the requesting side will provide a concluding evaluation of the receiving side's investigative report within 60 days of receipt of the report.

Second, if the United States government, in order to resolve specific outstanding cases, requests a visit to a suspected facility, the Chinese government will, in conformity with Chinese laws and regulations and in accordance with the MOU, arrange for responsible United States diplomatic mission officials to visit the suspected facility within 60 days of the receipt of a written request.

Third, the United States government will submit a report indicating the results of the visit to the Chinese government within 60 days of a visit by diplomatic officials to a suspected facility.

Fourth, in cases where the U.S. government presents new or previously unknown information on suspected exports of prison labor products destined for the U.S. regarding a suspected facility that was already visited, the Chinese government will organize new investigations and notify the U.S. side. If necessary, it can also be arranged for the U.S. side to again visit that suspected facility.

Fifth, when the Chinese government organizes the investigation of a suspected facility and the U.S. side is allowed to visit the suspected facility, the U.S. side will provide related information conducive to the investigation. In order to accomplish the purpose of the visit, the Chinese side will, in accordance with its laws and regulations, provide an opportunity to consult relevant records and materials on-site and arrange visits to necessary areas of the facility. The U.S. side agrees to protect relevant proprietary information of customers of the facility consistent with the relevant terms of the Prison Labor MOU.

Sixth, both sides agree that arrangements for U.S. diplomats to visit suspected facilities, in principle, will proceed after the visit to a previous suspected facility is completely ended and a report indicating the results of the visit is submitted.

Both sides further agree to continue to strengthen already established effective contacts between the concerned ministries of the Chinese government and the U.S. Embassy in Beijing and to arrange meetings to discuss specific details when necessary to further the implementation of the MOU in accordance with the points noted above.

Done at Beijing, in duplicate, this fourteenth day of March, 1994, in the English and the Chinese languages, both texts being equally authentic.

EMBASSY OF THE  
UNITED STATES OF AMERICA,  
February 22, 2000.

Mr. WANG LIXIAN,  
Director for Foreign Affairs, Ministry of Justice,  
Beijing, 100020, China.

DEAR MR. WANG: In accordance with the provisions of the Memorandum of Understanding prohibiting Import and Export of Prison Labor Products and the Statement of Cooperation, the U.S. Embassy renews our request for investigation of the following factories for evidence of prison labor exports. The request to investigate these facilities was first made February 28, 1994 and was again made on February 24, 1998, March 8, 1999 and July 7, 1999.

The below listed investigations were requested five years ago and again last year. The Ministry of Justice has not responded with information on these cases. Therefore, we would like to renew our request that your ministry investigate the following facilities to determine if these sites are involved in prison labor exports:

Nanchong Laodong Factory, Sichuan.  
Fuyang General Machinery Factory, Anhui.

Dingxi Crane Works, Gansu.  
Jilin forging and Pressing Equipment Plant, Jilin.

Jingzhou Xinsheng Dyeing and Weaving Mill, Hubei.

Lanzhou Valve Plant.  
Shaoguan Xinsheng Industrial General Plant.

In my letter of February 24, 1998 I enclosed background information which should assist in identifying these facilities. I have maintained copies of identifying information if this would be of assistance to your office. I feel that we have made significant progress in clearing up some of these old prison labor investigations and I look forward to continued cooperation.

I would also like to call to your attention my letters of April 24, 1998 and October 7, 1998, which requested investigation of the Zhengzhou Detention Center which was alleged to be manufacturing Christmas lights for export to the US and the Dafeng County Reform Through Labor Camp and the Tilanqiao Prison Labor Facility which were alleged to have manufactured ADIDAS soccer balls which were exported to the United States and other countries. The Ministry of Justice has not responded to these investigative requests within the sixty day time limit as agreed upon in the Statement of Cooperation. Please inform us of the status of these investigations.

If you have any questions or need further clarification please do not hesitate to contact me. Thank you.

Sincerely yours,  
DAVID J. BENNER,  
Attache.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am opposed to the use of forced prison labor

in the manufacture of goods for sale in international markets. And, I firmly believe that any allegation, whether with respect to China or any other nation, regarding the use of prison labor ought to be vigorously investigated under section 307 of the Tariff Act of 1930, which bars imports of prison-made goods into the United States.

That said, I nonetheless rise in opposition to the proposed amendment. I do so for three reasons.

First, the amendment is unnecessary. Under section 307 of the 1930 act, the Secretary of the Treasury and the Commissioner of Customs already have ample authority to investigate allegations that Chinese enterprises are using prison labor. No new authority is needed, and no new certification is necessary.

Second, there is nothing about China's accession to the WTO or the passage of PNTR that limits in any way the ability of the United States to investigate allegations of the use of prison labor in the manufacture of goods destined for the U.S. market and to bar imports of such goods if the allegations prove true.

The WTO contains a provision that expressly permits the United States, as well as other WTO members, to bar entry of goods made with prison labor from their markets. Just to be entirely clear about what the WTO allows, let me quote from the relevant title of the WTO agreement. It states that:

nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures . . . relating to the products of prison labor.

In other words, we will retain the leverage we need following China's accession to the WTO to encourage China's compliance with its international commitments in respect of prison labor, particularly the 1994 bilateral agreement it signed with the United States.

Third, the House bill before us, H.R. 4444, already addresses the issue of prison labor and does so more constructively. The bill creates an executive branch task force to assist the U.S. Customs Service in the effective enforcement of our laws barring imports of goods made with prison labor.

As I said at the outset of my remarks, I join those who have been very critical of the Chinese Government for its failure to be more cooperative—on a more consistent basis—in rooting out and ending these practices. But, the proposed amendment would not advance our argument with the Chinese; it would, instead, prove counterproductive, by killing the chances of the passage of PNTR.

In light of that fact, I ask my colleagues to join me in opposing this amendment.

Again, let me reiterate, it is my deep concern that any amendment would kill this legislation, would kill PNTR. For that reason, I oppose the amendment, and urge my colleagues to do the same.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I reserve a little bit of time for my colleague, Senator HARKIN. But let me just say to my colleague from Delaware, as to the argument that it is not necessary to have any new agreements, there is nothing new here. We have existing trade agreements. We signed an agreement in 1992 and in 1994. The Chinese Government agreed not to export products to our country made by prison labor.

They have not lived up to those agreements. This amendment just says we call on them to live up to the existing trade agreements before we go forward with PNTR. It is really that simple.

The bitter irony is they are in violation of one law; they are not supposed to be exporting products made by prison labor. And we are in violation of another law: We are not supposed to be importing those products.

My second point is, my colleague cites H.R. 4444. It is just a toothless remedy. This has a "made-for-Congress" look. We are going to set up a task force, and we are going to assist the Chinese Government in living up to these trade agreements. The Chinese Government does not need any assistance. They control the prison labor camps. They can live up to the agreements today. They can live up to the agreements tomorrow. They do not need a task force set up. So I cannot let my good friend from Delaware get away with this.

I just think it boils down to this: They have the largest forced prison labor system in the world; these are the functional equivalent of gulags. I could use, frankly, stronger terms, I say to my colleague from Delaware, to describe them.

Do we really want to be implicated in this? Do we want to be beneficiaries of these gulags? Do the citizens of our country—we are now speaking and voting in their name—want to be beneficiaries of this forced prison labor system, the largest in the world, these gulags, where we get products at a lower price because it is on the backs of people who are political prisoners, who have done nothing more than speak out for their freedom? I think not.

If we are concerned about it, we will support this amendment. There is no way around that, I say to my colleagues. This is a straight up-or-down vote on whether or not this is a concern to us.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be divided equally.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. WELLSTONE. Mr. President, I informed the distinguished chair of the Finance Committee that I would be ready to yield back time. I wonder if I could take 2 minutes and then I will yield back.

We will have a vote on the Thompson-Torricelli amendment, and there are going to be Senators who will come out and say: This is not about trying to scuttle this overall trade agreement. We will go to conference committee. We will get this worked out. And there is such strong sentiment for this overall agreement, this is a good thing to do.

I want to say to Senators, I hope when we vote on the amendment I have offered with Senator LAUTENBERG—and I believe Senator HARKIN will want to be an original cosponsor—there will be the same sentiment. If you think it is the right thing to do to vote for this amendment, if you think it is the right thing to do to say to China: We already have these trade agreements with you in regard to prison labor conditions and we are just asking you to live up to those agreements before, in fact, we finally go forward with PNTR—if you think this is an important human rights issue, if you think we should not be implicated in any way, shape, or form in the functional equivalent of these gulags, if you think this is a labor issue, if you think this is a trade issue—it is a very compelling issue—then please don't vote against what you think is right.

We can't have Senators being selective on this and voting one way on one amendment. Senators can say: We will not vote for any amendments, period. I have heard that. But now different people are voting for some amendments and not others.

I say to my colleagues: Vote for what you think is right. If you think this amendment I have offered is wrong, it is not the right thing to do based upon your sense of justice or right or anything else, then vote against it. Otherwise, please vote for this amendment. Don't make the argument that I am voting against all amendments when, in fact, Senators are obviously going to be voting for some amendments.

I yield the remainder of my time.

Mr. ROTH. Mr. President, I yield the remainder of my time, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Minnesota. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 29, nays 68, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—29

Ashcroft	Gregg	Reed
Bayh	Harkin	Santorum
Boxer	Helms	Sarbanes
Bunning	Hollings	Sessions
Byrd	Hutchinson	Smith (NH)
Campbell	Inhofe	Snowe
Collins	Kennedy	Specter
Dorgan	Lautenberg	Torricelli
Edwards	Leahy	Wellstone
Feingold	Mikulski	

NAYS—68

Abraham	Feinstein	McCain
Allard	Fitzgerald	McConnell
Baucus	Frist	Miller
Bennett	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Breaux	Grassley	Reid
Brownback	Hagel	Robb
Bryan	Hatch	Roberts
Burns	Hutchison	Rockefeller
Chafee, L.	Inouye	Roth
Cleland	Johnson	Schumer
Cochran	Kerrey	Shelby
Conrad	Kerry	Smith (OR)
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Levin	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Durbin	Lugar	Wyden
Enzi	Mack	

NOT VOTING—3

Akaka	Jeffords	Lieberman
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The amendment (No. 4119) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4132

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise in support of the Thompson amendment.

I have been listening to the debate on the THOMPSON amendment for the last day or so. I am very concerned that his amendment has been portrayed as a bill killer.

I support PNTR. I want to open trade with China. This is very important for the future of both of our countries. But I am also very concerned about the proliferation of weapons of mass destruction. I cannot see any situation in which the security of the United States of America would take second place to a trade issue, even a most important trade issue. Nevertheless, I would never, ever I put the security of our country in a secondary position.

To say that we cannot go back to the House and resolve our differences because we would vote on a responsible amendment that would require a reporting of the proliferation of weapons of mass destruction is just beyond my comprehension. This is the United States Senate. To say we cannot amend a bill that has been passed by the House would be the height of irresponsibility.

I am also speaking today in favor of normal trade relations with China because I want our countries to have a mutually good relationship. The idea that we would have a good relationship on trade but one that gives a wink and a nod to proliferation of weapons of mass destruction to people intent on hurting the United States of America is not a fair trade. I couldn't possibly exercise my responsibility as a Senator and vote against the Thompson amendment.

In early 1969, newly elected President Richard Nixon asserted:

One-fourth of the world's people live in Communist China. Today they are not a significant power, but 25 years from now they could be decisive. For the United States not to do what it can at this time, when it can, would lead to a situation of great danger. We could have total detente with the Soviet Union, but that would mean nothing if the Chinese are outside the international community.

Today, President Nixon's words sound remarkably prescient. China is undeniably a major world power, thanks in large part to leaders such as Presidents Nixon and Bush and Reagan, Secretary Jim Baker, Secretary Henry Kissinger, China is not outside the international community but neither is China fully a member in good standing of the family of responsible nations.

The major issues our two nations must confront are difficult and complex: China's military buildup, arms sales and proliferation, the future of Taiwan, bilateral trade, and human rights. All of the previous Presidents in my lifetime have recognized the unfolding importance of China, and they have all pursued policies aimed at constructive engagement with the Chinese Government.

The question at issue with our vote on PNTR and our vote on the amendments that condition the Senate's approval of PNTR must be, what are the underlying goals of our relationship with China and what are the primary issues that should guide American policymaking and actions.

My answer is, our policies should be focused on cultivating a stable and peaceful Asia. We should look to economic competition and mutual prosperity to bring this about, and we must at all times consider the security interests of the United States.

As the distinguished chairman of the Foreign Relations Committee, JESSE HELMS, pointed out yesterday, the Chinese proliferation of weapons of mass destruction poses a direct threat to the national security of the United States. I share his view that it would be irresponsible for us not to address that threat.

The Federal Government has no greater responsibility nor higher duty to the people of our country and to our allies than to provide for the common defense of the United States of America.

The bipartisan amendment offered by Senators THOMPSON and TORRICELLI is

a responsible vote. It does not scuttle PNTR, as some have warned. This is the responsible action of the Senate. It would be my fervent wish that we could vote our conscience on this very important issue, and not in any way respond to the scare tactics that have been put forth that this will kill the bill, but instead do what is right for both of our countries; that is, open, normal trade relations, and secure the United States from weapons proliferation by China or any other country or rogue nation that would seek to harm our people or our allies anywhere in the world.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. TORRICELLI. Mr. President, it has been obvious for some time now that when permanent normal trade relations for China comes to a vote in the Senate, it will, indeed, pass overwhelmingly. My colleagues proceeding with this debate in recent days have detailed at length the enormous potential economic benefits to the U.S. economy. Other colleagues have appropriately discussed the human rights record in China, problems with religious freedom, and the rights of workers in China. They are all legitimate points and each belongs in a debate on PNTR with China, but the debate is not complete.

The relationship of the United States with the People's Republic of China is not only about economics; it must include human rights, religious rights, and workers rights. But it is not just about those rights; it is also ultimately about the security of the United States.

Our relationship with the People's Republic of China, a nation of 1.3 billion people, an immense land of economic, geopolitical significance, goes beyond that, perhaps, of any other trading partner of our country. Indeed, how we define this relationship in this vote and in this debate has enormous ramifications in the next generation.

Indeed, just as the debate in those first few months and years after the Second World War changed permanently the security and economic relationship between the United States and Western Europe and the remainder of the world, this debate will permanently alter our relationship with the People's Republic of China, and it is not right and it is not appropriate that it be done on a single plane. Economics is important, but it is not everything. That is why Senator THOMPSON and I have offered our amendment to address the continuing problem of the proliferation of weapons and technology from the People's Republic of China.

It was, of course, our hope that this vote could have been taken independently of PNTR. It was our desire not to complicate PNTR but to have a separate debate and separate vote. Regrettably, that proved not to be possible. So we return today with this amendment actually on the bill.

As I understand the arguments now for the bill, the most compelling is that PNTR will integrate China into the international economy, that it will encourage China to follow international trading rules. It is a strong argument, but even with passage of PNTR, even if the proponents are correct that China will then adhere to international trading rules, that does not automatically make China a member in good standing of the global community. Trading rules do not govern all international conduct. A nation is not a nation in good standing in the world simply because it trades according to these rules; it is by all the rules by which it chooses to live.

Truly to participate in the global community, China will, as has been argued on this floor, have to reform its human rights practices, the way it treats its workers, the way it relates to Taiwan, and how it deals with sensitive military technology that threatens all peoples everywhere.

Despite many assurances that it will reform its behavior, China has continued to be one of the most persistent and serious violators of international nonproliferation agreements. Ultimately, that is the question every Senator must ask themselves: If, indeed, PNTR is passed and China continues to violate trade agreements, you can go to your local townhall meeting and complain to the autoworkers and you can explain it to the Chamber of Commerce, but if China continues to violate proliferation agreements which leads to the spread of nuclear technology and missiles to a variety of dangerous neighbors that one day leads to warfare involving our Nation or others, to whom will you apologize then? Where will the explanations lie? That is the question before the Senate.

Last month, the Director of Central Intelligence delivered to the Congress the intelligence community's biannual "Unclassified Report on the Acquisition of Technology Relating to Weapons of Mass Destruction."

The DCI report clearly states that China has increased its missile-related assistance to Pakistan, and it continues to provide missile-related assistance to countries such as Iran, North Korea, and Libya. What is especially troubling about China's activities is that this sensitive assistance is going to the most dangerous nations in the most volatile areas of the world, with the greatest potential to do harm.

Indeed, looking at this map I have here—from Algeria to Libya to Syria to Iran—what is it that China could do more? What would be worse? What other nation would have to receive nuclear or missile technology before it

would offend Members of the Senate? In the entire list of rogue nations, almost no one is absent.

Just a couple of months ago, Chinese sales to Iran led to the test by Iran of a Shahab-3 medium-range ballistic missile. It is believed that components of Iran's missile program are from Beijing.

The People's Republic of China companies were sanctioned in 1997 for transfers to Iran, contributing to chemical weapons proliferation. Yet the DCI's August 2000 report said Iran continues to seek production technology, expertise, and chemicals for its chemical weapons program.

So it is missiles and chemicals.

Pakistan is a country located, perhaps, in the most volatile region of the world, which in recent years exploded a nuclear device and has come to the brink of war with India on several occasions since its new nuclear status.

The DCI reported last month that the PRC provided "extensive support" to Pakistan's weapons of mass destruction program, and in the second half of 1999 Iran had "ongoing contacts" that could not be ruled out, despite a 1996 promise by the PRC to stop assistance to unsafeguarded nuclear facilities.

In unpublished press accounts, U.S. intelligence agencies have reportedly concluded that China has stepped up its shipment of specialty steels, guidance systems, and technical expertise to Pakistan. Chinese experts have also been sighted around Pakistan's newest missile factory, which appears to be partly based on Chinese design.

Libya is a country with a history of promoting regional instability, sponsoring state terrorism, including the destruction of our own aircraft and our own citizens.

The August 2000 DCI report publicly confirmed the PRC's assistance to Libya for the first time. The Defense Department reportedly discovered in December 1999 that the PRC plans to build a hypersonic wind tunnel in Libya for missile designs for the Al-Fatah missile program.

According to reports in the Washington Times, the director of Libya's Al-Fatah missile program is planning to travel to China to attend China's premier training center for missile scientists and technicians.

North Korea's missile program is now believed to be achieving the potential to reach the United States with a ballistic missile, potentially by the year 2005—a direct security concern of the United States, leading this Congress to authorize and appropriate billions of dollars for missile defense, leading all of us to a sense of new vulnerability.

The DCI first publicly confirmed in 1999 that the PRC is supplying components to North Korea. The August 2000 report states that North Korea acquired missile-related raw materials and components "especially through firms in China" in the second half of 1999.

These countries—Iran, Pakistan, Libya, and North Korea—are just the

countries China has proliferated to in recent years. In the past, proliferation by the People's Republic of China has also included sending weapons technology to Iraq, Syria, and Algeria.

I cannot imagine any accusation against a foreign government that could or should raise more serious concerns in this body. How, indeed, could any Member of this Senate ever explain to the American people granting the greatest economic gift in the world, a normalized trade relationship with the United States, the greatest economy in the world, without at least, at a minimum, seeking enforcement of previous agreements for arms control and non-proliferation?

Until China ceases to allow this type of sensitive equipment, technology, and expertise to flow through its borders, it must understand that it can never have normalized political and economic relationships with the United States or, indeed, be accepted into the family of nations on an equal status with all other nations.

Opponents of our amendment contend that the current nonproliferation laws are effective; that Chinese proliferation is under control; that unilateral sanctions never work. They could not be more wrong.

As the reports I have just cited demonstrate, Chinese proliferation behavior is not improving. It is not getting better. And the DCI's report delivered to this Congress proves it. Existing nonproliferation laws are simply not working. This provides a real incentive, in actual quantifiable costs, for sharing technology with dangerous nations.

Our nonproliferation laws must be strengthened. This amendment—and only the Thompson-Torricelli amendment—offers that opportunity. Under this amendment, the President of the United States would submit a report to Congress by June 1st of each year identifying entities in key proliferating nations that have contributed to the development or acquisition of nuclear, chemical, or biological weapons, or ballistic or cruise missiles by foreign countries—every year a report identifying the entities.

The President would be required to impose measures against companies in key supplier nations that have been identified as proliferators, and the President would also be authorized to impose measures against any supplier countries as he sees fit. The President is given the discretion, but he is also given the responsibility. And this Congress is given the information that it needs to know whether or not the Nation is being safeguarded.

Over the past several months, we have substantially revised this legislation to address a number of concerns by the administration and by our colleagues. This amendment was not drafted by Senator THOMPSON or by myself alone. The administration raised legitimate concerns that it dealt only with specific technologies, only

with the nations about which we should be concerned. It has been re-drafted to deal specifically with those concerns.

The revised bill now applies to all countries identified by the Director of Central Intelligence as key suppliers of weapons of mass destruction. The list currently includes China, Russia, and North Korea. Countries could be added or removed from the list over time based on the DCI's guidelines. So there are no unintended consequences of other states.

There were objections originally that the President did not have enough discretion in applying the sanctions; that the sanctions in the bill were too broad; and that they were applied with a standard of evidence that was too low. Every one of those problems was changed to meet the administration's objectives.

The bill is now drafted so that any sanctions against supplier countries are totally within the discretion of the President. The list of measures available to the President are the same as in the original bill. But now the President is authorized—not mandated—to apply these sanctions.

So those within the Senate who had concerns that we were taking away Presidential discretion, forcing him to act when the facts may not warrant it, prohibiting him from negotiating by not having this discretion, have had their concerns addressed. The President is given authorization. He is not mandated.

The only mandatory measures remaining in the bill would be applied against specific entities or countries that are determined by the President to be proliferators. Only if the President determines they are a proliferator will any entity be sanctioned.

If a company is determined to be a proliferator, the President must deny all pending licenses and suspend all existing licenses for the transfer to that company that are controlled for export under the Arms Export Control Act, the Export Administration Act of 1979, or the Export Administration Regulations. Isn't that how the Senate would have it? If a company has been identified, if they have been multiple violators, if they have been cited by the President, shouldn't that company then be denied the benefits of these various export acts?

There is also an across-the-board prohibition on any U.S. Government purchase of goods or services from, and U.S. Government assistance or credits to, the proliferator. Would any Member of the Senate argue with this? To use the taxpayers' money, U.S. Government resources to buy from a company that has been repeatedly cited as a proliferator by the U.S. Government? Certainly they should not be entitled to the benefits of trade with the Government itself.

Is it too much to ask that we impose the sanctions on companies that are already identified, already established as



having been engaged in this conduct? But for some Members of the Senate, this was not enough. So we gave the President one further set of powers, waiver authority, which allows the President to waive the imposition of measures required under this legislation if he determines that the supplier country was taking appropriate actions to penalize the entity for such acts of proliferation and to deter future proliferation. The President also can waive the sanctions if he determines that such a waiver is important to the national security of the United States.

How little would be enough? It isn't mandatory. It is optional. It requires multiple instances. It must be an entity already identified by the President. It must be a technology already identified by the Government. It isn't mandatory. The President can waive it. He can cite larger national interests.

I believe there is a positive impact with the passage of this amendment.

Now I ask the Senate another question: What is the impact of failing to enact it? Who could ever believe that this Senate considers proliferation issues to be serious, that we are concerned that there is a price to selling these weapons of mass destruction or these technologies to other nations, if we cannot at a minimum pass this authorizing sanction on an optional basis, to be used if the President wants to use it?

Imagine the message in Beijing or North Korea or Iran or Iraq. Are we so desperate for trade, is this economy so desperate for that one more dollar immediately, not to offend a potential investor or buyer, that we would compromise our own good judgment?

I don't believe we would lose a dollar of trade with this amendment. I don't believe we lose a product, a job. But even if we did, even if I were wrong and we did, is the price too high to send a message that in our proliferation policy there is more than words?

Words will not defend us. It is not at all clear that our missile defense shield will ever protect us. This might. It can't hurt. It at least can set a serious tone that we will not be dealt with with impunity. Trade with us; get the benefits of our market. But we will look the other way while you send dangerous technologies to nations that kill our people or threaten the peace.

In a recent editorial, the Washington Post noted:

China's continuing assistance to Pakistan's weapons program in the face of so many U.S. efforts to talk Beijing out of it shows the limits of a nonconfrontational approach.

The Post went on to say:

The United States should make clear that . . . Chinese missile-making is incompatible with business as usual.

A Wall Street Journal editorial stated:

If there is an assumption in Beijing that it can be less observant to U.S. concerns now that its WTO membership seems assured, the Chinese leadership is making a serious mistake.

Are they? The Wall Street Journal was too optimistic. Whether they are making a serious mistake will be judged by the vote on this bill, win or lose. How many Senators consider proliferation issues and national security to be more than words but a policy with strength, with cost, with sanction, if our security is violated?

If we pass PNTR alone and do not pass legislation addressing these important national security concerns, I fear for the message that is sent and the priorities of this Senate. This Senate will always be sensitive to business investment, trading opportunities, and economic growth. It is our responsibility to assure that America is prosperous and strong and growing. We will meet that responsibility.

But it is the essence of leadership to understand that no one responsibility stands alone. As we govern the national economy, we possess responsibility for the national security. No economy can be so big, no economy can grow so swiftly, there can be no number of jobs with national income that can reach no level that makes for a secure American future if missile technology spreads to Iraq and Iran, if nuclear weapons begin to circle the globe and unstable regimes.

Where, my colleagues, will your economy take you then? Balance, my friends. The Thompson-Torricelli amendment offers balance. We are pleased by our prosperity, but we are not blinded by it. We are blessed to live in a time of peace, but we understand how we earned it—by strong policies of national security. That is what the Thompson-Torricelli amendment offers today.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

#### TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

The PRESIDING OFFICER. Under a previous order, the Senator from North Carolina, Mr. HELMS, is recognized to offer an amendment.

Mr. HELMS. Mr. President, I ask that it be in order to deliver my remarks seated at my desk.

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

#### AMENDMENT NO. 4125

Mr. HELMS. Mr. President, I call up amendment No. 4125.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 4125.

Mr. HELMS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(To require the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection)

On page 2, line 4, before the end period, insert the following: “; FINDINGS”.

On page 4, before line 1, insert the following:

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

(1) The People's Republic of China has not yet ratified the United Nations Covenant on Civil and Political Rights, which it signed in October of 1998.

(2) The 1999 State Department Country Reports on Human Rights Practices found that—

(A) the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in violation of internationally accepted norms;

(B) the Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent;

(C) abuses by Chinese authorities exist, including instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrests and detentions, lengthy incommunicado detentions, and denial of due process;

(D) violence against women exists in the People's Republic of China, including coercive family planning practices such as forced abortion and forced sterilization, prostitution, discrimination against women, trafficking in women and children, abuse of children, and discrimination against the disabled and minorities; and

(E) tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July 1999, several leaders of the movement were sentenced to long prison terms in late December, hundreds were sentenced administratively to reeducation through labor, and according to some reports, the Government of the People's Republic of China started confining some Falun Gong adherents to psychiatric hospitals.

(3) The Department of State's 2000 Annual Report on International Religious Freedom states that during 1999 and 2000—

(A) “the Chinese government's respect for religious freedom deteriorated markedly”;

(B) the Chinese police closed many “underground” mosques, temples, seminaries, Catholic churches, and Protestant “house churches”;

(C) leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse in the People's Republic of China;

(D) in some areas, Chinese security authorities used threats, demolition of unregistered property, extortion of “fines”, interrogation, detention, and at times physical abuse to harass religious figures and followers; and

(E) the Government of the People's Republic of China continued its “patriotic education” campaign aimed at enforcing compliance with government regulations and either cowering or weeding out monks and nuns

who refuse to adopt the Party line and remain sympathetic to the Dalai Lama.

(4) The report of the United States Commission on International Religious Freedom—

(A) found that the Government of the People's Republic of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs, and that Chinese law criminalizes collective religious activity by members of religious groups that are not registered with the State;

(B) noted that the Chinese authorities exercise tight control over Tibetan Buddhist monasteries, select and train important religious figures, and wage an invasive ideological campaign both in religious institutions and among the Tibetan people generally;

(C) documented the tight control exercised over the Uighur Muslims in Xinjiang in northwest China, and cited credible reports of thousands of arbitrary arrests, the widespread use of torture, and extrajudicial executions; and

(D) stated that the Commission believes that Congress should not approve permanent normal trade relations treatment for China until China makes substantial improvements with respect to religious freedom, as measured by certain objective standards.

(5) On March 4, 2000, four days before the President forwarded to Congress legislation to grant permanent normal trade relations treatment to the People's Republic of China, the Government of the People's Republic of China arrested four American citizens for practicing Falun Gong in Beijing.

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and on-going dialogue with the United States on religious freedom;

(7) the People's Republic of China has agreed to permit unhindered access to religious leaders by the United States Commission on International Religious Freedom and recognized international human rights organizations, including access to religious leaders who are imprisoned, detained, or under house arrest;

(8) the People's Republic of China has provided a detailed response to inquiries regard-

ing the number of persons who are imprisoned, detained, or under house arrest because of religious beliefs or whose whereabouts are not known but who were seen in the custody of officials of the People's Republic of China;

(9) the People's Republic of China intends to release from prison all persons incarcerated because of their religious beliefs;

(10) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest for reasons of union organizing; and

(11) the People's Republic of China intends to release from prison all persons incarcerated for organizing independent trade unions.

On page 5, line 10, strike "section 101(a)" and insert "section 101".

Mr. HELMS. Mr. President, I ask it be in order that I yield several minutes to the distinguished Senator from Iowa, Mr. GRASSLEY. Following that period, I will take the floor.

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

The PRESIDING OFFICER. The Senator from Iowa.

#### MESS AT THE JUSTICE DEPARTMENT

Mr. GRASSLEY. Mr. President, I rise today to talk again about the mess at the Department of Justice. As we all know, this Justice Department has been subjected to criticism from Democrats and Republicans alike for mishandling cases. Yesterday, the Justice Department's own Inspector General completed a lengthy report which points to "egregious misconduct" by senior officials in the Justice Department. That phrase "egregious misconduct" is not my phrase. That's the conclusion of the IG.

This is a sordid story which began in 1997, when I wrote to Attorney General Reno asking her not to fire a whistle blower who had alleged misconduct in two components of DOJ's Criminal Division—The International Criminal Investigative Training Assistance Program, also known as "ICITAP", and the Overseas Prosecutorial Development, Assistance and Training, also known as "OPDAT". These offices train prosecutors and police in other countries to enforce laws in a way that respects the rule of law and human rights. As such, these offices are heavy consumers of intelligence from various intelligence gathering agencies that monitor human rights abuses. The IG concluded that some Senior DOJ Officials in these offices intentionally refused to follow Government Regulations regarding the handling of classified information and recommended discipline for three DOJ officials.

The allegations I received in 1997 related to serious security breaches as well as the misuse of Government authority for the personal and financial benefit of top DOJ Officials. I was shocked to hear allegations that Bob Bratt, the Executive Officer of the Criminal Division, who had supervisory control over these offices, and Joe

Lake who was an assistant to Mr. Bratt, used their Government positions to get visas for Russian women that Bratt met through a "match making service." I was shocked to hear allegations that a Senior Justice Official was allowed to retire early with an early retirement bonus, and then be re-hired at DOJ as an outside contractor just a few months later in clear violation of Federal law.

But, these all proved to be accurate. To quote the Inspector General's report "We concluded that Bratt and Lake committed egregious misconduct" in obtaining visas for Russian women to enter the country under false pretenses. These women had been denied visas in the past and were only given visas when Bratt assured Embassy Officials in Moscow that these women would be working for DOJ in the future. The IG concluded that this was a false statement. The IG concluded that Bratt and Lake offered explanations for their conduct and denials regarding the visas for the Russian women which were "not credible." The IG also concluded that Bratt's "intimate involvement" with these Russian women left him vulnerable to blackmail and presented a security concern. The IG report indicates that Bratt may have pressured other DOJ employees to mislead the IG inspectors. And the IG found that Bratt had DOJ computers sent to a school in Virginia where a girlfriend works.

Clearly, this is the kind of misconduct which should be exposed and corrected. This is why I work so hard to support whistle blowers when they ask for my help.

But it doesn't end there. The IG also concluded that Joe Lake violated Federal Law when he took an early retirement bonus of \$ 25,000. One provision of the early retirement program prohibited lake from working for DOJ for 5 years after his retirement. Yet, two months after he retired, Lake was hired as a consultant at DOJ reporting to his old friend Bob Bratt. This was patently illegal, and the IG recommends that DOJ seek the return of lake's \$ 25,000 retirement bonus.

The IG also noted many of the hiring practices at issue were—to use the IG's own words—"questionable." For instance, the IG report described the hiring of a bartender at a local restaurant frequented by the Associate Director of ICITAP. The bartender was originally hired to work at DOJ on a temporary basis. After this bartender-turned-Government lawyer began a personal relationship with Bratt, Bratt hired her on a permanent basis at DOJ. Another example cited by the IG involved an ICITAP official hiring the father of an ex-spouse's step-children even though he had very little experience. Again, the American people deserve better from their Government.

The IG report also indicates that Senior Justice officials improperly used frequent flier miles. The IG recommends that security clearances be

granted to ICITAP officials only after evaluating their poor record of complying with security regulations.

I wrote to the Attorney General on this matter in 1997. It's taken until September of 2000 for DOJ to finish its report. Just last month, Mr. Bratt was allowed to retire from Government service. The IG report indicates that the IG would have recommended that Bratt be fired from the Justice Department if he were still working for DOJ. It seems to me that Senior Justice officials may need to be held accountable for letting Bratt retire rather than face the music for his misdeeds. As Chairman of the Administrative Oversight Subcommittee on the Judiciary Committee, I intend to keep a close eye on the Criminal Division, in light of this sorry Record.

Mr. President, this is merely the latest example of how Justice Department is a real mess. We all know that. For the benefit of my colleagues, I ask unanimous consent to have printed in the RECORD at the cost of \$1,300 an executive summary of the report.

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

#### EXECUTIVE SUMMARY

The International Criminal Investigative Training Assistance Program (ICITAP) is an office within the Criminal Division of the Department of Justice that provides training for foreign police agencies in new and emerging democracies and assists in the development of police forces relating to international peacekeeping operations. The Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) trains prosecutors and judges in foreign countries in coordination with United States Embassies and other government agencies. The Criminal Division's Office of Administration serves the Criminal Division's administrative needs. This report details the results of an investigation by the Office of the Inspector General (OIG) into allegations that managers in ICITAP, OPDAT, and the Office of Administration committed misconduct or other improprieties.

The allegations raised a wide variety of issues including managers' improper use of their government positions to obtain visas for foreign citizens, widespread violations of the rules governing the handling and storage of classified documents, managers' use of business class travel without authorization, managers' use of frequent flyer miles earned on government travel for personal use, violations of contractual rules and regulations, failure to supervise contracts leading to substantial cost overruns and overcharges by contractors, and favoritism in the hiring and promotion of certain employees. Many of the allegations concerned the actions of Robert K. "Bob" Bratt, a senior Department official who became the Criminal Division Executive Officer in charge of the Office of Administration in 1992. At varying times during the years 1995-1997, Bratt also was the Acting Director of ICITAP and the Coordinator of both ICITAP and OPDAT.

We substantiated many of the allegations and found that individual managers, including Bratt, committed serious misconduct. We also concluded that managers in ICITAP, OPDAT, and the Office of Administration failed to follow or enforce government regulations regarding ethics, security, travel, and contracts. As a result of our investiga-

tion, we recommended discipline for three employees. We would have recommended significant discipline for Bratt, including possible termination, but for Bratt's retirement effective August 1, 2000. We also found that some of the problems revealed by this investigation go beyond holding individual managers accountable for their actions and that the Department can make changes to enhance the performance of other managers, employees, and offices. Therefore, we made nine recommendations concerning systemic improvements for the Department to consider.

The report is divided into chapters addressing the major allegations. In this Executive Summary, we summarize the background of the investigation and the allegations, the investigative findings, and the OIG conclusions with respect to each chapter.

#### I. BACKGROUND OF THE INVESTIGATION

ICITAP was created in 1986 and although it is part of the Department of Justice, its programs are funded by the Department of State. OPDAT, created in 1991, is similarly funded. Both ICITAP and OPDAT are headed by Directors, with a Coordinator responsible for overseeing the management of both organizations. The Office of Administration handles the administrative functions for the Criminal Division, including personnel, budget, information technology, and procurement matters. The Executive Officer heads the Office of Administration.

Bratt became the Executive Officer for the Criminal Division in 1992. He was appointed the Acting Director of ICITAP in March 1995 following the dismissal of the previous Director. After Janice Stromsem was selected as ICITAP Director and assumed the post in August 1995, Bratt resumed his duties as Executive Officer. Bratt was appointed to the newly created post of Coordinator in September 1996 where he remained until being detailed to the Immigration and Naturalization Service (INS) in April 1997 at the request of the Attorney General.

ICITAP has had a long history of turmoil. Between 1994 and 1997, four different individuals assumed the responsibility of Director or Acting Director. During that period, here were two different investigations into allegations of misconduct as well as reviews of ICITAP's organizational structure and financial systems. In 1994, at the request of the Criminal Division Assistant Attorney General, the OIG completed two investigations of ICITAP that examined allegations of favoritism in selecting consultants, misconduct in travel reimbursements, poor quality of ICITAP's work products, waste and inefficiency in program and contract expenditures, and management of foreign programs. The OIG did not substantiate the allegations of misconduct but did find that ICITAP did not plan its programs carefully. The OIG also made recommendations to improve ICITAP's financial management. In January 1995, Bratt examined a proposed ICITAP reorganization plan and conducted an investigation following additional allegations of misconduct that were made to the Criminal Division, allegations that Bratt substantiated.

This OIG investigation began in April 1997 when an ICITAP employee reported to the Department's security staff that an ICITAP senior manager had provided classified documents to persons who did not have a security clearance. The Department's security staff and the OIG investigated the allegation and confirmed it. The OIG continued the investigation to determine the extent of security problems at ICITAP. While this investigation was ongoing, the OIG received numerous allegations of misconduct and mismanagement at ICITAP and OPDAT, and we broad-

ened our investigation to encompass these new allegations.

#### II. INVESTIGATION OF ALLEGATIONS

##### A. Issuance of visas to Russian women

Bratt made four trips to Russia in late 1996 and 1997 in conjunction with his duties as ICITAP and OPDAT Coordinator. We received several allegations of impropriety relating to these trips. The most serious allegation was that Bratt and Criminal Division Associate Executive Officer Joseph R. Lake, Jr. improperly used Bratt's government position to obtain visas for two Russian women, one or both of whom it was alleged were Bratt's "Russian girlfriends."

Our review determined that in 1997 Russians seeking to visit the United States had two methods of obtaining visas from the American Embassy in Moscow: the standard process and the "referral" process. The standard process could be used by any Russian seeking to visit the United States. Russians applying through the standard process were required to wait in long lines at the American Embassy in Moscow to submit their applications, and the process included an interview by an American Embassy official. The Embassy official could deny the application if, among other reasons, the official did not believe the applicant had established that he or she would return to Russia. The "referral" process could be used in much more limited circumstances. The referral process required that United States government interests be supported by the applicant's visit to the United States or that a humanitarian basis existed for the visit. In the referral process, the visa application was submitted by an Embassy official who completed a form approved by an Embassy Section Chief setting forth the United States government interest in or the humanitarian basis for the applicant's visit. No interview was required, and the use of the referral process generally ensured that the applicant would receive a visa.

Two Russian citizens, Yelena Koreneva and Ludmilla Bolgak, received on April 7, 1997, visas to visit the United States. They received the visas because Lake submitted their applications using the referral process and purported that a government interest existed for their visit to the United States. On the referral form Lake wrote that "[a]pplicants have worked with the Executive Officer (EO) Criminal Division in support of administrative functions, Moscow Office." He signed it "Joe Lake for BB." In addition to being the ICITAP and OPDAT Coordinator, Bratt retained the title and many of the responsibilities of the Executive Officer.

We determined that neither woman had ever worked for Bratt or the Criminal Division. Both women socialized extensively with Bratt during his visits to Moscow, but Bratt did not have a professional relationship with them. We concluded that the statement written on the referral form was false.

We found that Bratt first visited Moscow in November 1996 during which he received a tour of various tourist sites from a Russian interpreter. According to the interpreter, during the tour she told Bratt that she also worked for a Russian "match-making" agency. She said that in response, Bratt told her he would like to meet a single Russian woman. The interpreter contacted a business associate, Bolgak, who had a friend who was single, Koreneva. Bratt met Koreneva and Bolgak on his next trip to Moscow, in January 1997. On this trip, as well as his later trips to Moscow, Bratt socialized extensively with Koreneva and Bolgak, usually meeting them for dinner or drinks.

During the January trip, Bratt invited the women to come to the United States to visit him. Koreneva told Bratt that she had previously been denied a visa to visit the United

States. Between the January trip and his next trip to Moscow in March 1997, Bratt investigated how Russians could obtain visas to visit the United States. He made inquiries of a personal friend who worked for the State Department and also of Cary Hoover, the Special Assistant to the ICITAP Director. Bratt learned that Russians applied for visas at the American Embassy in Moscow, that they were interviewed by Embassy officials, and that the Embassy made a determination as to whether the applicant would return to Russia. Bratt also asked Hoover specifically for information about the referral process.

In March 1997 Bratt and Hoover returned to Moscow on business. During this trip Bratt and Hoover met with an unidentified Embassy official to learn more about the visa process. The evidence showed that Bratt, Hoover, and the Embassy official discussed the likelihood of Koreneva being denied a visa. During the meeting Bratt told the official that one or both of the women might work for the Department of Justice in the future. We concluded that Bratt learned through these various inquiries that Koreneva would likely be denied a visa again if she used the standard application process.

Although Bratt and Lake deny it, the evidence showed that Bratt returned to the Embassy again during this March trip, this time accompanied by Lake who was also in Moscow, and met with Donald Wells, the head of the Embassy office responsible for issuing visas through the referral process. Bratt and Lake told Wells that they wished to bring two women with whom they had a professional relationship to the United States for consultations. Wells told the men that the referral process could only be used if there was a government interest in the women's visit to the United States.

We also learned that within a few days of the meeting with Wells, Lake obtained a visa referral form from the Embassy. The evidence showed that Lake called Bratt, who had returned to the United States, to discuss the form. Lake submitted the women's applications and the visa referral form containing the false statement about the women having worked for the Executive Officer to the Embassy. The visas were issued shortly thereafter although they were never used by the women. Although he initially falsely claimed to the OIG that he was just friends with Koreneva, Bratt later admitted to the OIG that he had an intimate relationship with her.

We concluded that Bratt and Lake knowingly used the referral process even though they were aware that it required a government interest in the women's visit and that no such government interest existed. We also found that Bratt's and Lake's explanations of their conduct, as well as their denials that certain events happened, were not credible. We concluded that Bratt and Lake committed egregious misconduct.

#### *B. Security failures at ICITAP*

In April 1997 the Department of Justice Security and Emergency Planning Staff (SEPS) received an allegation from an OPDAT employee that Special Assistant to the ICITAP Director Hoover had improperly given classified documents to individuals who worked at ICITAP and who did not have security clearances. SEPS and the OIG confirmed the allegation. SEPS then conducted an unannounced, after-hours sweep of the ICITAP offices on April 14, 1997, to further assess ICITAP's compliance with security rules and regulations. During that sweep and a follow-up review conducted by the Criminal Division Security Staff, 156 classified documents were found unsecured in the office of Joseph Trincellito, ICITAP Associate Director. The OIG and SEPS conducted fur-

ther investigation to determine the extent of ICITAP's security problems and ICITAP management's responsibility for the failures.

The OIG found that the problems discovered in the 1997 security reviews had existed for many years. Evidence showed that senior managers provided or attempted to provide classified documents to uncleared consultants or other staff. Staff, including senior managers, routinely left classified documents unsecured on desks, including when individuals were away from their offices on travel. Stromsem, Hoover, and Trincellito improperly took classified documents home. Highly classified documents containing Sensitive Compartmented Information (SCI), or "codeword" information, were brought to the ICITAP offices even though ICITAP did not have the type of secure facility (a Sensitive Compartmented Information Facility or "SCIF") required to store SCI. The evidence showed that ICITAP inaccurately certified to United States Embassies that individuals had security clearances when they did not. We also found one instance where classified information was sent over an unsecure e-mail system.

As an example of the inattention ICITAP managers gave to security, we set forth the troubling history of ICITAP Associate Director Trincellito's handling of classified information. From 1995 through early 1997, ICITAP's security officers repeatedly found classified documents left unattended in Trincellito's office. The security officers warned Trincellito that he was violating security rules, and they also notified other ICITAP managers about the problem. One security officer, after becoming aware of repeated violations, documented the violations in writing and recommended discipline for Trincellito. ICITAP Director Stromsem on occasion spoke to Trincellito about his violations and attempted to make it easier for him to comply with rules by putting a safe in his office. However, in the face of repeated violations indicating that Trincellito refused to comply with security regulations, Stromsem and other senior ICITAP managers failed to take sufficient action, such as initiating discipline, to ensure that Trincellito complied with security regulations.

We found that ICITAP managers' own violations of the security rules, their tolerance of Trincellito's known violations, and the removal of the security officers who attempted to enforce the rules sent a message that security was not important at ICITAP. We also found that the Criminal Division did not adequately supervise ICITAP's security program even though security reviews conducted by both SEPS and the Criminal Division beginning in 1994 showed a pattern of security violations.

In this chapter we also discuss the security implications raised by Bratt's involvement with Koreneva. Bratt held a high-level security clearance and had access to highly classified documents. We concluded that Bratt's intimate involvement with a Russian citizen about whom he knew very little, his invitation to her to visit the United States and his office, his improper use of his government position to obtain a visa for Koreneva and Bolgak, and his attempt to conceal the true nature of the relationship left him vulnerable to blackmail and represented a security concern.

We found that the actions of another ICITAP employee who was intimately involved with a Russian national also represented a security concern.

#### *C. Business class travel*

We found that Bratt and other ICITAP and OPDAT manager improperly flew business class when traveling to and from Moscow in

1996 and 1997. Government and Department Travel Regulations restrict the use of business class by government travelers. Even in circumstances when business class may be used, it must be authorized by the traveler's supervisor. We found that Bratt instigated and approved a scheme to improperly manipulate his flight schedules in order to qualify for business class travel. We concluded that Bratt's and the other managers' use of business class was not authorized and violated the rules limiting the use of business class travel.

On one trip, in November 1996 Bratt, Lake, and Thomas Snow, the Acting Director of OPDAT, traveled to Moscow and several other European cities using business class on at least one leg of the trip. Business class was arranged by the Department's travel agency because the method used by the airlines to calculate the cost of trips with several stops made the use of business class less expensive than coach class. However, we found that a weekend stop in Frankfurt, Germany, violated the Travel Regulations and that the stop should not have been used as a basis to obtain business class accommodations. We also found that the Department's travel agency had suggested an alternative itinerary for this trip that would have saved the government substantial money but that the itinerary was improperly rejected by Lake.

On a second trip, in January 1997 Bratt and Hoover flew business class to Moscow purportedly pursuant to the "14-hour" rule. If authorized by a supervisor, government regulations permit travelers to fly business class when a flight, including layovers to catch a connecting flight, is longer than 14 hours. For this trip, Bratt requested that his Executive Assistant determine whether the flight proposed by the travel agency qualified for business class under the 14-hour rule. His Executive Assistant checked with three different individuals and based on the information she received, she told Bratt that he did not qualify for business class because both legs of the flight took less than the requisite time.

Nonetheless, according to Bratt's Executive Assistant, Bratt told her to "do what you can to get me on business class." As a result, Bratt's Executive Assistant arranged with the Department's travel agency to lengthen Bratt's flight for the purpose of obtaining a flight long enough to qualify for business class travel. Even with the manipulations, however, the flight from the United States to Moscow was still less than 14 hours. We concluded that Bratt and Hoover did not qualify for the use of business class and that they were not authorized to use that class of service.

In March 1997, on a third trip, Bratt, Hoover, and Stromsem flew business class from Moscow to the United States even though there were economy flights available that would have fit the business needs of the travelers. Although Hoover and Stromsem were originally scheduled to fly on an economy class flight, Bratt directed that their flights be changed to avoid the disparity between his subordinates traveling economy while he traveled on business class. We held Bratt accountable for all the excess costs of the March trip. On his fourth trip, in June 1997 Bratt flew business class on both legs of his trip to and from Moscow. Contemporaneous documents show that the choice of flights for both of these trips was dictated by Bratt's desire to use business class rather than for business reasons. In one facsimile to the travel agency concerning the June 1997 trip, Bratt's Executive Assistant asked, "Can you rebook him [Bratt] with a slightly longer layover in Amsterdam. . . . So that at least two extra hours is added onto the trip?"

. . . " In addition, the travelers were not authorized to travel on business class for either the March or June trip.

In sum, we found that Bratt pressured his staff to obtain business class travel and approved a scheme to lengthen his travel time solely for the purpose of obtaining flights that would qualify for business class travel under the 14-hour rule. We concluded that Bratt's manipulation of flight schedules to qualify for business class travel violated the Travel Regulations and was improper. The government spent at least \$13,459.56 more than it should have for these four trips.

We also found that the Justice Management Division (JMD), which is responsible for auditing foreign travel vouchers, did not question the use of business class travel by Bratt or the other managers who accompanied him even when the lack of authorization was apparent on the face of the travel documents that the travelers submitted to be reimbursed for their expenses.

In this chapter we also detail a conversation between Bratt and his Executive Assistant that led her to believe that Bratt was coaching her how to answer OIG questions. Through a series of rhetorical questions that falsely suggested that Bratt was not involved in making decisions regarding his use of business class, Bratt tried to shift to his Executive Assistant the responsibility for the decisions leading to Bratt's business class travel. Bratt also told her that she should not report their conversation to anyone. For some time after that conversation, Bratt continued to contact her asking whether she had been interviewed by the OIG and what she had said. Despite OIG requests to Bratt that he not discuss the subject of our interviews with individuals other than his attorney, we found that Bratt discussed topics that were the subject of the investigation with individuals who would be interviewed by the OIG. Bratt also called individuals, such as the two Russian women for whom he had improperly obtained visas, to alert them that the OIG would be seeking to interview them.

#### D. Failure to follow Travel Regulations

During the course of the investigation, we found that ICITAP, OPDAT, and Office of Administration managers violated government Travel Regulations with respect to the use of frequent flyer benefits. Government regulations state that all frequent flyer miles accrued on government travel belong to the government. Because airlines generally do not permit government travelers to keep separate accounts for business and personal travel, travelers may "commingle" miles earned from business and personal travel in one account. However, the Travel Regulations are explicit that it is the responsibility of the traveler to keep records adequate to verify that any benefits the traveler uses for personal travel were accrued from personal travel.

We found that between 1989 and 1998 Bratt used 380,000 miles for personal travel. Bratt told the OIG that while he had no records to verify how many miles he had accrued from his personal travel, he believed that he had collected at least 150,000 miles from personal travel as well as miles from the use of a personal credit card. Even giving Bratt the benefit of his recollection, we concluded that Bratt improperly used between 156,000 and 230,000 miles earned from government travel for his personal benefit.

We found that Hoover also used frequent flyer miles accrued from government travel to purchase airline tickets and other benefits for personal travel for himself and a family member. Stromsem used miles accrued on government travel to upgrade her class of travel in violation of government rules.

The investigation revealed that managers violated other Travel Regulations as well. Lake was inappropriately reimbursed by the government for some of the travel expenses associated with weekends that he spent in Frankfurt, Germany, when he was on personal travel. In violation of the regulations requiring a traveler's supervisor to authorize travel and approve travel expenses, Bratt repeatedly either authorized his own travel or had subordinates sign his travel requests. Both Bratt and Stromsem routinely had subordinates approve their travel expenses.

We received an allegation that Stromsem took a business trip to Lyons, France, as a pretext that allowed her to visit her daughter who was in Tours, France. Although Stromsem did not list a business purpose on her travel paperwork for her stop in Lyons, we did not conclude that her trip to Lyons was pretextual.

We also received an allegation that Bratt's trips to Moscow in 1997 were for the purpose of furthering his romantic relationship with a Russian woman. We found that the lack of advance planning for the trips, the fact that most of his meetings in Moscow were with his own staff rather than Russians, and his romantic relationship with a Russian woman strongly suggested that the trips to Moscow were not necessary or were unnecessarily extended for personal rather than government reasons.

#### E. Lake buyout

On March 31, 1997, Lake retired from the federal government after receiving \$25,000 as part of a government-wide buyout program (the Buyout Program) to encourage eligible federal employees to retire. The following day Lake began working for OPDAT as a consultant. Lake worked as a subcontractor to a company that had been awarded a contract to provide various support services to ICITAP. In May 1997 at Bratt's request, Lake worked as a consultant to the Immigration and Naturalization Service (INS) after Bratt was detailed there.

The Buyout Program prohibited former federal employees from returning to government service as either employees or as contractors working under a "personal services" contract for five years after their retirement. A personal services contract is defined by federal regulations as "a contract that, by its express terms or as administered, makes the contractor personnel appear, in effect, [to be] Government employees." Violation of the prohibition requires repayment of the incentive bonus.

We found that while at OPDAT and INS after his retirement Lake reported to and was supervised by Bratt, that Lake supervised and gave directions to federal employees or other contractors, that he used government equipment, and that other staff were often unaware that Lake was not a federal employee. The evidence showed that Lake essentially did the same job as an OPDAT consultant that he had performed while a government employee. We concluded that Lake worked at OPDAT and the INS under a personal services contract in violation of the Buyout Program requirements.

The evidence showed that Lake planned for several months to return to work for the Department as a consultant. Both Bratt and Lake were warned by officials in JMD and the Criminal Division Office of Administration that Lake's return as a consultant could constitute a personal services contract. We concluded that Bratt and Lake improperly failed to ensure that Lake's work met the requirements of the Buyout Program.

After allegations were raised in the media that Lake had received Buyout money and then improperly returned to work for the Department, Bratt asked JMD for an opinion as

to whether Lake should repay the Buyout bonus. A JMD official concluded that Lake was not obligated to pay back the money based upon a "good faith" exception to the rule requiring repayment. We determined that there is no "good faith" exception to the requirement that a person who violates the Buyout Program prohibition against performing personal services must repay the bonus. We also concluded that even if a good faith exception existed in the law it would not apply in this case as Lake was aware of the prohibition against personal services and was warned that his return as a consultant might constitute the performance of personal services.

We also found that JMD permitted Lake to work at INS without a contract for several months. In addition, while JMD issued a purchase order for Lake's INS work in July 1997, senior JMD procurement officials later expressed concerns that the purchase order that had been issued by their office was a personal services contract. We also found that hiring Lake as a subcontractor to a third party contractor added unnecessary costs to the contract.

#### F. Harris contract

Jo Ann Harris was the Assistant Attorney General for the Criminal Division from November 1993 until August 1995, when she left the federal government. Under federal regulations, Harris was barred from contracting with the government for one year after her government service. In December 1996 Harris agreed to become an OPDAT consultant to organize, moderate, and evaluate three conferences that OPDAT was planning to hold at the International Law Enforcement Academy (ILEA) in Budapest, Hungary, and to assist OPDAT in developing curriculum for other OPDAT training programs. The OIG investigated allegations that the award of this contract to Harris violated ethical rules that prohibit contracting with former government officials on a preferential basis. We found that OPDAT's award of a contract to Harris to develop curriculum for OPDAT programs and the processes used to develop the contract, to determine Harris' fee, and to modify her contract raised the appearance of favoritism.

In September 1996 Harris had discussions with Criminal Division managers, including Bratt, about the possibility of her assisting OPDAT as a consultant. In November 1996 Harris discussed on the phone with Bratt specific projects that she could work on such as the ILEA conferences and curriculum development. At Bratt's direction, an OPDAT official called Harris in early December 1996 and had a similar conversation with Harris during which she reiterated her interest in working on OPDAT projects. On December 12, 1996, Bratt, Harris, and Lake met in Harris' former office at the Department of Justice, and Harris agreed to Bratt's proposal that she work as a consultant on OPDAT projects. The Statement of Work, a contract document that set out the tasks that OPDAT was seeking from a consultant, was issued on January 23, 1997. The tasks included preparing for the ILEA conferences, acting as the conference moderator, and developing curricula for other OPDAT programs.

Because no competition was involved in awarding Harris' contract, we evaluated the propriety of OPDAT's award of her contract under the rules pertaining to the award of sole-source contracts. Sole-source contracts, which do not require the solicitation of competing bids, may be awarded when the exigencies of time or the consultant's expertise justify the waiver of the competitive process. We concluded that OPDAT could have awarded a sole-source contract for her work on the ILEA conference given her extensive experience and the short time frame that existed

to prepare for the conference. However, we concluded that Bratt's decision to hire Harris to develop curricula for OPDAT projects other than the ILEA conferences created the appearance of favoritism. We also found that Bratt discussed with Harris what projects she could perform and the Statement of Work was written to fit those projects. We concluded that the process OPDAT used to develop Harris' contract violated the principle that the task to be accomplished should drive the development of a contract rather than the desire to hire a particular consultant.

We disproved the allegation that Harris was paid \$65,000 for eight days work. She was paid approximately \$27,000 for 42 days work on two ILEA conferences. However, we found that Harris' rate of pay was not the result of an "arms length" negotiation. Harris told Bratt, her former subordinate, to set the fee and to "scrub it" because she did not want to read about the fee in the newspaper. She agreed to accept \$650 per day although her contract was later modified to permit her to be paid based on an hourly rather than a daily rate. We were unable to determine the basis for the \$650 per day fee or find any evidence that Bratt and Lake used any comparable consultant fee arrangement as the basis for setting Harris' rate. Evidence showed that the Department of State, ICITAP, and OPDAT generally set the fees for their consultants at a lower rate. We concluded that the lack of a clear record setting forth the basis for the fee raised the appearance that Harris was given preferential treatment by her former subordinates.

We also found that OPDAT hired Harris to perform work outside the scope of the contract, which only authorized services to ICITAP not OPDAT.

#### *G. Improper personnel practices*

The OIG received various allegations relating to ICITAP's and OPDAT's hiring and management of personnel. The evidence showed that ICIPAT and OPDAT managers misused contractor personnel. Federal regulations prohibit contractor personnel from directing federal employees or exercising managerial oversight. Yet, ICITAP and OPDAT managers did not distinguish between employees and contractor personnel and often failed to identify personnel working for contractors as such. As a result, ICITAP and OPDAT staff were often confused about consultant's roles and the scope of their authority.

We found that contractor personnel were used as managers. For example, one of ICITAP's Deputy Directors was a subcontractor employed by a contractor that provided a variety of services to ICITAP. After ICITAP Director Stromsem was advised by an administrative official that there were limits to the authority of personnel employed by contractors, Stromsem cautioned the Deputy Director about the limitations. However, Stromsem did not notify other staff about the Deputy Director's status as a subcontractor, and he remained in the position of Deputy Director until he became a federal employee six months later.

We found other problems with the use of contractor personnel including ICITAP's selection of particular consultants to be hired by its service contractors. This left ICITAP vulnerable to claims that it was violating the rules restricting personal services contracts. The practice of directing the hiring of consultants wasted money because ICITAP was performing the administrative work associated with hiring consultants at the same time that it was paying its service contractors administrative fees. In addition, consultants often began work before the Statement of Work was issued to the prime con-

tractor. This practice required the paperwork to be backdated or ratified in order for the consultant to be paid. We also found that consultants were hired as federal employees and then made decisions affecting their former contractor employer in violation of ethical regulations. This practice was stopped by Mary Ellen Warlow, who became the Coordinator for ICITAP and OPDAT in 1997 after Bratt left for the INS.

We investigated allegations that ICITAP managers engaged in favoritism in the hiring of staff. Federal employees are hired after a competitive process that begins with the public issuance of a vacancy announcement that describes the application process and sets forth the responsibilities and other particulars of the position. Managers were alleged to have engaged in "preselection," that is, they decided whom to hire before beginning the competitive selection process required by federal regulations.

The hiring of Jill Hogarty in particular raised complaints. Hogarty was an attorney who worked as a bartender at Lulu's New Orleans Cafe, an establishment located near the ICITAP offices which was visited regularly by ICITAP Associate Director Trincellito and other ICITAP staff. While visiting Lulu's, Trincellito discussed ICITAP's work with Hogarty, and eventually Trincellito invited Hogarty to consider working as a consultant to ICITAP. Hogarty gave Trincellito her resume, and Trincellito wrote the paperwork that resulted in her being hired as an ICITAP consultant in September 1994. According to Hogarty, while she was a consultant to ICITAP, she dated Bratt for several months, from September 1995 to December 1995. At that time Bratt had resumed his position as Executive Officer but he retained authority to approve personnel decisions at ICITAP. In November 1995, during the time that Hogarty and Bratt were dating, Hogarty applied to become a temporary federal employee at ICITAP. She was selected by Trincellito for this position in December 1995.

On January 5, 1997, Hogarty's employment status changed once again, and she became a permanent federal employee. It was this selection that raised the complaint about preselection. The vacancy announcement of the position that Hogarty obtained opened on November 1, 1996. An ICITAP employee who held a term position told the OIG that while the position was still open for applications, he was discussing the announcement for the position with another employee when Hogarty told them it was her position and that she had been selected for it. The employee told the OIG that even though he was interested in the position himself, he did not apply for it because he believed Hogarty's statement that she had already been selected.

To investigate the allegation of preselection, we attempted to determine which manager had selected Hogarty for the position and the reason for the selection. The paperwork listed Stromsem as the official requesting the recruitment. The paperwork did not show who had made the selection, however. All of ICITAP's top managers—Director Stromsem, Associate Director Trincellito (who was also Hogarty's direct supervisor), the ICITAP Deputy Directors, and Special Assistant to the Director Hoover—denied having selected Hogarty for the permanent position. Bratt also denied selecting Hogarty.

We found strong evidence that Bratt and Stromsem preselected Hogarty. An e-mail from Bratt on October 8, 1996, showed that Bratt authorized hiring Hogarty before the vacancy announcement that opened the position for competition was issued. We also learned from an ICITAP administrative offi-

cial that in October or November 1996, Stromsem asked the official to determine how they could get Hogarty health benefits, which Hogarty did not have at that time. The administrative official said that he and Stromsem agreed to create a "term" position vacancy for Hogarty, but that instructions came back from Bratt through Stromsem to make the position permanent. We concluded that Bratt and Stromsem engaged in preselection in violation of federal regulations governing personnel hiring.

We investigated other allegations of favoritism, including the hiring of a consultant who was the father of Stromsem's former husband's stepchildren. He was subsequently selected by Stromsem to become an ICITAP term employee although his qualifications for the position were questionable. He was ultimately not hired for the term position because of the intervention of Warlow when she became Coordinator. We concluded that Stromsem's involvement with this hire gave rise to the appearance of favoritism.

The OIG also received numerous allegations that Bratt gave favored treatment to a select group of Office of Administration and ICITAP staff and that he dated subordinates. Although we only conducted a limited investigation into these allegations, we found that some of the employees who socialized with Bratt received rapid career advancement and that Bratt was often involved in the promotions. We saw evidence that he dated staff in the Office of Administration and ICITAP and that in one instance he intervened to protect the salary of a subcontractor with whom he had a social interest but who have been found unqualified by Office of Administration staff for the position she held. We concluded that Bratt's actions gave right to an appearance of favoritism.

#### *H. Financial management*

In response to allegations that ICITAP's finances were mismanaged, the OIG examined ICITAP's financial management system. We found that until 1997 ICITAP could not account for its expenditures. ICITAP did not receive sufficient information from its contractors to permit it to track whether it received the goods and services for which it had paid. This led to significant problems in 1997 when the State Department, which was funding ICITAP's programs, asked for detailed information on how the money for programs in the Newly Independent States had been spent. ICITAP spent several months trying to provide an acceptable answer to the State Department's request and only succeeded by the use of estimates and extrapolations from the financial information ICITAP did collect. Although the OIG had advised ICITAP in its 1994 report following an earlier investigation into ICITAP's financial management system that ICITAP needed to collect more detailed information from its contractors, the problem was not remedied until after the State Department requested detailed financial information in 1997.

We found that ICITAP did not pay sufficient attention to the services its contractors provided and left itself vulnerable to overcharges. In one instance, a contractor notified ICITAP that it was unilaterally raising one of its fees, an action not permitted by the contract. Despite this notice, ICITAP did nothing for two years until a JMD contracting officer noticed the overcharge. Subsequent negotiations with the contractor resulted in reimbursement to ICITAP of some of the money.

Office of Administration managers hired staff for the Criminal Division by using contractor personnel for jobs that were outside the scope of the contract under which they worked. In 1991 the Criminal Division awarded a contract to provide computer support



services and in 1996 the Criminal Division awarded the same contractor a second contract for computer support services. The contractor provided employees to work in Criminal Division's correspondence units performing tasks such as reading and responding to correspondence. This work was outside the scope of the first contract, which only authorized computer support services. The contractor also provided employees who worked as writers, planned conferences, published reports, and organized parties. The services of these personnel were outside the scope of both contracts.

We also found that Criminal Division managers failed to adequately supervise the contract and the contractor charged the government for the services of personnel who were unqualified under the terms of the contract. The contract set out very specific labor categories, such as Senior Programmer Analyst, and set forth the tasks to be accomplished and the qualifications for each labor category. We found problems with 25 of 56 of the contractor's personnel under the first contract and problems with 19 of 54 of the contractor's personnel under the second contract. We concluded that the minimum the contractor overcharged the government was \$1,164,702.01.

The OIG received an allegation that ICITAP had spent substantial sums of money on an automated management information system (IMIS) that did not function properly. Our investigation showed that the development of IMIS was difficult, that users were unhappy with the product, and that a system designed to replace IMIS could not be completed by the contractor. We concluded that managers did not adequately analyze ICITAP's needs in the initial stages of development, and consequently IMIS was constantly being upgraded and modified leading to new problems. Also, the decision to use floppy disks to transfer information from the field to headquarters rather than develop a network capacity that could be utilized by all users led to significant problems, such as that the data from floppy disks was often out of date or could not be accessed once it was received at headquarters. IMIS and the attempt to develop the replacement system ultimately cost more than one million dollars. We did not investigate to determine how much money might have been saved had IMIS been better planned.

ICITAP's lack of planning also led to a substantial cost overrun of the translation budget for the first ILEA conference. A hypothetical transnational crime and the statutes of various countries were translated for the conference. The budget for translations was \$16,000; the ultimate cost was \$128,258. Lake delegated much of the responsibility for coordinating the ILEA conference to his assistant, who worked for a contractor. Lake's assistant ordered large amounts of material to be translated on an expedited basis without adequately determining the cost of the translations. The assistant failed to research whether some of the material was already translated and ordered some of the material on a costly expedited basis when it was unnecessary to do so. We concluded that Lake delegated responsibility to someone who was not qualified to manage the task and then failed to adequately supervise her.

We examined whether ICITAP could account for the goods it ordered for use in Haiti by selecting 131 expensive items to track. The investigation showed that the contractor responsible for providing goods and services to ICITAP in Haiti had in place an effective inventory control system and that ICITAP could account for all but one of the selected items.

#### *I. Miscellaneous allegations*

In this chapter we summarize the results of our investigation of additional allegations, most of which we did not substantiate.

We found that Bratt directed that Criminal Division excess computers be sent to a school associated with a girlfriend, and Deputy Executive Officer Sandra Bright initiated and pursued the donation of computers to a school associated with her husband. In 1996 Bratt directed that 35 computers be sent to an elementary school in Virginia where his then girlfriend was employed as a teacher. On one occasion in 1996 Bright directed that 25 computers be sent to the school district in Virginia where her husband was employed as a principal and on another occasion in 1996 Bright directed that 30 computers be sent to the school at which her husband was employed. We concluded that Bratt's and Bright's actions created the appearance of favoritism.

We did not substantiate an allegation that Robert Lockwood was awarded an OPDAT grant because of his alleged association with Attorney General Janet Reno. The American-Israeli Russian Committee that Lockwood directed received a \$17,000 grant from OPDAT in 1997. At the time, Lockwood was the Clerk of Courts of Broward County, Florida, and was acquainted with the Attorney General, although not closely so. We determined that the Attorney General received a phone call from Lockwood in 1997 but that they only discussed Lockwood's organization and its mission; he did not seek any funding from her. Lockwood became involved with OPDAT through the OPDAT Resident Legal Advisor in Moscow. We did not find evidence that the Attorney General encouraged anyone to award a grant to Lockwood's Committee or that she knew that an award had been made. We also did not find any evidence that the Attorney General or anyone from her office took any action after Lockwood's grant was not renewed the following year.

The remainder of the chapter discusses allegations that we failed to substantiate concerning personnel issues, financial matters, allegations of retaliation, and other issues.

#### III. RECOMMENDATIONS AND CONCLUSIONS

In this chapter of the report, we offer a series of recommendations to the Department, including that certain employees receive discipline and that the Department seek compensation from employees who improperly received money or benefits from the Department. We also made nine recommendations concerning systemic improvements in the areas of travel, ethics, and training.

Bratt retired from the Department effective August 1, 2000, and is not subject to discipline. We recommended that the Department recover the costs of his improper use of business class travel and his improper use of frequent flyer miles.

Lake is also not employed by the Department any longer and is not subject to discipline. We recommended that the Department recover the \$25,000 Buyout bonus and the cost of travel expenses that Lake improperly charged the government, including costs associated with the November 1996 trip to Moscow.

We found that Stromsem violated security regulations, improperly used frequent flyer miles accrued on government travel for personal benefit, and was involved in the preselection of Hogarty in violation of personnel regulations. We concluded that Stromsem's conduct warrants the imposition of discipline. We also recommended that the Department recover the costs of Stromsem's improper use of frequent flyer miles.

We found that Hoover violated security regulations by disclosing classified information to uncleared parties and by removing classified documents to his home. We also found that he improperly traveled on business class on a flight to Moscow in January 1997 and that he improperly used frequent flyer miles accrued on government travel for his personal benefit. We concluded that Hoover's conduct warrants the imposition of dis-

cipline. We also recommended that the Department recover the costs of Hoover's improper use of business class travel and frequent flyer miles.

We concluded that Trincellito's repeated failure to observe fundamental security practices and his continued resistance to the advice and warnings of ICITAP's security officers warrants the imposition of discipline.

We also recommended that SEPS and other agencies responsible for issuing security clearances carefully consider the findings and conclusions set forth in this report before issuing a security clearance to the individuals most involved in the security breaches. In addition, we made non-disciplinary recommendations with respect to two other individuals.

During the course of the investigation, we observed various systemic issues, and we suggested improvements for the Department to consider relating to oversight of ICITAP and OPDAT, security, investigative follow-up, travel, training, performance evaluations, and early retirement programs. For example, we recommended that the Department monitor ICITAP's compliance with security regulations by continuing to perform periodic unannounced security reviews.

Because many of the travel violations that we found were apparent on the face of the travel forms, we recommended that the Department review the process JMD uses to audit travel vouchers. We believe the Department should offer increased training on travel regulations to employees and secretarial or clerical staff who process travel-related paperwork. And we offered suggestions designed to increase Department employees' use of frequent flyer miles for government travel and to decrease the incidents of improper use.

We recommended that increased attention be given to the recommendations and lessons learned from investigations. We found that despite numerous investigations of ICITAP, the same problems continued to surface and that managers failed to act on investigative recommendations. Management must take increased responsibility for ensuring that the results of investigations are appropriately considered and addressed.

#### TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

AMENDMENT NO. 4125

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, may I ask the situation on the time limitation on this amendment?

The PRESIDING OFFICER. There is no time limitation.

Mr. HELMS. Mr. President, around this place I have learned, in 28 years, that you are fortunate in many instances to be able to work with people with whom you have not earlier worked, and you learn of their interest and their dedication. Such is the case with the distinguished Senator from Minnesota, Mr. WELLSTONE, with whom I have worked in the preparation of this amendment. He is a principal co-sponsor of it.

The pending amendment, simply said, directs the President to certify that China has met a series of human rights conditions prior to granting PNTR to Communist China. The conditions set forth in this amendment are

straightforward. The President would be required to certify formally and officially that China has, among other items:

No. 1, dismantled its system of reeducation through labor;

No. 2, has opened up all areas of China for U.N. human rights agencies;

No. 3, has accounted for and released political and religious prisoners; and,

No. 4, has provided human rights groups with unhindered access to religious leaders.

So what this amendment really does is to remind Communist China, and all the rest of the world, that we Americans stand for something—something other than for profits, for example. In this case, what this amendment makes clear is that we believe China should not be welcomed into international organizations such as the WTO just so long as the Chinese Government continues to repress, to jail, to murder, to torture, its own citizens for their having opposed the Beijing dictatorship.

It seems to me, to fail to take this stand would be a double whammy against even the possibility of freedom for the people of China. First, the Senate will be sending a signal to Beijing that the Government of the United States will turn a blind eye to Communist China's grave abuses against humanity if this amendment is not approved, if only China will just let U.S. businesses make a profit in dealing with China.

Second, it will send a message to those miserable souls who languish in China's gulags that the United States is willing to ignore their misery just so some in America can profit from it. If we do not send the signal that this amendment proposes to send, that will happen.

I realize the WTO is not, itself, a paragon of virtue, let alone a democracy, given the membership already held by thuggish regimes such as Cuba and Burma and a host of African dictatorships. But that does not justify further sully the WTO by adding Communist China to its membership. Rather, it is a reminder of the absurd notion that this so-called rules-based WTO will somehow help transform China into a democracy.

As does Cuba and Burma, the Chinese Government continues to have one of the worst human rights records in the world, despite two decades, 20 years of having received so-called most-favored-nation status from the U.S. Government. The findings in the pending amendment, mostly verbatim quotes from the U.S. State Department's own annual reports, provide a sketch of the disgraceful conduct, the disgraceful situation in China. For example, this is a quote from the U.S. State Department's 1999 human rights report shown on this chart. The chart shows:

The Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent.

Note two key words in that passage, "deteriorated" and "intensified," because these words describe a trend, a trend for the worse as reported by the U.S. State Department. That is not JESSE HELMS talking. That is the State Department's official report to this Senate.

I doubt that even the most enthusiastic supporter of Communist China's admission to the WTO will claim that China's human rights record is good. I don't know how they could do it, but some will do it. But year after year, we have become accustomed to hearing that China's human rights record is improving, don't you see. The trouble is, the State Department's own report, as I have indicated, emphasizes over and over again that this simply is not true and never has been true.

Consider, if you will, this passage from the U.S. State Department, reproduced on this chart:

Abuses by Chinese authorities included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detentions, and denial of due process.

That is in the U.S. State Department's annual report, delivered to the Senate Foreign Relations Committee of which I am chairman.

What is that report, when you get down to the nitty-gritty? The official report of our State Department, which advocates giving away the store to Communist China, is telling the truth on one hand and asks to reward China on the other.

Are we to dismiss China's vicious crackdown on the Falun Gong movement? The bloody numbers are staggering: More than 35,000 people detained, more than 5,000 people sentenced without trial, and more than 300 put on makeshift trials and sentenced to prison terms of up to 18 years.

I have some photographs I want the Chair to see. The first one is how the Chinese Government treats its own people whose worst offense has been their daring to meditate in public, to sit alone and think.

At least 37 of these people died of mistreatment while they were in custody. According to human rights groups, one Falun Gong practitioner who had been confined in a psychiatric hospital by the Chinese Government died of heart failure 2 weeks after being forcibly injected with nerve agents. Another died after being force-fed by authorities. These reports are reminiscent of those worst days long ago in the Soviet Union and in Germany under Adolf Hitler.

But there is more. The merciless extinction of Tibet continues. In this past year, China has perpetuated its so-called reeducation campaign aimed, in fact, at destroying Tibetan culture, border patrols have been tightened, and the arrests of Tibetans have increased greatly.

There is a fine lady named Dr. Elizabeth Napper who works with escaped

Tibetan nuns in India. She testified before the Foreign Relations Committee that if a nun peacefully demonstrates saying, for example, "Free Tibet," she is immediately arrested and taken into custody for saying, "Free Tibet."

Basing her testimony on accounts by victims of China's cruelty, Dr. Napper added:

The beatings start in the vehicle on the way to the police station and continue through an interrogation that can take place over several days. Various instruments of torture are routinely used, such as electric cattle prods inserted in the orifices of the body and electric shocks that knock a person across the room.

These victims, mind you, are nuns. They are defenseless women.

The Chinese Government refuses even to talk with the Dalai Lama. Why should they? Nobody in the U.S. Government ever does anything tangible to help the Dalai Lama. Some of us who know him and are his friends do our best to help him. I have taken him to North Carolina to meet with a group there, specifically to Wingate University. It was announced he was coming, and there was standing room only on the campus of that university. People came from everywhere just to see him. They did not have a chance to meet him; they just had a chance to see him.

Permanent normal trade relations with China is not merely a routine foreign policy matter. As chairman of the Foreign Relations Committee, I have never viewed it as such. The future direction of Chinese foreign policy will depend upon whether the rulers of China agree to democratize its Government and begin to treat its own citizens with some respect, which they are not doing now.

It will be a tragic mistake to pass this legislation now precisely at the time the Chinese Government has succeeded in almost emasculating all opposition to its tyrannical rule.

Without requiring some kind of improvement in China's terrible human rights situation before bringing China into the WTO and granting China permanent normal trade relations will be welcoming China into the club of supposedly civilized nations. It seems to me this would throw away the most effective leverage we could ever have with China and would deal a terribly severe blow to the millions of Chinese people who oppose their regime and are totally incapable by circumstances of doing anything to improve it.

Question, Mr. President: Would that not be profoundly immoral on the part of the Senate in consideration of this measure? I know the words have been passed: Don't let any amendment be adopted; don't let any amendment be approved; don't let anything happen to derail or to delay the enactment of this piece of legislation.

The answer is, yes, it would be immoral; it is going to be immoral. I do not hold my distinguished colleagues accountable on this, but I think it is a strategic mistake on their part, a mistake of historic proportions, that the

American people will one of these days profoundly regret the move the Senate is about to take.

Mr. President, this unanimous consent request has been approved on both sides. I therefore ask unanimous consent that prior to a vote on or in relation to the Helms amendment No. 4125, there be 90 minutes of debate on the amendment, with 60 minutes for the proponents and 30 minutes for the opponents, with no second-degree amendment in order, and that the vote occur by 3:30 p.m. or at a time to be determined by the two leaders. I further ask unanimous consent that the time consumed thus far on the amendment be deducted from the above limitation.

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

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I see other colleagues on the floor. I shall not take up all of our time. I am certainly interested in what the Senator from Wyoming and the Senator from New York have to say in this debate.

First, I thank my colleague, Senator HELMS from North Carolina, for offering this amendment. Also, there are probably not too many times I can remember over my 9½ years in the Senate that I have been a cosponsor of a Helms amendment, but I am very proud to support this amendment and to speak, debate, and advocate with him on this question.

I say to my colleague from North Carolina and other Senators as well, I want to guard against appearing to be self-righteous about this, but I feel strongly about the question before us. I feel strongly about this amendment which says that China ought to abide by basic human rights standards. We ought to insist on that before we automatically extend normal trade relations with China, before we give up our right to annually review normal trade relations with China.

Before I speak in giving this some context and talking about why, let me, one more time—I have heard some discussion on the floor and also seen in the press discussion about this debate—try to correct the record.

No one is arguing that we should now have an embargo on trade with China. Nobody is arguing for a boycott. Nobody is saying that we should not have trade with China. We do; we will. It is a record trade deficit, as a matter of fact. That is not the issue. Nobody is arguing that we should have no economic ties with China at all. We do; we will.

The question is whether or not we give up our annual right to review trade relations with China, which is what little leverage we have as a nation, as a country, to speak up about the violations of human rights, to speak up for religious freedom in China. That is the question before us.

I have always been intensely interested in human rights questions, whether it is as to China or whether it is as to any other country. I am sorry to say on the floor of the Senate that there are some 70 governments in the world today that are engaged in the systematic torture of their citizens.

I think it is important for the Senate, I think it is important for our Government, I think it is important for the American people, to speak up about these kinds of basic violations of people's human rights.

I say it for two reasons. First of all, I come from a family where my father was born in the Ukraine; then lived in the Far East; then lived in China before coming to the United States of America at age 17 in 1914, 3 years before the revolution in Russia. He thought he could go back, and then the Bolsheviks took over. His parents told him: Don't go back. And all his family, from all I can gather, were probably murdered by Stalin. All contact was broken off. No longer did my father receive any letters from his family. He never saw them again.

I say to my colleague from North Carolina—I am getting a little personal before getting into the arguments—at the end of my dad's life we were trying to take care of him so we would go over and spend the night with him. He had lived in this country for, oh, almost 70 years. He spoke fluent English. I don't know that I detected even any accent. But it was amazing; all of his dreams—they were nightmares; there was shouting and screaming—were in Russian. None of it was in English. He lived in this country all of those years; I only heard him speak English—talk about the child being father of man or mother of woman—and I think that is what happens when you are separated from your family at such a young age; your family is probably murdered. You never can go back to see them. You can never see your family again.

I believe strongly in human rights. I thank the Senator from North Carolina for his leadership on this question.

Then I had a chance to meet Wei Jingsheng. I say to my colleague, you know Wei very well. Here is a man who spent, I think, about 17 years in prison, several years in solitary confinement. What was the crime that he committed? The crime he committed was to continue to write and speak out for democracy and freedom in his country. That was the crime he committed.

I say to my colleagues that I really believe the rush for the money and the focus on the money to be made by our trade policy with China within the new global economics that we talk about—this kind of rush for money, this focus on commercial ties on the money to be made has trumped our concerns about human rights, trumped our concerns, whether it is a Buddhist or a Christian or a Jew, you name it—it makes no difference—about whether people can even practice their religion without winding up in prison, trumped our con-

cerns about whether or not we have a relationship with a country that has broken the 1992 and 1994 agreements where they said they would not export products to our country made by prison labor in the so-called reeducation labor camps, trumped our concerns about all of the women and men who were imprisoned because of the practice of their religion or because they spoke out for democracy, trumped our concerns about women and men who tried to improve their working conditions and found themselves serving 3 years, 8 years, 14 years, 15 years, trumped our concerns about a country that has more prison labor camps—it is like the equivalent of the gulags in Russia, in the former Soviet Union. And we do not want to speak out on this?

We don't want to at least say: wait a minute, we reserve our right, when it comes to normal trade relations, to insist that you live up to just basic standards of decency? We reserve our right to speak up for human rights. We reserve our right to speak up for religious freedom. We reserve our right to speak up against products that are exported to our country made by prison labor. We reserve our right to speak up for the right of people in China—and people all over the world—to bargain collectively to try to improve their standard of living. We do not want to consider any of that? We do not consider any of that?

I think we diminish ourselves, I say to Senator HELMS, when we do not support the kind of amendment the Senator has brought to the floor. I say to my colleagues, I hope there will be strong support for this amendment.

I have heard a number of Senators—all of whom I like, all of whom I like a lot—who have said, first of all: We cannot isolate ourselves.

We are not isolating ourselves. All we are saying is, don't we want to at least keep our leverage, so that we continue to have what little leverage we have to annually review our trade relations to make sure China lives up to the trade agreements, lives up to the human rights standards?

Then the other argument is: We have had all this trade with China, and it is so important, that, actually, when you automatically have trade relations with China, you promote human rights. I have heard that said at least 10, 15 times. But I say to Senators, where is your evidence?

I will tell you, if you look at the State Department reports of this year and last year, they talk about an absolutely brutal atmosphere in China. Your evidence certainly is not our own State Department report about human rights. Is your evidence the commission that we appointed, the Commission on International Religious Freedom, chaired by Rabbi Saperstein? They said, on the basis of their careful examination, we should not automatically renew trade relations with China because of the brutality, the denial to

people of their right to practice their religion.

I say to Senators, where is your evidence that we have had this trade with China and it has led to more freedom and less violation of human rights? Where is your evidence for that? You do not have any evidence. I have not heard one Senator come out here with any evidence.

My evidence, on behalf of this amendment, is that according to the State Department—this is last year's report—

The Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent. Abuses included instances of extrajudicial killings, torture, mistreatment of prisoners, and denial of due process.

That is the evidence.

Hundreds of thousands of people languish in jails and prison camps merely because, I say to my colleague from North Carolina, they dare to practice their Christian, Buddhist, or Islamic faith. Respected international human rights organizations have documented hundreds of thousands of cases—hundreds of thousands of cases—of arbitrary imprisonment, torture, house arrest, or death at the hands of the Government.

That is the record. I welcome any Senator to come out here and present other evidence to the contrary.

In recent months, we have witnessed—and I heard my colleague from North Carolina talk about this—a brutal crackdown against the Falun Gong, a harmless Buddhist sect. According to international news media reports, at least 50,000 Falun Gong practitioners have been arrested and detained, more than 5,000 have been sentenced to labor camps without trial, and over 500 have received prison sentences in show trials. Detainees are often tortured, and at least 33 practitioners of this religion have died in Government custody. Senators, we are silent about this.

Chinese courts recently sentenced three leading members of the Chinese Democracy Party, an open opposition party. That is what we believe in. We believe in our country people should have the right to join parties. They should have a right to speak out. They should have the right to run for office, and they certainly should not wind up in prison. Three leading members of the Chinese Democracy Party, an open opposition party, were sentenced to terms of 11, 12, and 13 years. Their crime was "for conspiring to subvert state power."

Charges against these three political activists included helping to organize the party, receiving funds from abroad, promoting independent trade unions, using e-mail to distribute materials abroad, and giving interviews to foreign reporters. That is their crime. They have been tried in closed trials with no procedural safeguards. The Government has crushed the party by

doling out huge prison sentences to any man or woman who should dare to form their own political party.

I would think if there was any example that would resonate with every single Senator here, regardless of party, it would be this.

My colleague from North Carolina already talked about Ms. Kadeer's case. I will not go over that.

I will just say to Senators, I hope that on this amendment we will get your support. With all due respect, I hope that you do not make the following argument because I don't think it works. I hope you do not make the argument: No, I am going to turn my gaze away from all of these human rights abuses. I am going to turn my gaze away from supporting religious freedom. I am going to turn my gaze away from this record of brutality. I am going to turn my gaze away from the extrajudicial killings and torture. I am going to turn my gaze away from human rights because if an amendment passes, this will go to conference committee.

We have conference committees all the time. That is the way we operate. That is our legislative process. We have a conference committee and then it reports back.

With all the support for this overall bill, the conference committee would meet, the bill would come back, and then we would have a vote. But to say to people in our States, we couldn't vote for what was right, we couldn't vote for this amendment which was all about human rights, which is what our country is about, because, you see, it might go to conference committee and we have to have a bill with the exact same language between the House and the Senate, people will look at you and say: Senator, just vote for what is right.

I say to my colleagues, vote for what is right. Vote for this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, noting the presence of the distinguished managers of the bill, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to speak briefly to the important issues my friend, the Senator from North Carolina, has raised and to suggest that we have the necessary international agreements already in place to address the more fundamental issues with which he is concerned, as is my friend from Minnesota.

It happens I have spent a fair amount of my early years as a student of the International Labor Organization which was created as part of the Versailles Peace Treaty of 1918. Samuel Gompers of the AFL-CIO was chairman

of the commission in Paris that put it together. A very major matter in the mind of President Wilson as he campaigned for the treaty, he talked about the ILO as much as any other thing.

The first international labor conference met here in Washington, just down Constitution Avenue at the building of the Organization of American States. It was a dramatic time.

President Wilson had been struck down by a stroke. The Congress, the Senate was tied up with the question of ratifying the treaty. But the treaty provided that this meeting should take place in Washington, and it did. It did so with great success. International labor standards were set forth, and China was one of the nations present at the international labor conference. The person who provided most of the facilities for it was the young Assistant Secretary of the Navy, a man named Franklin D. Roosevelt, who later became involved. One of the first things he did when he became President was move to join the ILO.

Now, over the years the United States has been an active member of the ILO. We had the Secretary General at one point, Mr. Morris, a former Under Secretary of Labor.

We have not ratified many conventions. I have come to the floor at least four times in the last 24 years and moved a convention. Once it was done by our revered Claiborne Pell, who then turned the matter over to me. We think of there being eight core conventions. The simple fact is that the United States has only ratified one of them, in a membership that goes back to 1934.

However, it is not necessarily the case that if you have ratified a lot of conventions, you are very much in compliance with the principles there involved. I once suggested, not entirely facetiously, that there was an inverse relationship between the number of ILO labor conventions that had been signed by a country and the actual condition of labor relations in that country. But no matter.

In 1998, at the 86th session of the International Labor Organization, the oldest international organization in the world of this nature—the postal union is the oldest—adopted an ILO declaration on fundamental principles and rights at work and its followup. I will read this provision:

The international labor conference declares that all members, even if they have not ratified the conventions in question, have an obligation, arising from the very fact of membership in the organization, to respect, to promote, and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those conventions; namely: (a), freedom of association and the effective recognition of the right of collective bargaining; (b) the elimination of all forms of forced or compulsory labor; (c) the effective abolition of child labor; and

(d) the elimination of discrimination in respect of employment and occupation.

These are international obligations. They obligate the People's Republic of China, and they obligate the United States. The provision for bringing the issues to the International Labor Conference which meets every year in June in Geneva are well established.

I find it very curious, almost at times sinister, that just at the point the ILO has said these are the world's standards, international standards, binding legal commitments, and here we are to do something with them, suddenly people are saying, no, these matters should be dealt with in the World Trade Organization, which can't deal with them.

It is interesting that the WTO now occupies the original buildings on Lake Lemman in Geneva of the ILO. But why not stay with the ILO and work with this history and hold China to its commitment as China can hold us? It is something we have believed in and worked with from 1918 on.

The issue of trade and its effect on the internal behavior of government is an elusive one. But, if I may say, I was in China during the regime of Mao Zedong. I stood there in Tiananmen Square and looked up at these two enormous flagpoles. On one pole were two 19th century German gentlemen, Mr. Marx and Mr. Engels. What they were doing in the center of the Middle Kingdom, I don't know. Over on the next pole was the rather Mongol-looking Stalin, and Mao.

That is gone.

At one of the entrances to the Forbidden City there is a sort of smallish portrait of Mao. That is all. That world is behind us. The world is looking forward from the 1960s.

The Cultural Revolution, which Mao declared because there had always been revolutions, may have resulted—I don't think anybody knows, and I don't think we will ever know—in somewhere between 20 million and 40 million persons murdered, starved, dead. It is beyond our reach of our imagination. It happened. That doesn't happen anymore. Do disagreeable things happen? Do illegal things happen? Do bad things happen? Yes. But a certain sense of proportion, I thought, that was very much in evidence in testimony that our revered chairman will perhaps recall, I am sure he will.

Before the Finance Committee on March 23 of this year, Professor Merle Goldman, who is at the Fairbank Center at Harvard University—a name for a great Chinese scholar and very fine group of people—said:

... the linkage of economic sanctions to human rights is counter-productive. As Wang Juntao [a Tiananmen Square coordinator who was sentenced to 13 years of prison] says, it arouses the antagonism of ordinary Chinese people toward the U.S. and fuels increasing nationalism in China, which ultimately hurts the cause of human rights in China. Even when the threat of economic sanctions in the past led to China's release of a small number of famous political pris-

oners, it did not in anyway [sic] change or end the Chinese government's abuse of human rights.

Nevertheless, China's views on human rights have been changing ever so slowly in the post Mao Zedong era primarily because of China's move to the market and participation in the international community. During the Mao era (1949–1976) when China was isolated from the rest of the world, China's government did not care about human rights and international pressure. But as China opened up to the outside world politically as well as economically during the Deng Xiaoping period (1978–1997) and during that of his successor Jiang Zemin (1989– ), China began to care about how it was viewed. It wants to be considered a respected, responsible member of the world community. . . .

Human rights abuses continue and in fact, increased in 1999, but compared with the Mao era when millions were imprisoned and silenced, the numbers in the post-Mao era are in the thousands.

That was from Professor Merle Goldman.

I say in conclusion of these small remarks that the head of the Chinese Government, Jiang Zemin, last week was in New York City talking to a luncheon of business executives. That is a world that would have been inconceivable when I visited George Bush in Peking, as it then was in 1975. A quarter century has gone by, and there is the President of China in a blue suit and a white shirt with the correct tie at the Waldorf Astoria or somewhere talking to a luncheon of businessmen interested in trade and development and such matters. That is another world. Let's not put that in jeopardy by losing this extraordinary important trading agreement.

Mr. President, I yield the floor. I thank the Chair.

THE PRESIDING OFFICER. The Senator from Minnesota.

MR. WELLSTONE. Mr. President, how much time do we have left?

THE PRESIDING OFFICER. The proponents have 29½ minutes.

MR. WELLSTONE. I will take a couple of minutes to respond.

THE PRESIDING OFFICER. The Senator from Minnesota.

MR. WELLSTONE. First of all, let me say to the Senator from New York that there is a bit of irony in his remarks because I had intended in this debate to also quote the Declaration of Fundamental Principles and Rights of the ILO which states:

All members, even if they have not ratified the convention in question, have an obligation arising from the very fact of membership in the International Labor Organization to respect, promote, and to realize in good faith, in accordance with the ILO Constitution, the principles concerning the fundamental rights which are the subject of those conventions; namely freedom of association and effective recognition of the right to collective bargaining.

I could not agree more with my colleague from New York. It is very relevant language.

Here is the problem: the ILO has no enforcement problem.

Here is the problem: China has belonged to the ILO since 1918. How much

longer are we supposed to wait for the Chinese Government to live up to this? This has been a pretty long time now.

My colleague raises a very fair question. Why is this amendment necessary? Given this declaration of principles, and given the establishment of the ILO, my point is: (a) no enforcement power; (b) we have seen no evidence that the Chinese Government has lived up to it.

I quote from our own State Department's human rights report of the past year which confirms the Chinese Government has been persecuting and incarcerating labor activists. According to our State Department:

Independent trade unions are illegal. Following the signing of the International Covenant on Economic, Social and Culture Rights in 1997, a number of labor activists petitioned the Government, the Chinese Government to establish free trade unions as allowed under the covenant. The Government has not approved the establishment of any independent unions to date.

The State Department then goes on. My colleague says: Why is this needed? I will take a couple of minutes to list what has happened to a number of these different citizen activists. This is directly from our State Department report.

The Senator from New York is the intellectual force of the Senate. He makes the point that the harsh repression during Mao's years has improved. I have no doubt that the situation has improved. But I would just have to say, look, go to our State Department report. I can only go from the empirical evidence over the last number of years and looking at our own Commission on International Freedom and their recommendations. They did a very careful study. We commissioned them to do the study of what the situation is on religious freedom. It is a picture of repression. It is not a picture of the ILO having enforcement power making any difference. It is not a picture of a country that has a respect for human rights. It is not a picture of a country respecting people who practice their religion.

From our own State Department report: Two labor activists were sentenced in January to reeducation through labor—and the Chinese Government insists their reeducation through labor camps are not prisons. They give no human rights organizations any access. They say they are not prisons. Where have we heard this before on reeducation through labor—for 18 months and 12 months, respectively. The two were arrested in 1998 after leading steelworkers in a protest because they had not been paid wages.

Another example: In January, the founder of a short-lived association to protect the rights and interests of laid off workers unsuccessfully appealed a 10-year prison sentence he received. He had been convicted of "illegally providing intelligence to foreign organizations," after informing a Radio Free Asia reporter about worker protests in the Hunan province.

I could go on and on. In August, in our own State Department report, another activist was sentenced to 10 years for subversion. They were arrested in January after establishing the China Workers Watch, an organization to defend workers rights. The family of one of these activist alleges that the police hung him by his hands in order to extract information on a fellow dissident. That is from a State Department report this year that I am now using as my evidence.

In August, another labor activist was given a 10-year prison sentence for illegal union activities in the 1980s, and more recently because he organized demonstrations in Hunan. This time he was convicted for providing human rights organizations overseas with information on the protests.

I have about 30 examples from this 1 report.

I say to the Senator from New York, I understand the ILO, its mission, its history—not as well as the Senator. I understand it does not have enforcement power and that China has belonged to it since 1918. I understand that China is not abiding by or bound by this. I also understand that all the reports we have over the last several years do not paint a picture of improvement. We do not have an amendment that says we don't have trade with China; we do not have an amendment that says we should boycott China or we should have an embargo of trade with China. We have an amendment that just says that before automatically extending trade relations every year or before automatically extending PNTR, our Government should insist that the Chinese live up to basic human rights standards.

My colleague from New York cited one of the great heroines of Tiananmen Square. I take what these brave people say very seriously. But it is also true that others, including Harry Woo and other men and woman who were at Tiananmen Square who are now in our country leading the human rights organizations, say the opposite. We know there are two different views.

I think we should not be silent on these basic human rights questions. We should not be silent when it comes to repression against people. We should not be silent about the prison labor conditions.

In 1992, the memorandum of understanding, and in 1994, we had another agreement with China where they agreed they would not export products to our country made by prison labor. They haven't complied with any of these agreements.

I think this amendment is timely. I think there is plenty of evidence that speaks for this.

Mr. MOYNIHAN. Since the 1930s, section 307 of the Tariff Act of 1930, and the Smoot-Hawley tariff, has made it illegal to send prison labor products to this country. If it still continues to be done, doesn't that problem involve our vigilance? Shouldn't we focus our at-

tention on our own Customs Service, the law is ours to be enforced.

Mr. WELLSTONE. The Senator is right, but the irony is that by this law the Chinese shouldn't be exporting and we shouldn't be importing. The problem is, because of the good work of Senator LAUTENBERG and Senator HARKIN, for the first time in 3 or 4 years we were finally able to go to one of these factories and do an on-site investigation.

The problem has been not that we haven't tried; it is that every 3 months we make a request and every 3 months we have been turned down. This has been going on for years now. It is hard to argue that this amendment is not timely, relevant, and important in terms of whether or not we go on record for human rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am as concerned about China's repression of its citizens as anyone in this Chamber. But I believe that in passing PNTR, Congress will actually take its most important step by far in fostering democracy and improving human rights in China.

That's because by enacting H.R. 4444, we will permit Americans to fully participate in China's economic development, thereby opening China to freer flows of goods, services, and information. Ultimately, that opening will change China's economy from one based on central planning to one based on free markets and capitalism. Moreover, H.R. 4444 will create a special human rights commission that will expose, and suggest remedies for, China's abusive human rights practices.

The forces unleashed by American and other foreign participation in China's market opening will help sow the seeds of democracy and human rights.

As Ren Wanding, the brave leader of the 1978 Democracy Wall Movement said recently, "A free and private economy forms the base for a democratic system. So [the WTO] will make China's government programs and legal system evolve toward democracy."

We should remember that in East Asia, the flowering of democracy in such former authoritarian countries as South Korea, Taiwan, and Thailand did not occur until economic growth in each had produced a substantial middle class.

American trade and investment, which will be fostered by PNTR, will help create just such a middle class in China, a group who will wield influence, and whose interests will inevitably diverge from the interests of the Communist Party.

But American companies will do more than simply assist in the development of a middle class. These firms will also bring with them business practices which coincide with traits best suited to democracies.

As Michael A. Santoro, a professor at Rutgers University who has studied the

impact of foreign corporations on human rights conditions and democratization in China for over a decade, said in testimony before the Finance Committee, "When Chinese workers learn the lessons of the free market they are also learning an important lesson about human rights and democracy."

Unlike workers in state-owned enterprises whose advancement often depends on fealty to the Communist Party, workers in American firms advance based on merit.

Such workers, who acquire wealth, status, and power through their own hard work instead of connections to the Communist Party are far less likely to respect the party or its functionaries. And make no mistake, today's best and the brightest in China all want to work for foreign businesses rather than in stifling state-owned enterprises, let alone for the government itself. Moreover, American firms are almost uniformly considered the most desirable because of the opportunities they offer.

Now, to compete in the global market place, foreign firms doing business in China must permit free flows of information. And such flows of information, of course, are the lifeblood of democratic government.

Professor Santoro stated the case well before the Finance Committee: "In the same way that information sharing is essential to good decision-making and operational effectiveness in a corporation, free speech is essential to good decision-making in a democracy. It is hard to imagine that ideas about the importance of information flow can be confined to corporate life. Inevitably, those who work in foreign corporations and have gotten used to the free flow of economic information will wonder why their government restricts the flow of political information."

In addition to introducing ideas about information flow within their organizations, foreign corporations are at the leading edge in terms of pressing the Chinese government toward greater legal reform and regulatory transparency. Indeed, if China is to realize the full benefits of trade with the rest of the world and comply with its WTO obligations, it has no other choice than to institute the rule of law.

In fact, China is readying itself for this transformation by engaging, among others, Temple University in providing training in the development of China's business law system with a special emphasis on WTO compliance. Temple Law School has been asked by senior officials of the Chinese government to educate more judges and government officials and to establish a business law center.

This endeavor will enable American and Chinese legal scholars to do joint research on issues related to business law and WTO compliance in China. It will also enable American legal scholars, attorneys, judges and government



officials to meet with their Chinese counterparts on a regular, organized basis to provide input into proposed or needed legislation and enforcement in an emerging Chinese legal system that will regulate aspects of a market economy.

Mr. President, foreign firms, in a very real sense, constitute the vanguard of social change in the PRC. As Professor Santoro said, "Ultimately these social changes will pose a formidable challenge to China's government, as profound contradictions emerge between the Communist Party's authoritarian rule and China's increasingly free economy and society being created by private enterprise and the free market."

Meanwhile, the United States and other countries must continue to press China on its human rights abuses. Such public condemnation complements the special changes that will accelerate with China's accession to the WTO.

That's why the Congressional-Executive Commission on human rights in China that is created by H.R. 4444 is so important and potentially so effective. Among the tasks of that commission will be monitoring China's compliance with the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. Specifically, the Commission will monitor: the right of Chinese citizens to engage in free expression without fear of prior restraint; the right to peaceful assembly without restriction; religious freedom, including the right to worship free of interference by the government; the right to liberty of movement and freedom to choose a residence within China and the right to leave from and return to China; the right of a criminal defendant to a fair trial and to proper legal assistance; the right to freedom from torture and other forms of cruel or unusual punishment; protection of internationally-recognized worker rights; freedom from incarceration for political opposition to the government or for advocating human rights; freedom from arbitrary arrest, detention, or exile; the right to fair and public hearings by an independent tribunal for the determination of a citizen's rights and obligations; and free choice of employment.

In addition, the Commission will compile and maintain lists of persons believed to be persecuted by the Government of China for pursuing their rights. It will monitor the development of the rule of law, including the development of institutions of democratic governance.

And the Commission will give special emphasis to Tibet by cooperating with the Special Coordinator for Tibetan Issues in the Department of State.

Finally, the Commission will submit to Congress and to the President an annual report of its findings including, as appropriate, recommendations for legislative and/or executive action.

Given the breadth of the Commission's work and the impact of foreign

firms in China, it should come as no surprise that so many of China's most prominent dissidents and human rights advocates support the United States providing permanent normalized trade relations to China.

Wang Juntao who was arrested after June 4, 1989, and was sentenced in 1991 to thirteen years in prison as one of the "black hands" behind the Tiananmen demonstrations provided the Finance Committee with the following statement, and I quote, ". . . if one needs to choose between whether or not China should be admitted [to the WTO], I prefer to choose 'Yes' . . . In an international environment, independent forces will be more competitive than the state-owned enterprises. Such independent forces will eventually push China toward democracy . . . An overemphasis on economic sanctions will contribute to the growth of nationalism and anti-westernism in China. This will limit both the influence of the U.S. as well as that of the democracy movement in China."

Wang Dan, who was one of the principal organizers of the 1989 democracy movement; and who during the crackdown that followed, was listed as number one on the Chinese government's black-list of student counter-revolutionaries provided the Finance Committee with a similar statement. "I support China's entry into the WTO," he said, because "I feel this this will be beneficial for the long-term future of China because China will thus be required to abide by rules and regulations of the international community."

Martin Lee, the brave and outspoken leader of the pro-democracy Democratic Party of Hong Kong, which yesterday took the largest share of seats in Hong Kong's elections, said that the "participation of China in WTO would not only have economic and political benefits, but would also bolster those in China who understand that the country must embrace the rule of law. . . ."

Mr. President, it was when China was most isolated in the 1950s through the early 1970s that the Chinese people suffered the most severe deprivations. The so-called Great Leap Forward and the Cultural Revolution led to tens of millions dying from starvation and untold millions more suffering social dislocation and the worst forms of human rights abuses.

Mr. President, at a very minimum, China's opening to the world through its accession to the WTO will make a repeat of atrocities on such an unthinkable vast scale far, far less likely.

But I am convinced, Mr. President, that in passing PNTR we will do more. I believe that in passing PNTR we will have taken our most important step in advancing human rights and democratic values in China.

I'd like to close with another quote from Ren Wanding, the leader of China's Democracy Wall Movement. Here's what he said: "Before the sky was black. Now there is light . . . [China's

WTO accession] can be a new beginning."

Mr. President, I ask my colleagues to join me in opposing this amendment.

I yield back all the time on both sides.

Mr. MOYNIHAN. Yes, Mr. President. I believe the yeas and nays have been ordered.

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

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

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

The question is on agreeing to amendment No. 4125. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—32

Ashcroft	Gregg	Reed
Boxer	Harkin	Sarbanes
Bunning	Helms	Sessions
Burns	Hollings	Smith (NH)
Byrd	Hutchinson	Snowe
Campbell	Inhofe	Specter
Collins	Kennedy	Thompson
Craig	Kyl	Thurmond
DeWine	Leahy	Torricelli
Dodd	Lott	Wellstone
Feingold	Mikulski	

NAYS—63

Abraham	Enzi	McCain
Allard	Feinstein	McConnell
Baucus	Fitzgerald	Miller
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grassley	Reid
Breaux	Hagel	Robb
Brownback	Hatch	Roberts
Bryan	Hutchison	Rockefeller
Chafee, L.	Inouye	Roth
Cleland	Johnson	Santorum
Cochran	Kerrey	Schumer
Conrad	Kerry	Shelby
Crapo	Kohl	Smith (OR)
Daschle	Landrieu	Stevens
Domenici	Levin	Thomas
Dorgan	Lincoln	Voivovich
Durbin	Lugar	Warner
Edwards	Mack	Wyden

NOT VOTING—5

Akaka	Jeffords	Lieberman
Grams	Lautenberg	

The amendment (No. 4125) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4131

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Byrd amendment No. 4131.

The time period is 3 hours equally divided.

The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair. I don't think it is necessary to spend 3 hours on this amendment. I would like to have a vote on the amendment tomorrow morning.

Mr. ROTH. The Senator probably could have the vote tonight, if he wanted to.

Mr. BYRD. If I had my druthers, as they say back in the hill country—all right.

Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. Mr. President, this amendment seeks to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products. The amendment is simple and straightforward and it may be vital to many U.S. industries, such as steel, footwear, and apples. It certainly causes no harm.

U.S. trade law provides for import relief authorities under sections 201, 202, 203, and 204 of the Trade Act of 1974, and relief from market disruption by imports from Communist countries, such as China, under section 406 of the Trade Act of 1974, as amended. These safeguard actions are intended to provide temporary import relief from serious injury to domestic producers. These provisions are essential in order to provide U.S. manufacturers or farmers with an opportunity to address sudden waves of imports—such as those brought on by economic crises in foreign markets, and under other unexpected conditions beyond domestic control.

Regrettably, however, the import relief procedures are widely recognized as overly complicated and generally ineffective. Import relief authorities require exhaustive investigations and must meet tough litmus tests. Remedies granted under these authorities are so difficult to achieve that only a handful of the most egregious cases ever receive an affirmative verdict. The number of cases that have received relief under the import relief provisions speak for themselves: In the last five years, only six Section 201 cases resulted in some form of remedy out of 21 cases filed.

Market disruption caused by imports from a communist country, such as China, is even more complicated. Tra-

ditional remedies for import surges and unfair trade practices, such as Section 201 and the antidumping and countervailing duty laws, are inadequate to deal with a sudden and massive influx of imports that can be manipulated by government control of state-owned enterprises, including pricing and distribution schemes. The Trade Act of 1974 attempted to address these complications through the establishment of Section 406. Although similar to Sections 201, 202, 203, and Section 406 was intended to provide a lower standard of injury and a faster relief procedure, and requires the investigation to focus on imports from a specific country. Given the difficulty of proving Section 406, however, only 13 cases have received remedy under the laws since the provisions were enacted in 1974.

In other words, in 26 years only 13 cases have received remedies under the law. It is not a very good batting average.

The United States Trade Representative acknowledged that the import relief authorities provided under current law are flawed, and, thus, to her credit, the Product-Specific Safeguard protocol language in the U.S.-China bilateral agreement was negotiated to enhance the ability of the U.S. to respond more genuinely and immediately to market disruptions caused by Chinese products entering the United States.

Nevertheless, the House of Representative recognized that the protocol language could not provide real relief to U.S. industries that might be threatened by a surge of imports from China, and, therefore, the House-passed PNTR measure includes the Levin-Bereuter language on import surges. This language is a significant improvement over current law and the language included in the protocol to the U.S.-China bilateral agreement.

However, the House import surge safeguard provisions continue to lack an essential element. They continue to fall short on a point of utmost importance. While very, very close to providing meaningful benefits, the Levin-Bereuter import surge safeguard language does not provide a reasonable assurance to U.S. industry or workers that remedies against harmful import surges will be taken in a timely manner.

One of the most serious problems encountered with the use of import surge safeguards is the delays in taking action. Whether required by law or not, the administration can never seem to meet specific dates, and days turn into weeks and weeks turn into months. Meanwhile, U.S. industries and workers must sit by, unable to respond, as they watch their market share, their profits and their jobs dwindle away.

My amendment finally adds a certainty to the import surge safeguards. It is simple and to the point. My amendment would put into effect the relief recommended by the International Trade Commission (ITC) in the case of an affirmative determina-

tion of market disruption in the event that no action is taken by the President or the U.S. Trade Representatives, seventy days after the ITC report is submitted. Again, my amendment assures U.S. manufacturers and farmers and workers that action will occur on an ITC affirmative determination that a market disruption has occurred, and under the exact time frame as provided under the LEVIN-Bereuter provisions.

The Levin-Bereuter provisions provide legislative time frames on market disruption investigations. First, the Levin-Bereuter provisions require an ITC determination within 60 days of the initiation of an investigation, or 90 days in the investigation of confidential business information. Following the ITC action, the U.S. Trade Representative has 55 days to make a recommendation to the President regarding the case. Within 15 days after receipt of a recommendation from the U.S. Trade Representative, the President is directed to take action. Thus, the Levin-Bereuter provisions were intended to initiate action within 70 days following the ITC affirmative determination.

In real life, however, Section 401 cases have not existed for years, and many of the six Section 201 decisions that received some remedy over the last five years were delayed by weeks and even months beyond the current statutory deadline! U.S. firms have lost confidence in these provisions, and they cannot afford to pay legal expenses for decisions that might never be.

I have been particularly concerned about the U.S. steel wire-rod case. Wire-rod producers had to wait almost five months beyond the statutory deadline to receive a decision by the President that remedies would be put into place! The U.S. steel wire rod industry filed for relief under Section 201 of the trade law on December 30, 1998, and followed lengthy, costly procedures consistent with the statute. The domestic wire rod industry was encouraged after a recommendation for relief was provided by the International Trade Commission, and the industry looked eagerly to the President's decision, which was required under statute within 60 days, or by September 27, 1999. The U.S. steel wire rod company officials, workers and their families and communities waited, and waited, and waited. However, September 1999 came and went, the fall foliage dropped from the trees, leaving them bare to the north, south, east and west, the Thanksgiving feast was held and the family gathered round and sang songs, and the Christmas season came and the Christmas season went—there was no Santa Claus, Virginia—New Year's Day was celebrated—and yet, no action. As the days slipped from the calendar, imports rose! In fact, imports rose 12 percent from November to December 1999 and were up 15 percent over 1998.

The real story is that, with each passing day, production was lost and

American jobs were sacrificed. Lost income to the company became lost income to the bankers, to the company suppliers, to the tax base that supports local schools and roads. Worse, there was lost income to American families. Who pays for the Christmas presents that every little child dreams of?

Time is money. That is what they say.

In February 2000, the President announced that relief would be granted to the U.S. steel wire rod industry. This was very happy news and received joyfully in the steel community. But, the fact remains that the money lost in the wait for a decision was lost forever.

China's trade with the U.S. continues to skyrocket. Imports of consumers goods, agricultural goods, and manufactured products from China are currently entering the U.S. market at an unprecedented rates! The United States has its largest bilateral deficit with China, which grew \$910 million to a record \$7.22 billion in June 2000 alone.

Why is my amendment necessary? Because when we are successful in plugging one hole in the Chinese dike, thousands more seem to spring through, gushing imports. According to official Department of Commerce import statistics, low-priced Chinese imports of steel rail joints have increased approximately 788 percent from 1997 to 2000. As in the steel wire rod situation, these Chinese imports have resulted in lost sales and depressed prices for the American industry. I have a manufacturer of steel rail joints in Huntington, West Virginia, the Portec Rail Products, Inc.

Speaking of Huntington, my recollection reminds me that there was a congressman from West Virginia who resided in Huntington, WV, around the turn of the century. His name was Hughes. He had a daughter on the *Titanic* when that great ship went down and carried with it his daughter along with more than 1,500 other victims. Only 713 persons were rescued off that *Titanic* that went to its watery grave on the morning of April 15, 1912.

I care about the future of this manufacturer of steel rail joints in Huntington, WV. I care about its future, and I care about the future of the people who work there. There are thousands and thousands of small manufacturers that have a critical need for strong trade laws and a critical need to have an assurance that the laws will work as intended. Portec Rail Products, Inc., is a small business. It makes steel rail joints that hold rail sections together and allow the construction of the many miles of railroad that provide smooth transit in this country for both commercial and passenger trains.

Portec has provided solid, semi-skilled manufacturing jobs for many hard-working West Virginians. It also supports the State's economy by purchasing high quality steel bars from other West Virginia steel producers. This company has added to the prosperity of my State of West Virginia

and to the Nation. This company is facing a flood of Chinese imports, however. During the first quarter of 2000, for example, Chinese imports were at a record pace of 175,000 pounds, a figure which, if annualized, would amount to a 788-percent increase since 1997. The situation facing Portec is an authentic, true-life example of why this Senate should adopt the Byrd amendment. The workers of Portec are being bled dry under this hail of imports. I urge the Senate to help these workers to ensure that they are not subject to the ugly situation that the U.S. steel wire rod workers endured. Let us not sit idly, twiddling our thumbs and biting our fingernails and watching our toenails grow, by watching also these workers' savings, so painfully secured, become washed away, and watch the slow erosion of morale and confidence. This amendment would help Portec to fight back.

I say to my colleagues, help me to help Portec and other U.S. manufacturers and farmers.

Chinese state-owned enterprise continues to remain a major source of jobs in China. Many of these state-owned enterprises are directly controlled by the Chinese Government and they play a central role in China's monetary scheme. In fact, the Bureau of National Affairs reported on July 21 of this year that the China Daily quoted Yang Zilin, President of the Export-Import Bank of China, as saying that China's state-backed financing played a strong role in boosting China's exports in the first half of this year. That's right, a Chinese official readily acknowledges the systematic use of export subsidies to help boost China's skyrocketing exports. In case anyone is wondering, export subsidies directly impede the ability of American firms to compete with the Chinese.

My amendment is consistent with the goals of the House-passed China PNTR bill. It improves the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission of market disruption to domestic producers of like or directly like products. It has been widely proclaimed by the White House and many in Congress supporting the China PNTR legislation that the product-specific safeguard provisions are a critical component of the U.S.-China bilateral agreement. My amendment ensures compliance to the timeframe that Congress intends. More importantly, it provides a standard upon which American workers and American businesses can rely.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to the amendment of my good friend.

I do so with some reluctance because I am actually quite supportive of taking whatever action necessary to ensure that the President takes seriously the deadlines set forth in our trade remedy statutes.

In fact, I would like to take a few minutes now to express my mounting concern about the White House's actions—or should I say, inaction?—in administering our trade laws. Frankly, I am very unhappy about the President's failure to issue decisions in sensitive trade matters by the deadlines set forth in the statutes.

There are many examples. The most notable may be two recent section 201 cases, the first involving lamb meat and the second relating to steel wire rod.

Both these decisions languished somewhere at the other end of Pennsylvania Avenue for weeks—in direct violation of the law—before the President finally issued his decision. We are seeing the same thing now in the context of the President's decision on modifying the retaliation list in the bananas dispute.

I may agree or disagree with whatever decision the President ultimately chooses to make in each of these cases. But the credibility of the trade laws rests on the process being handled with a great deal more respect and seriousness than it has been thus far.

With that said, I must still oppose this amendment.

As a practical matter, there are many instances in which the process established in the proposal will simply be unworkable. For example, it is not unusual for the ITC to be divided on its recommendation of relief in a particular case. Because the Commission often speaks with many voices, it is unclear which of the Commissioner's recommendations would take effect under my colleague's amendment.

This problem may be remedied easily, but it clearly underscores the importance of allowing my committee the time to consider the proposal of Senator BYRD to ensure that we have considered its full implications. At least some of the problems that will arise if this amendment were to become law are already apparent to me, so I must oppose this amendment for the time being.

I am also concerned that we are isolating the Chinese for differential treatment in how a trade remedy is applied.

While this provision may not be inconsistent with the United States-China bilateral agreement, applying different rule to China in how we administer our trade laws could well

jeopardize our ability to secure the benefits of the underlying trade agreement.

I must also oppose the amendment for the reasons that I have stated many times during these deliberations, and that is because of the potential impact that amendments will have on the passage of this legislation. In my view, a vote for any amendment, including this one, is a vote to kill PNTR.

The stakes are too high for our workers and farmers to allow this legislation to die. That is why I urge my colleagues to vote against the amendment of my good friend.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Tennessee.

Mr. THOMPSON. Mr. President, I was wondering if I can take some time, if the distinguished chairman has finished.

Mr. ROTH. I ask the distinguished Senator how much time would he like.

Mr. THOMPSON. Mr. President, it depends on what his plans are. If I can have 20 minutes, it will be greatly appreciated. I understand we have 3 hours on this amendment.

Mr. ROTH. I yield 20 minutes to the Senator from Tennessee.

Mr. THOMPSON. I thank the Senator.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized for 20 minutes.

AMENDMENT NO. 4132

Mr. THOMPSON. I thank the Chair, and I thank Senator ROTH for his generosity.

Mr. President, I want to speak for a moment to a couple of things that have come up in the debate today with regard to the amendment on China proliferation offered by myself and Senator TORRICELLI. Of course, once again, our reason for offering this amendment is because we have been told time and time again by various bipartisan commissions that we are facing an imminent threat; that China, Russia, and North Korea—but historically as of 1996, for example, China—have led the way in selling weapons of mass destruction to rogue nations. We are told that these rogue nations pose a threat to our country.

The question now is whether or not we intend to do anything about it. Some say diplomacy should work. Perhaps it should. However, we see that diplomacy has not worked. The problem is getting worse. Our intelligence estimates, which have been made public, have shown that the problem is getting worse with regard to missile technology, especially with Pakistan, instead of getting better.

A couple of my colleagues, speaking on behalf of PNTR, have pointed out that the Chinese have signed several nonproliferation-type agreements that should give us some cause for optimism, and that is true. The problem is that they have repeatedly violated every agreement they have ever made. I emphasize that. At this time, when

we are getting ready to engage in a new trading relationship, hoping for the best, we should acknowledge that China has violated every understanding, agreement, and treaty they have ever made.

My concern is proliferation, although human rights is very important and religious freedom is very important. There is only one activity of the Chinese Government that poses a mortal threat to this Nation, and that is the one of proliferation, spreading weapons of mass destruction around the globe. How in the world can we claim we need a missile defense system because of the threat of rogue nations and the nuclear missiles they are developing that will have the capability of hitting us, when we will not address the folks such as the Chinese who are supplying these rogue nations? It is all carrot and no stick. They cannot take us seriously when we express concern about proliferation.

Let's talk about the proliferation agreements they have signed. In March of 1992, China ratified the Nuclear Non-Proliferation Treaty. However, in 1994, China sold to Pakistan 5,000 unsafeguarded ring magnets which can be used in gas centrifuges to enrich uranium.

In 1995, China built in Iran a separation system for enriching uranium.

As we know, China has outfitted Pakistan from soup to nuts. Under our watchful eye, they have made it so that Pakistan can now build their own missiles. We have watched them do this over the last few years in total violation of the Nuclear Non-Proliferation Treaty, which some of my colleagues so optimistically claim they signed; therefore, they must be abiding by it. They are not.

In May of 1996, China reaffirmed its commitment to nuclear nonproliferation. Again, however, in 1996, China sold a special industrial furnace and high-tech diagnostic equipment to unsafeguarded nuclear facilities in Pakistan.

In 1997, China was the principal supplier of Pakistan's nuclear weapons program.

In 1997, China transferred to Iran a uranium conversion facility blueprint.

In 1997, China promised not to begin a new nuclear cooperation agreement with Iran after completing a small nuclear reactor and a factory for building nuclear fuel rod encasements.

In 2000, U.S. intelligence reports state that ongoing contact between PRC entities and Pakistan's nuclear weapons program cannot be ruled out.

China is a member of the Zangger Committee which considers procedures for the export of nuclear material and equipment under the NPT but is the only major nuclear supplier of the 35-nation nuclear suppliers group whose nations agreed to guidelines covering exports for peaceful purposes to any non-nuclear weapon state and requires full-scope safeguards. The Chinese Government has agreed to a list of non-

proliferation treaties and agreements and then violated them, but with regard to those treaties that require safeguards, where someone can come in and inspect whether or not they are doing it, they will not agree to those, and that has been the history.

Are we so eager for trade that we accept this kind of behavior as in some way acceptable to us?

In February of 1992, China pledged to abide by the missile technology control regime and renewed this commitment in 1994. However, I have an entire list which I will not read, but in 1993 they transferred M-11 short-range missile equipment to Pakistan. In 1996, China helped Pakistan build an M-11 missile factory. In 1997, telemetry equipment to Iran.

In 1999, China supplied specialty steel, accelerometers, gyroscopes, and precision-grinding machinery to North Korea; a wind tunnel to Libya—on and on and on—the roughest nations on the face of the Earth in terms of their proliferation and dangerous activities. China consistently supplies them in violation of their own agreement.

In 1997, China ratified the Chemical Weapons Convention; however, they have violated it on numerous occasions.

In 1997, the PRC transferred chemical weapons technology and equipment to Iran.

In 1998, the PRC entities sold 500 tons of phosphorus materials, which is controlled by the Australia Group, to Iran—and on and on and on and on.

We cannot turn a blind eye to this. We can trade even with people with whom we have strong disagreements. We can trade with China. But can we really address a trade issue with them and envelop them into a new understanding with trade, from which we believe we will get some economic benefit, without telling them that they cannot continue to make this world a dangerous place? And it is the United States of America that is going to be most vulnerable to this; Belgium and France, with all due respect, are not going to be the primary targets of these rogue nations if and when they get the ability to hit foreign nations. It is going to be the blackmail that they will try against us.

What if Saddam Hussein had this capability in the gulf war? Do we really think it would have turned out the way it did? How much activity will breach the tolerance level of the Senate when it comes to the Chinese? We do not have to jeopardize trade with China. We must have some measures to get their attention.

What our bill does, when all is said and done, is provide a report on those proliferation activities and provide the President the opportunity to do something about it. It makes it a little more difficult for him to turn a blind eye to these proliferation activities because if he does not do something about it, he has to tell Congress why.

It also provides that if Congress feels strongly enough about it—if enough

people sign up—we can actually take a vote on the President's decision.

That is what it boils down to. We have had people come to this floor and say: If we pass this amendment, these unilateral mandatory sanctions, the sky will absolutely fall. It will mess up everything. It will make the Chinese mad. We might lose trade.

No. 1, even if all those things happened, I ask, what is the primary obligation of this body? To protect ourselves from these problems and trying to address them or not? But these things are not going to happen because we already have laws on the books that are unilateral sanctions that this body has voted for oftentimes without a dissenting vote, time and time again, to impose sanctions on various entities for various reasons. Perhaps we have done too much in some respects. Perhaps we have not done enough in others. But there are numerous laws on the books.

What our amendment does is provide for a more extensive report and provide for congressional input, as I have said. But in terms of sanctions, it is right along the lines of what we have done on numerous occasions. It is only when it comes to China, it is only when we identify China that everyone comes rushing to the floor saying: My goodness, we can't do this; Our allies will be against us; China will be against us; It will upset Russia; It will be a bad example to the world, and all of that. It is only when someone thinks that we are complicating the China trade deal that all of these concerns come to the fore. We can do better than that.

People say we need hearings, that no committee of jurisdiction has had hearings. My committee, the committee I chair, is a committee of jurisdiction. We have had 30 hearings on the issue of proliferation. There have been 60-some-odd hearings on the issue of proliferation.

Some people say: THOMPSON's committee has had several drafts. They keep coming up with different drafts. That is true because we keep trying to satisfy the critics who do not want to do anything to irritate the Chinese Government.

They have said: You identified China specifically. We broadened it to include Russia and North Korea because they are also major suppliers.

They say: You do not give the President enough discretion. Now we give him almost total discretion. He has to make a determination before anything happens.

They say: You are going to hurt farmers or small businessmen. We specifically eliminated any potential involvement of farmers or small businesses.

Some people say: Farmers still don't like it because if we are mean to the Chinese Government, they might retaliate, and it might be against farmers. Not my farmers in Tennessee. I think if my farmers in Tennessee had a choice between us responding respon-

sibly to this irresponsible behavior on the part of the Chinese Government and risking their getting mad, and in some way affecting them in some export that they might have, they would be willing to take that chance. The farmers are not involved in this.

Some said that any Member of Congress could force a vote to override the President. So we made it so it had to be 20 Members of Congress.

Yes, there have been several reiterations of this bill because we have been trying to answer the reasonable complaints.

What it boils down to is that not all of these various complaints are the reason for the opposition. My opinion is that the root of it is a genuine desire not to irritate the Chinese Government at a time we are trying to enter into a new trading relationship with them.

Generally speaking, I think that is a laudatory idea. I cannot complain about that as a general rule. But these are not times to apply the general rules. These are extraordinary circumstances. We have been getting reports on what they have been doing for years now and have not done anything about it.

Now we are about to enter into a new trade relationship which they want desperately. They have a favorable trade balance with this Nation of \$69 billion. They are not going to turn their back on that. They want this.

If we do not have the wherewithal to raise the issue of the fact that they are making this a more dangerous world and threatening our country now, when are we going to do it?

A Senator actually said yesterday that one of the problems he had with this bill, in light of the nuclear proliferation that we are dealing with, is that this report will be too onerous, this report which we are requiring on these activities will be too voluminous for our intelligence. Why would it be so voluminous? I agree with him. It would be. Why? Because of all of the proliferation that is going on. Do we not want to know about it because it is too voluminous?

I suggest that we get serious about this. Some complained that we might catch up some innocent Chinese company, where there is credible evidence that they are selling these dangerous weapons, but they may later prove to be innocent. That is not a major problem is all I have to say.

If I have to come down on the side of doing something to address this problem or running the risk that we may for a period of time unjustly accuse a Chinese company and, therefore, cut off military exports to them, I am willing to run that risk.

Others say we have to give engagement a chance. One of the most distinguished Senators ever to serve in this body spoke a little while ago, someone I respect tremendously, the senior Senator from New York. He talked about the fact that Jiang Zemin met with our President last Friday at the Waldorf-

Astoria in New York. He also mentioned the fact that he met with American businessmen, and it was a good thing for the leader of the Chinese Government to be meeting and talking with American businessmen. I think, generally speaking, that is true. But we have to consider the context in which this happened.

According to the New York Times story the next day, that luncheon meeting with America's top business executives was to declare that China was plugging into the New World. Jiang Zemin said: We have over 18 million citizens, more than 27,000 World Wide Web sites, over 70,000 Chinese domain names, and 61 million mobile phones in China.

It goes on to say what he did not mention: China's recent efforts to crack down on the use of the Internet for the spread of dissenting opinions in China. Mr. Clinton said that he never broached the subject.

It went on to say that President Clinton brought up the proliferation which we all know, and they admit that we know, they were doing and asked him to do something about it.

He smiled and wished the President well in his retirement and thanked the President for his assistance with regard to getting China into WTO—smiled and went on, knowing there would be no repercussions.

We have sent three delegations to China this year beseeching them, on the eve of this PNTR vote, to stop some of their activities. According to our own people who were there in the meetings, they were told by the Chinese Government officials that they intended to continue their policies with regard to weapons of mass destruction unless we backed off on our missile defense system and our positions on Taiwan.

You have to give the leadership of the Communist Chinese Government credit for being up front about it. They are doing it and telling us they are going to continue to do it. We are over here worried about whether or not to upset them because it might cost us some trade or it might in some way be counterproductive and we need to exercise diplomacy.

What has diplomacy gotten us so far? They say: Unilateral sanctions never work; we need to get our allies together. What have we been able to get our allies together on in the last several years? When you can't get multi-lateral action on something that is dangerous to your country, what do you do, go home? We can't get a U.N. resolution to criticize China's behavior with regard to human rights. We can't get our European friends to let us send them bananas. Yet we are supposed to sit back, in light of this nuclear and biological and chemical threat to our Nation, until we can get all of our allies together to do it at once. Otherwise, it would be ineffective and somebody might be critical of us?

Some say Chairman Greenspan thinks our provision that allows the

President to cut some of these companies out of our capital markets is a bad idea. What we did is list one option. The President has this authority anyway, but I think it has a salutary effect to have it listed up front, telling the world this is what we intend on doing as a possibility. One of the options the President has, when he catches these folks doing this and he makes a determination—or when it comes to a country, in his complete discretion, one of the options he has is to tell the companies that are in our capital markets in the New York Stock Exchange that they can't be raising any more money.

The Deutch Commission, comprised of distinguished Americans, told us one of the things that is happening to us—and the American people ought to know about it—is that proliferating companies under the control of the Chinese Government are raising billions of dollars on the New York Stock Exchange from American citizens who don't know what they are doing. The Deutch Commission suggested the capital markets are among a wide range of economic levers we could use as carrots or sticks as part of an overall strategy to combat proliferation. That is from this thoughtful commission of experts in this area. How many Americans know that these companies are raising billions of dollars on the New York Stock Exchange? That is an option the President could or could not use as he sees fit.

Some of my colleagues—in fact, all of my colleagues—who oppose this amendment have quoted Mr. Greenspan, Chairman of the Federal Reserve. He was in the Banking Committee. I am not sure what the subject was. I can assure you it was not nuclear proliferation. Opponents of my amendment asked him this specific question: Basically, do you oppose the idea of cutting people out of our capital markets? He said, no, he thought that was not a good idea generally, and went on to explain why.

I have a couple of comments about that. This is not a capital market issue, this is a proliferation issue. I have extreme respect for Chairman Greenspan, but I would not ask a proliferation expert whether or not he thought interest rates ought to be raised. I don't think Chairman Greenspan would claim to be an expert on the nature of the problem this country faces and what we should do about it.

As a general proposition, I agree with him. I think we ought to be expanding all of our markets, including our capital markets. But on an occasion, if we catch a company and our intelligence agencies come forth and say there is credible evidence that this company just sold missile capabilities to Libya, and we have caught them, we have the intelligence on it, the President looks at it, makes his own evaluation and says, yes, I believe it is true. I hereby make that determination, and this same company is listed on the New

York Stock Exchange, should we not do something about that, raising money from the very American citizens who would be targeted potentially by a Libya?

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired.

Mr. THOMPSON. I urge adoption of the amendment, Mr. President. I thank the Chair and my chairman, Senator ROTH, for their indulgence.

I yield the floor.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH assumed the Chair.

Mr. ROBERTS. 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. ROBERTS. Mr. President, I am going to be speaking on the PNTR issue. From the time allotted, I yield myself 15 minutes.

The pending business is the Byrd amendment, but I was intensely interested in the comments and remarks by my good friend and colleague, Senator THOMPSON.

I thought now would be an appropriate time to urge my colleagues to oppose the China nonproliferation act—that is how the act is described—offered as an amendment to the legislation. But, again, I want to point out to my good friend and distinguished colleague from Tennessee that as a member of the Senate Intelligence Committee, and as chairman of the Armed Services Subcommittee on Emerging Threats, I speak with at least some understanding on this very serious subject of the proliferation of weapons of mass destruction. The fact is the distinguished majority leader has appointed Senator BOB BENNETT to be on the task force, as well as Senator THOMPSON, myself, Senator KYL, and Senator GREGG on this very issue.

More especially, in regard to the threat of terrorism, which is a very serious threat, among its many duties the Emerging Threat Subcommittee is responsible for congressional oversight of programs called the Nunn-Lugar cooperative threat reduction programs. They annually authorize the use of Defense Department funds—the fact is we are right in the middle of the defense authorization bill—to assist with the safe and secure transportation, storage, and dismantlement of nuclear, chemical, and other weapons of the former Soviet Union. We would hope we could do similar activities with the other nations concerned more specifically mentioned by my distinguished colleague.

In that enterprise, I have spent countless hours in committee methodically and hopefully meticulously debating these issues. This is a very important issue to me.

As the Senator pointed out, our first obligation is our national security. Our first obligation as Senators is to do what we can to safeguard our national security. There is no question about that.

As the distinguished Senator and, I guess, all of my colleagues, I have very serious concerns about China. I have no illusions about China. They are spreading, as he has indicated, weapons of mass destruction technology all around the world, more specifically to nations of concern. But I don't think this is the reason to erect what we call trade barriers, which is exactly what I think this amendment will do. Quite the opposite. It seems to me we should really reject this amendment because trade, on the other hand, has a stabilizing effect on international relations. The more that two nations trade and invest in regard to the economics of both countries and each other, the less likely it is that they will engage in any kind of military conflict.

Let me spend a few moments explaining to my colleagues why I think this amendment, which requires the President to once again impose sanctions on China, would be counterproductive.

First, again, I don't know how many times we have to say this on the floor. I have had the privilege of being in public service in the other body since 1980, and, as a matter of fact, I was working as a staff member 10 or 12 years prior to that time. In speech after speech after speech, primarily involved with agriculture, we have tried to point out that unilateral sanctions simply don't work as a foreign policy tool. Study after study by respected foreign policy experts and economists, academics, not to mention the farmer who has gone through this I don't know how many times, all agree that unilateral sanctions are overused; that they are ineffective and counterproductive. I know that they send a message.

I know from the intervention standpoint the sanctions we have on approximately 71 countries around the world send a very strong perception. We have them on almost virtually everything that we are worried about. But unilateral sanctions do little to change the behavior of the offending country. Yet they put American businesses and American workers and farmers at a huge competitive disadvantage.

I remember so well the 1980 embargo by President Carter. The Russians had invaded Afghanistan—something we all disagreed with without question and viewed as a great tragedy. I remember that the United States canceled the Olympics. At that time, President Carter said no more grain sales to Russia. Not one Russian troop left Afghanistan. And, yet, in terms of contract sanctity and our trade policy, our export policy was like shattered glass. I tell you who paid the price. It wasn't Russia. The fact is they were becoming more dependent on our food supply,



and the Russian people were demanding more in that regard because of a higher protein diet.

It was the Kansas wheat farmer and farmers all over this country. Our export policy suffered for years afterwards. It took us 2 years after that to get any contract sanctity. The price of wheat at the country elevator in Dodge City, KS, went from \$5 down to about \$2. Boy, did we feel good, except that Vietnam veteran who went out there to harvest his field and who had a good crop all of a sudden found it diminished in value and price. He was wondering and scratching his head: Wait a minute, these sanctions are not helping quite the way I thought they would.

I am saying again that sanctions simply don't work as a foreign policy tool. Unilateral sanctions are often used as an easy substitute for the harder work of finding more effective and long-term responses to foreign policy problems. They create the false impression that these problems have been solved. We need to take, it seems to me, a harder look at alternatives such as multilateral pressure and more effective U.S. diplomacy.

The Senator from Tennessee indicated what time we had in regard to multilateral pressure in regard to China. He makes one excellent point: We have not been successful to the degree that we should have been.

More effective U.S. diplomacy. Let's see, 18 months ago, or 2 years ago, we were going ahead with this trade agreement. We worked on it for years. All of a sudden, it was pulled back. Then we got into a conflict in regard to Kosovo. We had the unfortunate incident of the Belgrade bombing. I am going to be very frank. This is after about six times of drawing lines in the sand in regard to Bosnia and Kosovo, the Balkans, and the former Yugoslavia.

It seems to me that our word in regard to standing firm with what we would do in reference to foreign policy objectives would go a long way in convincing the Chinese, more especially the hard liners and the Communists in that country, that we mean what we say. It seems to me that a clear and rational and defined foreign policy of the United States where we define precisely what our U.S. vital national security interests are and make that very clear to the Chinese would go a long way to helping this matter rather than sanctions.

Let me point out that unilateral economic sanctions almost never help the people we want to help and almost always fail to bring about the actions that we seek to promote. By acting alone, America only ensures that its responses are ineffective since the target country can always circumvent a U.S. unilateral sanction by working with one of our competitors. That certainly will be the case and would be the case with regard to China. Unilateral sanctions should be one of the last tools out of America's foreign policy toolbox—not the first.

Second, the China nonproliferation act requires the mandatory—I have it in caps, in a higher type case here, to underline it—imposition of sanctions rather than allowing the President the discretion in determining whether sanctions or some other response will promote our U.S. goal.

The measure requires the imposition of the full complement of U.S. sanctions for even minor infractions instead of mandating a predetermined one-size-fits-all response. It seems to me that history and prudence tells us that the President's hands should not be tied. Flexibility is a must when dealing with sensitive foreign policy issues.

The thought occurs to me that if we are unhappy about the President not using all the venues, all of the opportunities, and all of the various means at his disposal to send strong messages to China in regard to this specific issue, we might want to quarrel with the policies and the recommendations and the actions of the President—not impose more unilateral mandatory sanctions that, quite frankly, might be followed up by more wrong-headed policy decisions, say, by the Executive.

First, this amendment is redundant. A substantial body of law already exists in regard to governing the real proliferation of weapons. The President already has authority to adequately respond and report to the Congress on this issue, on this concern, which is real, about China and other nations. Examples include the Arms Export Control Act. I know the criticism will be; we haven't done that. Let's get back to the people who are implementing the policy. It is certainly not the alternative that is there.

Second, the International Emergency Economic Powers Act.

Third, the Nuclear Proliferation Prevention Act. All those are on the books.

Fourth, the Export Administration Act.

Fifth, the Export-Import Bank Act.

And many others too numerous to list. You can go on and on.

Let's utilize and enforce the laws already on the books instead of hastily creating new statutes without properly studying the issue in the committee process, although, the Senator from Tennessee has spent many long hours on this subject area. I truly appreciate that.

Finally, it seems to me we must defeat this amendment because of the obvious: Its success will kill the effort to achieve trade concessions with China. It will kill the PNTR. My former House colleagues have assured me. I know it is easy to say let's pass it and see. In my view, in talking with people on both sides of the aisle on this issue, from the Speaker to the rank-and-file Members of the House, this is a killer amendment.

I also know the Senator from Tennessee has tried for a free-standing amendment. I understand that. That is

a different matter. But tied to this particular effort, it represents the death of I don't know how many years of work in regard to PNTR. I think Senators must understand a vote for this amendment, or any amendment, serves ultimately as a vote against PNTR.

It will be a tough vote for many of my colleagues simply because, as the Senator has pointed out, that is our first obligation. That is why we are here. It is such a serious issue.

I am much more discouraged by the thought of explaining to the American people why we failed to rise to the occasion and remain economically and diplomatically engaged with one-fifth of the world's population. I think that course of action would help us in regard to our national security.

I took some notes while I had the privilege of being the acting Presiding Officer, and perhaps this will be a little redundant. Hopefully, it will be helpful. Senator THOMPSON said the reason he has introduced the amendment, he has told all of us—especially those privileged to serve on the Senate Intelligence Committee, Senate Armed Services Committee, bipartisan commission, and virtually all Members of the intelligence community—that we have a problem here in regard to the real, certain spread of weapons of mass destruction and selling these weapons to rogue nations. We don't call them rogue nations anymore; we call them nations of concern. I am not too sure what the difference is. We all know who they are.

The Senator from Tennessee is exactly right. He says the problem is getting worse. He refers to Pakistan and says, What do we do about it? Then he says the Chinese have violated virtually all the agreements we have entered into with them prior to this date. I am not sure they have violated each and every one, but obviously we have not reached the progress we would like to reach with the Chinese.

He says, How on Earth can we claim the need for a national missile defense when these adversaries are causing the proliferation of weapons of mass destruction?

Excellent point.

Then he indicated that he could read a considerable amount of the intelligence reports—the itemized situation there in regard to the nations of concern and the spread of weapons of mass destruction.

That is true. But my question is, How can killing trade answer that challenge? How can killing this bill answer that challenge from a practical standpoint? With our competitors all over the world and the concessions we have arranged for in this trade bill, how can taking those sales away from American businesses, American farmers, and American ranchers help this situation? I don't understand that. I understand the means, but I don't understand the end.

If nothing else happens, China will become a member of the WTO and one-

fifth of the world's population will be a market to all the rest of the population, except the United States, and our competitors will take those markets. Kansas sales will not go to China; they will go to our competitors. I don't understand how that affects the Chinese decision in regard to these matters of grave national concern.

Will the Chinese change their military policy? I doubt it. I have no illusions. I share the Senator's concerns about Taiwan. I have been to Taiwan several times. I share the concern in regard to human rights. I share the concern, as I have indicated, about the spread of weapons of mass destruction. I sit on those subcommittees. I am worried about the espionage.

I worried a great deal 2 years ago when the distinguished Senator from Tennessee led the effort to have a little transparency, to shine the light of truth into darkness in regard to the campaign contribution violations involving China. He was stymied in that effort—we won't go into that—and tried very hard to reach a logical conclusion.

The Senator mentioned it is our primary obligation in regard to national security. I agree. But it seems to me, again, a partial answer is a clear foreign policy.

I am very hopeful with a change of administration we can achieve that, so that the Chinese fully understand what is acceptable and what isn't in regard to our national interests. It is not only China; it is all nations of concern. As a matter of fact, this administration has already announced we have exempted food and medicine sanctions in reference to all these nations of concern. They have not gone ahead and said that we can compete with our competitors and use our export credit programs, which is another step. Right now, with Iran we are trying to work this out as best we can. Obviously, we have a lot of concerns about the nation of Iran.

So it involves all of the nations. The same thing with Cuba. You can make the same argument with Cuba, except obviously Cuba today does not pose a national security threat. We hear the same arguments with regard to sanctions.

Trade is not a productive way to achieve foreign and military policy goals. I mentioned the Carter embargo. I will not go back over that. The issue is in regard to all of the reports. Send strong signals. We should be willing to take a strong stand. We should be able to draw a line in the sand and have reasonable policy discussions with the Chinese.

If we don't have that kind of engagement with the current leadership in regard to trade, to whom does it turn over the decisionmaking? Who gains ascendancy if we kill PNTR? I will tell you who it is: It is the two generals who wrote the book on how they can gain supremacy with the United States by the year 2020. I haven't read all the

book, but I read a portion of it. It is a chilling book. Equal superpower status with the United States. I think they probably wrote the last chapter after we were involved in the bombing of the embassy in Belgrade because they worry about NATO going outside of its boundaries and taking action like this. I think that crosses the T's and dots the I's. I am not saying that was a one-for-one cause, but I think that certainly was the case. If we don't remain engaged with trade, it will turn that decisionmaking over to those very people.

Let's say we pass the Thompson amendment, the House doesn't take the bill up, and PNTR is dead. We sure showed them. We showed them. Basically, the Chinese hardliners will gain ascendancy, the Chinese will buy some Ericsson cell phones, and the Chinese will buy French wheat and the Airbus aircraft. The President will still have the options he should be using right now to convince the Chinese we ought to be making progress on this, but we won't be trading with Chinese. It seems to me that is the question.

I thank Senator THOMPSON for making this such an issue of concern and having what I think has been excellent dialog and debate. I share his concern about the national security risk this poses. I do think this is the wrong way to get it done. I think this is a killer amendment. It is as simple as that. We have come far too far in our efforts to engage the Chinese with trade and, yes, with a serious national policy dialog with regard to our national security, to go down this road.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I ask unanimous consent I may have 10 minutes.

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

Mr. THOMPSON. Mr. President, I thank my colleague from Kansas for the level of his debate. This is a good discussion. This is what we ought to be doing. This is what we should have been doing for some time now. These are legitimate problems and legitimate disagreements.

But let me disagree with my good friend on a couple of very important points. The trade we talk about here, the only trade that would be stopped by my amendment, is trade that is already prohibited in other legislation. It is trade that is basically on the munitions list; that is, armaments and things of that nature, munitions and dual-use items. Under the Export Administration Act, if these entities are caught proliferating, it is already required that we stop that. We are certainly not arguing, are we, that the President should not enforce that law? It is already on the books. The worst that can be said about ours is that it is duplicative.

I have had a lot worse things said about things that I have done than that I have been duplicative. I hardly

think that is a major problem, in light of the fact there are additional items in our bill which help which are not on the books now.

But in terms of the trade that we would be losing, if that is the case, we would be losing it now if the President was applying the law the way he is supposed to apply the law. It is already on the books. Suppose it was not. Do we really want to be sending munitions list items and dual-use items to companies we find are proliferating? Can't we stand to lose that trade? We are not talking about Kansas farmers. We are not talking about Tennessee farmers. We are talking about those folks in this country—if you are in the business that would be affected by the munitions or the dual-use items that have either domestic or military capability, you would be affected if the President decided he wanted to go that route. That is the limitation. I think it is over \$1 billion a year in exports that we have in a \$9 trillion economy. Can't we afford that in light of this threat? Can't we afford that?

My friends on the other side say this is a killer amendment. Let's analyze that for a minute. I submit to you that is not the case. It is being used, but it is not the case.

The House of Representatives passed PNTR by about a 40-vote margin—more than anybody thought. All of us in this body have had a chance to express ourselves, and the votes are overwhelming here. The support and the leadership in the House is solid. You cannot stir with a stick the lobbyists in support of it around this town. The fight is over. We are going to have PNTR. The idea that we would send it back to the House with a proliferation amendment on it and people will say, "My goodness, we are trying to do something about Chinese proliferation. We can't have that. I voted for it before but I am going to change my vote now and vote against it," is ludicrous.

People say: Who is going to change their vote? With that 40-vote margin, who is going to change? Is it going to be the Republicans because we added a proliferation amendment? Of course not. Is it going to be the Democrats because the labor unions are pressuring them? When the Democrats are so close to taking back control of the House? When the labor unions have already lost this PNTR battle, and they know it, they are going to put their members in that kind of position so they can go into the election with a vote for it and a vote against?

With all due respect, that is not going to happen. If we add a proliferation amendment and do what we should have been doing a long time ago—and say we are just going to ask for a report, and if we catch you, we are going to give our President the clear option to do something about it or, if he does not, he is going to have to tell us why—if it went back to the House, it would be ratified within 24 hours and that would be the end of it.

We are not going to know until it happens. If we are so intent on avoiding what I consider to be a minute risk that we will turn a blind eye to what is going on because we are so intent on this trade agreement that we cannot even do the minimal of requiring an additional report, requiring some additional congressional involvement and making it a little tougher for the President to game the system—the way, quite frankly, this President has—then we have bigger troubles than I think we have.

How can this help? My friends ask: How can this help? I will ask a question. Why is the PRC so against this amendment? Is it because it is ineffective or duplicative? They are against this amendment because they don't want the additional attention on their activities. They don't want the President to have it highlighted that he has this discretion and has to give a reason why he does not take action. They think it will be effective. I think it will be effective. I think it will have an effect on them where they will think at least one more time before they do something that they know is going to be another major debate on this floor. That is my belief.

My friend makes a good point with regard to the issue of sanctions in general. That has been the source of a great debate for a long time. He makes some good points. But I reiterate: Sanctions are not sanctions are not sanctions. There are different kinds of sanctions. We can't lump all sanctions in one group. There are sanctions that differ in terms of the targeted country. There are sanctions that differ in terms of the activity that is going to be addressed. There are sanctions that are different in terms of the commodities or goods on which you are placing some limitation. We have had sanctions that have dealt with agriculture, as he points out. They have dealt with goods in general in times past. What we are dealing with here basically is munitions and dual-use items. Should we not stop that, if we catch these companies proliferating weapons of mass destruction?

Over the years when the U.S. has been serious about implementing measures to signal our displeasure with a foreign government's actions, these measures have had an effect. For example, U.S. economic pressure in the late 1980s and early 1990 led to China's accession to the Nuclear Non-Proliferation Treaty in 1992. In June of 1991, the Bush administration applied sanctions against the PRC for missile technology transfers to Pakistan.

They have been doing this for a long time, folks. These measures led to China's commitment 5 months later to abide by the Missile Technology Control Regime. They systematically violate it, but perhaps, hopefully, not as much as if they had not even agreed to abide by it.

In August of 1993, the Clinton administration imposed sanctions on the

PRC for the sale of M-11 missile equipment to Pakistan in violation of the Missile Technology Control Regime. Over a year later, Beijing backed down by agreeing not to export ground-to-ground missiles if sanctions were lifted. They entered into this agreement in order to get sanctions lifted. I wonder why they wanted those sanctions lifted—because they were having no effect? And that occurred in 1994.

Some of these examples were provided to me by Sandy Berger, the National Security Adviser, to illustrate how unilateral sanctions and/or the threat of sanctions have been effective when dealing with the PRC in the past.

The President's security adviser opposes my amendment because he doesn't want any complications to PNTR. We respectfully disagree with that. We certainly disagree over the extent to which they have attempted to do something about China's activities, but they have, on occasion, taken some action. He cites these particular instances when they have taken action, and he acknowledged they had some effect.

So we cannot have it both ways. We cannot lump all this together and say sanctions are bad, period, forever, regardless. We can't say, "Let's not tie the President's hands," when all of this is discretionary. He has to make a determination. I do not know how many times I have to repeat this. We are not tying the President's hands. He can do it if he wants to and he doesn't have to do it if he doesn't want to. That is not tying the President's hands. We are not talking about agriculture or any other general goods. We are talking about dual-use items.

So we have a legitimate debate here. Some think we should go ahead and pass PNTR and have no amendment strategy.

The PRESIDING OFFICER (Mr. ROBERTS). The time requested by the distinguished and articulate Senator from Tennessee has expired.

Mr. THOMPSON. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection? The chair hears none. The distinguished Senator is recognized.

Mr. THOMPSON. Legitimate debate. Some think we ought to pass this: No complications, no amendments, no muss, no fuss; worry about this later.

If not now, when? I thank the Chair and relinquish the floor.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I want to take a couple of moments. I already mentioned my concerns about the Thompson amendment, but I have to say it is interesting that the Senator is curious as to why there are objections to this amendment. He ought to recall that the Senate has already rejected three or four amendments for the same reason, and that is, we want to send a clean bill to the President.

The idea that his is being rejected because of certain things is just not the

case. There is a notion here that this bill ought to be sent, right or wrong. I happen to think that he is exactly right. There is also the implication that if you do not agree with this amendment, you do not care about these things. That is not true, either. We do separate things. There are seven or eight bills now in place.

The Senator says we are not going to tie the President's hands and then on the other hand says this is going to force the President to do something. We need to get it clear.

I wanted to make the point that there is no evidence that people do not care about these things. They do, indeed. There is a belief that these issues ought to be separated and we ought to deal with PNTR and then deal with the other issue. We should not think this is going to cause the President to do a number of things when we already have in place at least seven laws that are not being adhered to.

Those are the things on which I wanted to be clear. I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The distinguished Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to speak on the underlying bill as in morning business so as not to take time away from the Byrd amendment.

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

Mr. SMITH of New Hampshire. Mr. President, yesterday and today we heard my distinguished colleague, Senator THOMPSON, speak eloquently on the whole issue of the Chinese non-proliferation amendment. It is interesting that no one in the Senate wants to give us the opportunity to amend the legislation for fear somehow it might mess it up. On the other hand, it did not bother the House. They amended HR 444 and sent it over here, and I believe the Senate has a responsibility to do likewise. Frankly, I believe we have that right to offer amendments, such as the Thompson amendment, whether I agree or disagree with it. I believe people ought to vote on those amendments based on how they feel about it.

This is a very important issue. Permanent meant permanent when I went to school. When you say "permanent normal trade relations with China," permanent means permanent. I am going to touch on a number of issues, including the subject Senator THOMPSON has spoken so eloquently on over the past couple of days, but there are many other issues one might want to stop and have serious reflections on whether or not this is really what we want to do.

To the leader's credit, he has given us ample opportunity to have these debates. As Senator THOMPSON just said, one gets the feeling that it is a foregone conclusion; that we are wasting our time; we are basically taking the Senate's time for no apparent reason;

that it is already in the cards; that everybody is for permanent normal trade relations; we do not have to worry; we are just wasting time.

We waste a lot of time around here. I suppose we can say some of the greatest debates of all time have taken place in this Chamber. If it is a waste of time, so be it, but I believe these comments should be made, and I believe they ought to be considered. If people want to vote against the Thompson amendment, a Smith amendment, or other amendments, they have every right to do so. If they want to say proliferation matters, then they have a right to do so, and they will have a right to vote.

I applaud Senator THOMPSON for adding this amendment to the PNTR debate. He has been involved in the committee investigating some of these matters. He is able. He knows about these issues. It would be a shame if the Senate did not heed what he has advised them to consider.

I believe one of the greatest threats to the U.S. today is China's proliferation of weapons of mass destruction—nuclear, chemical, and biological, all three—and the means to deploy them; not just produce them, but have the mechanism to deploy them. We do not know whether they have the will or the desire. We do not deal with will and desire. What we deal with is capability.

This is a fact. This is not opinion, as Senator THOMPSON has pointed out. It is a fact that the proliferation of weapons of mass destruction—biological, chemical and nuclear—are occurring today by the Chinese. It is a fact. Despite words to the contrary, China continues to transfer technology to Pakistan, Iran, North Korea, and Libya. One can say: Fine, I do not care; it is more important to sell my agricultural products to China than it is to worry about proliferation of nuclear and missile technology.

That is fine if that is your opinion, but do not come to the floor and say that it is not happening because it is happening. This technology is being transferred to North Korea, to Libya, to Iran, and to Pakistan. It is happening, and that is a fact. One can say: Fine, I don't care about that; we will go ahead and feed the people who are doing it, but it is a fact that this technology is being transferred.

The Director of Central Intelligence reported on August 9 that China remains a "key supplier," his words, of these technologies, particularly missile or chemical technology transfers. Some of these transfers have raised questions about violations of the Non-Proliferation Treaty which China signed and contradictions to the Missile Technology Control Regime which China promised to abide by, and U.S. laws, violations which may require sanctions.

China has not joined some of the international nonproliferation groups. The Clinton-Gore administration policy of "comprehensive engagement"

with Beijing seeking to improve bilateral relations has failed. It is time for a tougher approach to advance U.S. nonproliferation interests.

This is not about coming out here and beating up on a country. The facts are the facts. They threatened Taiwan. They have threatened us if we interfere with them threatening Taiwan. They have actively engaged in seeking to control the Long Beach naval shipyard, the Panama Canal, and other regions in the Caribbean, and yet we are supposed to stand by and ignore this threat, all of it in the name of free trade.

Not only are we supposed to ignore it, we are not even supposed to have a vote on it; we are just wasting the Senate's time to point out that this is happening in the world today.

Maybe Senators have made up their minds, but I want to speak to the American people because, frankly, I am not sure the American people have made up their minds on this issue. Maybe they need to know.

I ask you: If you are a parent with a 17- 18- 19-year-old son or daughter—I have one 21 and one 18—whether or not you feel safe in providing this country of China with permanent normal trade relations; that is, giving them the best opportunities we can to trade with them and you are not worried about the fact that they are spreading weapons of mass destruction all over the world. If you are not, then I think you should sit silently and say to yourself: I am going to get my way; the Senators are going to vote the way I want them to vote. But if you are not satisfied, then you ought to let your Senators know because we are going to have a vote on this in the very near future.

Many in this body are adamantly opposed to amending this trade legislation. They argue that trade and national security concerns are not connected. We should go ahead and trade with China. We open up our country. We open up the dialog. We open up debate and just ignore all the other issues. Proliferation, human rights abuses, religious persecution, and all the other issues I plan to speak about will take care of itself. Don't worry about China. They will not hurt us. Don't worry about it. Just keep trading with them and provide more assistance.

No one is talking about ignoring 1 billion-plus people in the world. That is not what this debate is about. No one proposes to ignore them. I do not propose to ignore them. No one proposes to not talk with them or not to have relations with them. That is not what we are talking about.

What we are talking about is permanently establishing these normal trade relations, which gives them benefits that American companies do not even have and American citizens do not have. So if you want people who are trying to spread weapons of mass destruction all over the world—chemical, biological, and nuclear—to have better

situations—their companies don't have to abide by environmental standards; they put people in slave labor in the textile mills, or whatever, for 50 cents a day—if that does not bother you, then fine, don't call your Senators and tell them. Leave it alone. They are going to vote your way. But if it does bother you, you may want to speak up.

This amendment, the Thompson amendment, is very relevant. People should be heard on it. Every Senator should be heard on it.

The Chinese Government realizes we are willing to abdicate our national security concerns to gain access to their meager markets at all costs. You think the Chinese are not watching this debate? You think they don't know what is going on? Here is what they are hearing: You know what. These guys will do anything to get our business. They will do anything to get our business. They will let us go ahead and spread weapons of mass destruction all over the world. They don't care about that. The United States will let us move into Panama and threaten the people of Taiwan as long as we can buy their corn and their wheat. Man, that is a good deal for us.

Boy, I will bet they are laughing in Beijing right now at this debate. But I will tell you what. If it ever comes, God forbid, to a conflict in the future, if you have a son or a daughter in that conflict, you are not going to be laughing. That is the reality. That is the way life is.

Ronald Reagan stood firm against the Soviet Union; and it worked. When President Reagan told Gorbachev to tear the Berlin Wall down, he tore it down. We won the Cold War because we stood firm. We did not kowtow to the threats and the intimidation to sell products. Some wanted us to, but we didn't.

Leaders in China believe the actions of this body are a foregone conclusion—over and done. The Chinese have acted accordingly by continuing to proliferate nuclear and missile technology during this whole process. It is still going on, as is evident by the latest report from the Director of the CIA. They are still doing it. And we are still going to give them permanent normal trade relations.

Sometimes—and I have been on both sides of many issues; I have lost debates and I have won debates—sometimes you have to have the debate. You know what. I want history to judge me on what my position is on this issue. I hope to God that I never ever have to come back to the Senate floor and say: See, I told you so.

I hope tomorrow the Chinese all become democrats—little "d"—and we become one big, happy world family between the Chinese and the Americans. I hope that happens.

You know what, folks. Are you sure that is going to happen? Do you feel real good about that happening based on what is occurring right now as we speak? Spies spying, stealing our secrets, stealing the whole arsenal of our

weapons, and we are about to let the person who stole that—he is going to go free very shortly. We are the laughingstock of the world. Unbelievable. Yet we sit here—so many of us—with-out even uttering a whimper and criticize those of us who speak up and talk about it, criticize us for even offering amendments to try to stop it.

I commend Senator THOMPSON. I admire him. I respect him. I served with him on that committee when he did this investigation. I respect what he has done. He is right. History will judge him right. Those of us who stood up and spoke out, history will judge us right as well.

That is all that matters because when you stand up here, you can speak and you can vote. That is about it on the Senate floor. And sometimes you lose. But it doesn't mean you shouldn't be heard. It doesn't mean you are always wrong when you lose. It doesn't mean you are always right, either.

The recent release of the State Department's annual human rights report states that China's human rights record has worsened, not improved. Are these the actions of a country that we believe are going to curb their dismal record of missile and weapons of mass destruction proliferation, atrocious human rights violations, or honor their trade agreements signed with the United States?

Quite frankly, actions speak louder than words—a trite expression. China has not even attempted to clean up its act. As Congress has debated this issue this year, they have not even attempted to clean it up because they know what the result will be. They have known all along: Free and open trade, and reduced vigilance. Free trade will facilitate the proliferation of technologies and systems for weapons of mass destruction and the means to deploy them. Make no mistake about it. Free and open trade, permanent normal trade relations with the Chinese, will foster the ability of this nation, China, to send weapons of mass destruction around the world, and the means to deploy them. We should speak up on the Senate floor about it. Frankly, we should adopt the Thompson amendment. If that means it defeats PNTR, good.

The same technologies that create Chinese space threats to the U.S. also enhance Chinese capabilities. We in Congress should not stand by passively and watch that happen, either.

Voting against the Thompson amendment will send a green light to Red China to continue to destabilize regions already mired in centuries-old conflicts. China's proliferation activities have sparked a nuclear arms race on the Indian subcontinent and have assisted Iran's nuclear missile programs, not to mention Libya's desire to become a nuclear power—a very comforting thought. The Chinese are helping Libya, Mr. Qadhafi, to become a nuclear power. I am sure that will comfort everyone. Why not? Let's help

them. Let's feed them. Let's trade with them. Let's treat them as if they are a nice nation that does not do any of this; ignore it all, and let Libya be a nuclear power. That will be nice.

It is time that this body takes action. I urge Members to reconsider. Those of you who believe that THOMPSON is wrong, I urge you to reconsider that in the face of this debate.

It would seem that the main argument against these and every other amendment that is being offered is that since it was not in the House bill, as I said before, then we can't have it in the Senate bill. That, frankly, is an insult to all of us in the Senate. We have an obligation, as I said, to amend if we want to.

The proponents argue there can be no conference; that is, don't have the House and Senate sit down to work out any deal. That takes too much time. That is too much trouble. We just want to pass what the House sent over, even though they amended it.

Are the proponents suggesting that the Senate will not ask for any more conferences between now and the end of the session on any bill? Are we going to conference appropriations bills?

We do 13 conferences usually on appropriations bills. But we can't do a conference on permanent normal trade relations with China? That is the process. The process calls for conferences between the House and the Senates. Even if we conceded that it was too late for a conference, the suggestion that a conference is needed is totally inconsistent with our framework of government.

When we pass a bill, it does not go to conference. It goes to the House. We all know that. If the Senate—given the overwhelming support for PNTR in this body—approves some commonsense modifications, then those amendments would eagerly be accepted by the House. It would not be a big deal. If there is an argument over it, fine. We settle the argument, as we do in every conference.

So if we amend the bill, it goes to the House. It takes no time. The clerk engrosses the amendments and sends it over. We can pass an amended bill at lunchtime, have it passed in the House in time for the Members to be home for dinner; President Clinton wakes up in the morning, has a little breakfast, and signs the bill. Over and done with.

What is the big deal? We make things too complicated around here. Frankly, they are phony arguments, as if this conference is going to take decades to finish. We are going to finish the conference. The fact that we might add a couple of amendments, whether it is proliferation or anything else, to this bill and that it is going to delay the conference and somehow mess up PNTR is nonsense, total nonsense.

I taught history. I taught civics. I taught how a bill becomes law. I have been on conferences. I am on two right now, the Department of Defense and the Water Resources Development Act.

I can assure you, those bills are much larger and have many more time-consuming issues than this one. But I might ask you, are those bills any more important than this one? I don't think so. So why, then, are we conferring them and not wanting to conference here?

Some have argued that the annual debate over whether to renew this was counterproductive. I would argue that it served as one of the few constraints on Chinese behavior. The fact that we had this debate in the Senate is good. At least China knows there are some of us who are concerned about it.

If we yield permanent MFN on PNTR to China, then we forever relinquish one of the few tools we have to foster change in China, which is our agricultural leverage. Unfortunately, since 1989, when MFN was once again renewed despite the carnage at Tiananmen Square witnessed by the rest of the world, the Chinese came quickly to understand that the U.S. Government valued its trading relationship with China above all else. It is a fact; that is how they view it.

What is of greatest concern is that a majority in Congress, like the CEOs of many major companies, appear to be mesmerized by this mythical Chinese market and are willing to ignore the egregious conduct. China's conduct should have, at a minimum, postponed China's admittance in the WTO. It is the kind of conduct you cannot ignore. You cannot ignore the atrocities that are occurring in this country. We don't have to ignore it. We can pass amendments to PNTR that highlight those atrocities in an effort to leverage the Chinese to stop it. I will get into some of those in a moment.

We are familiar with the 1996 campaign finance scandal where millions of dollars were delivered from China through conduits in an attempt to buy the White House. It was a big embarrassment for our country. We know that China plundered nuclear secrets from our national labs and that in fact, according to our own intelligence agencies, Chinese agents continued to steal that technology in the United States, including from DOE labs. This is happening. Countless news articles have underscored China's dangerous proliferation of missile technology and weapons of mass destruction to rogue regimes all over the world. As I said, two Sovremenny-class destroyers equipped with Sunburn missiles, these missiles were specifically designed to defeat our Aegis system and our carrier battle groups. That is the specific purpose of this class of destroyers. This represents a great leap forward on the part of the Chinese Navy and a serious threat to the 7th fleet and our allies in the Pacific. Are we so blinded by trade and the lure of profits that we can't recognize the danger to our strategic vital interests? Are we that blind?

In Hong Kong, only recently turned over to the Chinese Government, news reports over the weekend indicated

that pollsters are being discouraged from reviewing information which shows the declining popularity of Hong Kong's Chief Executive. The Chinese Government has warned businessmen on Taiwan they cannot be pro-independence if they expect to do business with Beijing. The Chinese military on a regular basis truly speaks of invading Taiwan, and the proliferation of missiles aimed at Taiwan lends credibility to this threat. While the Clinton administration rewards Beijing with support for MFN and PNTR and has supported military-to-military exchanges with the People's Liberation Army, it has opposed the Taiwan Security Enhancement Act which seeks to bolster the capabilities of the degraded Taiwanese military and upgrade United States-Taiwan military relations.

Most recently and, frankly, most shamefully, the Clinton administration discouraged members of both parties of Congress from even meeting with the democratically elected leader of Taiwan. What an insult. I just don't understand it. We are going to give permanent normal trade relations to China, sell them our products and feed them, and we are not going to offend them by talking to the leader of Taiwan. We are the world's greatest superpower. The rest of the world, I hope, still views us as the land of liberty and the beacon of freedom. And we are afraid to offend China by talking to the leader of Taiwan? What must they think when the administration denies the freedom of assembly, that all Americans enjoy, to a visiting democratically elected dignitary? Think about that. What signal are we sending? Are we not rewarding the intelligence of the regime in Beijing by snubbing the duly elected leader of the Chinese democracy? It is un-American and it is inexplicable. It just can't be about money because, in fact, we sell more goods to Taiwan than we do to China.

So why are we doing it? If we sell more goods to China than we do to the People's Republic, why are we snubbing the leader of Taiwan? We won't even talk with him. What is it about this administration that makes it so eager to kowtow to Communist leaders?

It may not be an accident. I ask unanimous consent that this be submitted as part of the RECORD.

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

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES.

VOTE WITH AMERICA'S VETERANS ON MEMORIAL DAY—VOTE "NO" ON PNTR FOR CHINA

DEAR COLLEAGUE: This week the VFW, the Military Order of the Purple Heart and AMVETS, joined the American Legion, and several other veterans organizations in opposition to PNTR for China.

VETERANS ORGANIZATIONS OPPOSED TO PNTR  
FOR CHINA

Veterans of Foreign Wars, Military Order of the Purple Heart, AMVETS, The American Legion, United States Army Warrant Officers Association, Reserve Officers Association, Naval Reserve, and Fleet Reserve.

This vote is scheduled just a few days before Memorial Day, a day which honors our armed forces personnel who have given their lives for our freedom. We should heed the voices of our men and women in uniform and America's veterans who are asking us to vote no on PNTR for China.

Sincerely,

FRANK WOLF,  
Member of Congress.

Mr. SMITH of New Hampshire. This is from Congressman FRANK WOLF, which is a listing of the organizations opposed to PNTR. It is not an accident that most of the veterans organizations are opposed. They are the folks who have sacrificed. The Legion, Veterans of Foreign Wars, Naval Reserve, Fleet Reserve, Amvets, Order of the Purple Hearts; these are the guys who paid the price. They are not for PNTR. They have a right to talk. They have a right to be heard. They have a right to this debate occurring. They have a right to say to those folks who say let's not debate this, let's just pass it: Sorry, we paid the price; we paid the price to have this debate, and we should have this debate.

I am standing up for the American Legion and the Veterans of Foreign Wars and the Military Order of the Purple Heart and others. I am proud to do it. They are right. They have been right before. They have been right in the past and they are right now.

I conclude on six very brief amendments I have already offered but didn't get an opportunity to speak on the other day because of time constraints.

There is a commission that is created under this permanent normal trade relations bill to monitor certain levels of Chinese cooperation. One of the amendments I introduced last week was called the POW-MIA amendment. The purpose is to monitor the level of Chinese cooperation on the POW-MIA issue and to pass this information on to the American people as part of an annual report the commission will issue. All I am asking is that this be part of the commission's report, that we do a study on this, put it into the report. That is all the amendment is.

I have been a longtime advocate of the POW issue. I believe the U.S. Government should make every effort to account for its missing servicemen in our Nation's conflicts, all of them. I am sure my colleagues would agree that we have a solemn obligation to these brave men and women and their families. There are over 10,000 accounted for American soldiers, airmen, and marines from the North Korean, Vietnam, and cold wars. The fate of many of these Americans, especially from the Korean war, could be easily clarified and determined by the People's Republic of China.

I have written to the People's Republic of China. They have basically ignored my letters. They are not willfully coming forth with information. This is a humanitarian issue. What is wrong with having an amendment that says the Chinese should cooperate and help us account for our missing? Yet

the sponsors of this bill are saying don't vote for the Smith amendment—it is being put around here on all the desks—don't vote for the Smith amendment because it will cause a problem. If we sent it over to the House, the House would have to agree that we should account for our missing POWs, that we ought to ask the Chinese to help us. Don't complicate things, don't put that amendment on.

I hope the American people are listening. Don't complicate PNTR by having China help us find our missing. Really. Unbelievable.

Let me share a small fraction of information that leads me to believe China knows a lot more than they are telling us. It is precisely this type of information that makes it all the more important for the Chinese to cooperate. I know some people say that is just a bunch of baloney, the Chinese don't have any information on POWs and MIAs. There are numerous declassified CIA intelligence reports from the 1950s that indicate Chinese knowledge about American POWs from the Korean war. I will enter all of these in the RECORD, but let me cite a couple of them.

Central Intelligence Agency, May of 1951, subject: American prisoners of war in Canton, China. It goes on to describe the sighting. June 1951, subject: American prisoners of war in South China. It goes on to talk about it. Fifty-two American prisoners were incarcerated in a Baptist church in Canton, on and on. A staff member of the state security bureau in Seoul on 12 February stated—this is 1951—that all American prisoners of war were sent to camps in China, Manchuria, where they were put to hard labor in mines and factories. Documented, and yet they don't give us any answers.

Prisoners of war in Communist China is another subject. In 1961, another report; another report in September 1951. American prisoners of war in Communist China; Chinese student had a sighting.

Whether these are true or not—I make no representation whether or not they are, but they have been brought to our attention. We know the Chinese have information as to what happened to those people. Yet, I repeat: We are told not even to amend PNTR because it is going to cause a couple of minutes of delay over on the House side to conference this and get it in there.

That is a real fine "how do you do" for the people who served our Nation and are now missing Americans. That is a fine "how do you do."

I hope Senators who oppose this amendment can look into the eyes of the families of those prisoners and say: I had to do this because I wanted China's permanent status so badly, I couldn't care less whether I got any information on POWs and MIAs; I am going to be able to look in the mirror quite fine.

I could go on and on through 100 more. I have them. But I am not going to do that.



Secretary Cohen, to his credit, raised this issue with the Chinese during his visit to China last summer at my request. He raised it very forcefully. Once again, the Chinese simply said: We don't have any information on your POWs. And under their breath, as they walked out of the room, they said: What the heck, we have going to get PNTR anyway. Why bother? It is a foregone conclusion.

They make billions and billions of dollars in trade with the United States. Shame on us if we fail to demand that they provide answers on our missing servicemen. Shame on us for the sake of a few minutes in a conference with the House of Representatives—shame, shame, shame, shame.

Three-hundred and twenty-thousand Chinese military personnel served in Vietnam from 1965 to 1970. It seems to me pretty likely that some of those troops could tell us something about what they saw in Vietnam that may account for 1, 2, 3, 10, or 100 of our missing. We need the Chinese to tell us what they know.

Although I am opposed to permanent normal trade relations with China, this amendment would address these concerns. And at least, if it passes, it would be in there so that we would be saying to the Chinese: Here is your PNTR, but at least we care about our missing; help us. No. It might take a few minutes in conference. We can't do that.

The second amendment I offered deals with Chinese companies.

According to the proponents of PNTR, surrendering America's only real leverage to Communist China's actions on a myriad of national security and human rights issues is being heralded as a win-win scenario for the American people and the oppressed Chinese. This not only false, but it is detrimental to the American people and U.S. national security.

In the zeal to gain potential profits in China, we will be surrendering our most useful leverage tool that can be used to redirect China's atrocious human rights, religious persecution, and increasingly belligerent military. The proponents of PNTR have claimed that the Chinese citizens will enjoy economic prosperity and eventually democratic freedoms.

Both of these assumptions are uncertain. However, what is certain and can be tangibly observed right now is that the PLA and their companies—many of them increasingly high-tech in scope—are eagerly anticipating the benefits and profits of increased exposure to American consumers in the United States. It is almost "laugh-out-loud funny" to hear people say those companies in China don't have anything to do with the Government, that they are private companies. Hello. Private companies in China? Maybe you ought to look at the Lippo flow chart, and how all of that works, and find out where it leads. Where does the trail lead to all of these companies? It leads directly to

the People's Liberation Army. That is where it leads—to the Chinese Communist leaders.

Without a doubt, PNTR will facilitate and improve the People's Liberation Army's military capabilities. The profit they will make and the money we are going to provide them in these sales is going to go directly into the technology spread of weapons of mass destruction and improve their military capabilities, which—may God forbid and I hope not—may be used against us in the future.

Experts have concluded that the U.S. trade deficit with China is expected to grow if China wins PNTR. Our deficit will grow. That means more capital for China to modernize its military. That is what it means. Let's face it. Fine. OK. We sell wheat. Great. Sell corn. Great. Enjoy your profits, because let me tell you where it is going: More capital to China to modernize its military.

As PLA companies gain increased access to U.S. high-tech, dual-use technology, they will be able to buy increasingly advanced weapons from Russia and other nations. What they can't build they can buy.

To illustrate, the PLA navy has been aggressively improving its surface fleet by purchasing, as I said earlier, state-of-the-art Sovremenny-class destroyers from Russia. The Chinese military's ability to purchase these types of weapon platforms poses a direct threat to U.S. Navy aircraft carrier battle groups in the Pacific and our friends in Taiwan.

Is there anyone out there listening with a son or a daughter on a military or Navy ship in the South Pacific? You ought to be worried. You ought to be thinking about what your Senators are going to shortly do here. They are going to provide the capability of the Chinese military to knock those carriers and those destroyers right out of the water with the most sophisticated technology known to mankind. We are going to help them do it. We are going to help them do it.

If somebody wants to come down here and debate that and tell me that is not the case, come on down.

Currently the U.S. Navy has no defense—none—against the Sunburn missile which the Sovremenny destroyers of the Chinese military could use against U.S. aircraft carriers with 3,000 or 4,000 people, and some have as many as 6,000 people. It is a vulnerable city out there with your sons and daughters on it, and we are helping them to have the capacity to knock it out.

While many have opted to dismiss the national security risks that will accompany China PNTR, our own intelligence apparatus—that is the worst part of this for me to deal with. Our own intelligence has identified the threat the United States faces from trade. They have told us. It is not an opinion. They have directly told us trading with China threatens our national security. It threatens our na-

tional security, and we still ignore it. Not only do we ignore it, but we are being told not to debate it.

According to the U.S. Defense Intelligence Agency, the PLA has established "sixteen character" policy guiding the mission and profits as companies realize from the sale to U.S. consumers. Specifically, these companies wish to profit from the manufacture of ordinary consumer goods to pay for the development and production of weapons; subsidize and profit from these industries in times when the PLA does not need to use their manufacturing infrastructure to produce defense-related weapons and goods; and to seek foreign trade and investment to modernize its defense infrastructure.

According to reports in the South China Post, the PLA has kept 1,346 companies, dumping thousands that were not profitable for the Chinese military.

Think about that—dumping companies that were not profitable to their own military.

These military-owned companies produce and ship a wide variety of goods to the United States for sale to unknowing American consumers.

What do we do? We say to them: As long as we can sell our corn and our wheat, we don't care. No problem here.

Regrettably, these same U.S. consumers were unaware that the People's Liberation Army goods they purchased in 1989—do you want to know what happened when American consumers purchased goods in 1989? They helped to fund the Chinese Communist Party's brutal crackdown and massacre of the countless pro-democracy demonstrators in Tiananmen Square. That is where the money went.

Currently, President Clinton and his administration have impeded the process by which the United States monitors and keeps track of PLA businesses allowing American citizens to fill the PLA coffers unchecked. The increased trade embodied in PNTR may only contribute to a future of more brutal crackdowns by the PLA and Chinese security forces funded by unknowing American citizens.

I am trying to help American citizens know: Don't do it. Urge your Senators to vote against this.

I propose at the very least that the Senate consider and accept a simple commonsense amendment, which I am offering, which would allow the Defense Intelligence Agency of the United States and the FBI to monitor and report to Congress on the activities and national security assessments and implications where U.S.-consumer-generated money is being directed within the PLA. That is all my amendment asks.

I believe the American people would be aghast if they knew that their hard-earned money was greasing Communist China's brutal crackdowns, dangerous saber-rattling toward the democratic island of Taiwan, and increasing the credibility of the Chinese Communist

Army's weapons of mass destruction as top generals in Beijing threaten to vaporize cities on the American west coast should the U.S. come to the defense of our democratic friends in Taiwan.

That is an eye opener. Not a comforting thought if you live on the west coast.

As this Nation's top decisionmakers, I believe the American people deserve to have a Congress that watches out for their best interests. Sometimes in the short run what one thinks is in the best interests are not the best interests in the long run; it is nice to make a little profit on the sale of food, but look at the long run.

I know I am not supposed to be up here taking all this time to talk about this. "Permanent" is a long time after this debate—a long, long time. Once the damage is done, recovery is going to be difficult.

I have an amendment regarding space and the implication of the Chinese and what PNTR will do to that. Space is of huge importance. Whoever controls the skies in the future, I believe, is the winner in the next war. The U.S. is becoming ever more reliant on space capability, especially in the areas of command and control. While we are ahead of any potential rival in exploiting space, we are not unchallenged, and our future dominance is by no means assured. We have already observed major national efforts to conceal the Indian and Pakistan nuclear tests and the North Korean space launch capability from U.S. space assets. It would be naive to think our adversaries are not considering and capable of a wide range of methods to counter U.S. military muscle in general, and our current space advantage, in particular.

A 1998 report said, one, China is constructing electronic jammers that can be used against our GPS receivers; two, China's manned space program will contribute to an improved military space system.

We hear the argument in the United States, let's not put weapons in space. That is exactly what the Chinese are doing. That is their goal. We will help them do it. We will help them out. Feed them, trade with them, have them make some money, and help them to move right on and get their technology into space while we sit back and argue whether or not we should militarize space.

I will not go into all of the arguments on that other than to simply say this amendment directs the Congressional Executive Commission on the People's Republic of China, which was created in the House language, to monitor—that is all I am asking—a number of important issues so that we can report annually on Chinese space capabilities and the activities that affect the development. All we are asking in this amendment is it be monitored as part of this Commission.

Again, same argument; same old story: Don't waste the Senate's time,

don't amend it. If we amend that we have to confer with the House—it might take a couple of hours, who knows—to come to a conclusion. No amendments. We don't want to delay this. But look at the long-term implications.

Another amendment that I have offered, No. 4, is in the area of environment. I serve as the chairman of the Environment and Public Works Committee in the Senate. I will briefly explain this. In America, if you run a business, there are environmental regulations; strict, EPA-regulated laws that you have to abide by. It costs money. I am not complaining. I think some of the environmental regulations are good. Some have been a little bit too harsh. On the whole, the Clean Water Act, Safe Drinking Water Act, the Clean Air Act, all the bills and laws we have passed through the years have been effective in cleaning our air, lands, and water. I think companies now realize that.

However, it has cost a lot of money. We have accepted it. Why do we want to allow the Nation of China, which we are now giving permanent normal trade relations to, to not enforce any environmental laws? Why do we want to say to China, you can produce a product, dump it on America's market to one-third or one-fourth, or one-tenth of what we can sell it for, and not have to abide by any of the environmental regulations?

China is part of the world. America is part of the world. The atmosphere and the oceans and the land are all part of the globe. Why do we let them off the hook? Why do we punish our people and not even ask that the Chinese be forced to somehow abide with basic environmental laws? That is why we need this amendment. It simply says that the Commission will monitor the lack of environmental regulations and use that as leverage for when we trade with them.

Here again, the same old argument: Let's not debate it. Let's not add it on. Don't vote for the Smith amendment on environmental regulations because we may have to go to conference and it might slow the bill down.

Why is the environment such a disaster in China today? The answer is simple: Because the people in China don't enjoy political and economic freedom. They don't have any choice. They have no choice but to breathe that filthy air. Per capita emissions in China are 75 percent higher than in Brazil which has an economy of similar size. The difference is, communism doesn't work. A prosperous economy and healthy environment can go together. A free people wouldn't consent to this type of environmental disaster. We shouldn't consent to it, either. But we are. We are saying: No problem, don't want to have a conference, don't want to waste any time, don't want to take an extra day or two to add an amendment here that says we will monitor China's lack of environmental

standards and regulations. No problem. We don't want to slow it down.

That is what my amendment does. If you feel it is fine that China continues to pollute at a 75-percent higher rate than any other country in the world, for the most part you don't care, you want to keep right on trading with them and keep on making profits, keep on feeding them, fine.

Former U.N. Ambassador Jeane Kirkpatrick once criticized my colleagues across the aisle on the Democrat side for their tendency to "blame America first," for their belief that there must be something wrong with this great Nation that causes the world's ills.

Keep that in mind when you consider my amendment. If laws such as the Clean Air Act and the Clean Water Act are necessary for the environmental health of this Nation, shouldn't they be beneficial to China as well? Do we really want to make a profit so badly that we are willing to say let those people live in that filth, in that dirty air; let that dirty air move out of China and across the ocean and into other parts of the world? Do we really want to make a profit that badly? If we do, shame on us.

I have two more amendments.

No. 5, one of the most shameful experiences regarding human rights violations in the country of China. I have already heard the argument and been told by colleagues, don't offer this amendment because we don't want to delay the process again. I think the picture that I am showing is not pleasant to look at. I don't like to look at it. But the American people need to see this picture. My colleagues need to see it. This amendment that I am offering seeks to improve the quality of life for orphans such as this little girl who are currently waiting to be adopted out of Chinese orphanages. What a horrible experience, to be a child in a Chinese orphanage.

What are we saying? No problem, no problem, that is China. We need to sell our wheat, man. We need to sell our corn. We need to make a profit. We will just ignore that. That will take care of itself. Don't worry.

What would happen if that was an orphanage in the United States? We all know what would happen, and justifiably so; it would be shut down. The Government would be in there like hornets, as well they should be.

But we are not going to worry about it, it is China, it is not our country.

We can't shut their orphanages down. I am not proposing to do that. But we can monitor it and we can say to the Chinese if PNTR passes, you keep this up and we are not going to trade with you.

But, oh no, that might mess up the deal. This amendment would encourage the Chinese Government to provide specific data such as the survival rates of orphans—like this young lady, certify that orphans are receiving proper medical and nutritional care, and show that all efforts are being made to help

the children—particularly those with special needs, who are the ones who are the most punished in these orphanages—to be adopted into loving homes by way of Chinese international or U.S. adoption agencies.

How can we ignore this? How can anybody in good conscience say: Senator SMITH, you are right, this is a terrible atrocity but we are not going to put this on the bill because it might delay the bill and it might cause a problem with the Chinese and we might not get PNTR passed. How can you say that?

The conditions of millions of orphans in China are deplorable, just like this. Many Chinese people want—and frankly feel they need—to have a baby boy with the expectations that a son will take care of them when they are old. A son carries the family name. It is considered honorable to have a son. Not so with a girl. A girl is expected to grow up and leave the family with her husband and will not care for her parents when they are old. If a Chinese woman bears a baby girl, many times they will drop her off anonymously at an orphanage, abandon her, kill her outright, or throw her into the garbage. Or even worse, as I think Senator HELMS is going to talk about shortly—abort the child without the consent of the mother.

It is unbelievable what these little children suffer. Some are lucky and they get adopted, but believe me, not many. Americans have adopted 20,000 Chinese baby girls. Some babies leave China for America every month. However some of these little girls and baby boys with special needs are left to languish and die in dark rotting rooms in state-run orphanages in China.

How can you ignore it? How can you come down here and say we are going to ignore all this and give them permanent normal trade relations?

One of my constituents, a young couple, came to me a few months ago. They were here on a green card. They said: Senator, if I go back, I am pregnant, they have told me they are going to abort my child. I want my child.

One of the greatest experiences I have ever had was crying with them when we got their deportation blocked and she had that baby right here in America. You cannot ignore this kind of horrible atrocity.

Many of these babies were not even fed or given water. Some are starved to death. Why is it so bad? Why is it so harmful, I plead with my colleagues, to say let's ask the Commission to report on this in PNTR? It is not so bad. Is that so terrible that maybe the House has to agree with me and the conferees have to agree and send it back over for another 5 minutes of debate? Really?

This baby girl is Mei-Ming. Do you know what Mei-Ming means in China? "No name." She was discovered in one of these orphanages in 1995 and, according to the orphanage staff, Mei-Ming became sick. They had no medication for her—none. So they put her in a

back room under a pile of clothes and they shut the door.

This is a picture of her at 10 days without food or water—in an orphanage. She lived another 4 days just like this and then she died. The orphanage denied that she even existed. They said she was never there, this Chinese Government that allows this, the Government that allows this to take place.

The only remaining memory of Mei-Ming—let's hold it up here—the only remaining memory of Mei-Ming is this photograph right here. I say to my colleagues, in the name of Mei-Ming: Please, agree to this amendment; agree to this amendment. Let the House take a few minutes to add language in there that the Commission, in the name of Mei-Ming, could report on this kind of atrocity as you reap your profits. Is that asking too much?

Some orphanages in the 1990s had death rates estimated as high as 90 percent. I have heard reports that, since the public scrutiny of the last decade, the conditions in the Chinese orphanages have improved. I would like to thank the Chinese Government if that is, indeed, true. But it would be nice to have this as part of the language, to find out.

The last amendment and then I will not delay the Senate any longer, Senator BOB SMITH will no longer hold up the Senate business, you will be able to pass PNTR, ignore all these things, ignore all the amendments and we will be able to move on and make our profits. Just a few more minutes.

Organ harvesting in the People's Republic of China. You think that's bad? It is bad. Let me tell you about organ harvesting.

In America what organ harvesting means is in America you are willing to donate your kidney to your sister or brother or mother or dad; or your heart when you die in an accident you give so someone else may have life. That is organ donors.

Organ harvesting in the Peoples Republic of China, sponsored by this Chinese Government that we are so hellbent to help—let me tell you what they do. They take prisoners—we are not talking about murderers here, we are talking about prisoners who have, for the most part sometimes minor crimes—and they take their organs so they can place them in the military officers or other high, important people in the Communist hierarchy.

In 1997, ABC News televised a very shocking documentary on the practice of organ harvesting in Communist China. The documentary—this is ABC, now, not BOB SMITH talking—depicted prisoners who were videotaped lined up, executed by a bullet to the head—a technique of execution which unlike lethal injection preserves the organs for harvesting.

Don't tell me it doesn't go on and don't tell me you are going to ignore it, because it goes on, it happens. Probably right now as we speak. This documentary claimed that prisoners are ex-

ecuted routinely and their organs are sold to people willing to pay as much as \$30,000 for a kidney. Human rights organizations estimated at the time the ABC documentary aired, that more than 10,000 kidneys alone—not to mention other organs—from Chinese prisoners had been sold, potentially bringing in tens of millions of dollars. Guess where those dollars went? To the Chinese military. That is where the money went.

The Chinese Government, as it does with most human rights abuses, denies that this happens. My amendment simply requires the commission, under permanent normal trade relations, to monitor this, to try to secure as much information as they can so they can report on it annually as we continue the process under PNTR.

It is important to keep in mind that China has no rule of law, therefore prisoners are subject to arbitrary arrest and punishment without any due process. Can you imagine a young man or woman being arrested, not told what they are charged with, because there is a need for an organ, to be shot in the head, executed with no due process, no trial, and then their organs are donated to somebody who is willing to pay \$30,000 to the Communist Chinese Government.

Pretty bad. After the Tiananmen Square massacre in 1989, when peaceful student protesters, including the sons and daughters of the Communist Party's elite, were mowed over by PLA tanks, there are far fewer dissidents in China than there were 11 years ago. It is pretty tough to speak up against China. Do you want to go to jail for publicly speaking out against the Government? That is the good news. The bad news is you will be shot in the head and your kidneys, your heart, and other organs will be donated to somebody in the Chinese military.

ABC's report also found that Chinese nationals living on student visas were harvesting these organs to Americans. Hello? That is right, harvesting these organs to Americans and other foreigners who have the funds to make a \$5,000 deposit, who then travel to China to the PLA, People's Liberation Army, hospital where they receive the kidney transplant. The kidneys are tissue typed, and the prisoners are also tissue typed in order to achieve an ideal match.

Can you imagine the horror of being thrown in jail for a political crime—speaking out against the Government, perhaps—and having your tissue samples taken, knowing full well what it is for, then to be summarily shot and your kidneys sold perhaps to an American? There is no way anyone in the Senate or the House would not recognize the name of Harry Wu, the renowned human rights activist and Chinese dissident who was arrested in China, detained, and finally released. Thanks to the work of the Laogai Research Foundation, we are aware of ongoing Chinese engagement in organ

harvesting of executed prisoners. I will not go into any more detail on this.

In conclusion, we are talking about the most unbelievable and atrocious violation of human rights. I have just identified six. There are dozens more. I did not want to come down and offer 40 amendments. I believe I made my point. I had about 20 of them identified, and we were looking at another 20 more, but I said I am going to take some of the worst. I do not support PNTR, but all I am asking is for those of who do, allow these amendments—the proliferation amendment of Senator THOMPSON and the other six amendments I have outlined, and maybe others as well. Allow them to pass. What harm does it do? Take a few minutes and go to conference for the sake of people such as this little girl or somebody right now who may be fattened up for execution for kidneys.

It is time that America wakes up and understands what is happening in the world. I know some are going to say this is Smith again beating on China. It is not a matter of beating on China. These are facts. These are not opinions. These are facts. These are documented. Every single thing I read to you, every single thing I said to you is documented from proliferation to organ harvesting. It is documented.

The issue before the Senate when we vote on PNTR and on these amendments is very simply this: I am against PNTR and not going to vote for any of it, which is fine, that is my position. Or I am for PNTR and I am willing to pass these amendments to at least monitor these kinds of atrocities in an effort to stop them.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so the Senator from South Carolina can call up four amendments. They are short. I thank the distinguished Senator from Tennessee and the distinguished Senator from New York, the manager of the bill. It is not my purpose to debate these amendments but to call them up so they can be printed in the RECORD. I will not consume over 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is laid aside.

AMENDMENTS NOS. 4134 THROUGH 4137, EN BLOC

Mr. HOLLINGS. Mr. President, I call up four amendments which are at the desk, and I ask the clerk to report them.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:.

The Senator from South Carolina [Mr. HOLLINGS] proposes amendments numbered 4134 through 4137, en bloc.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 4134

(Purpose: To direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10-K reports)

At the appropriate place, insert the following:

**SEC. . FOREIGN INVESTMENT INFORMATION TO BE INCLUDED IN 10-K REPORTS.**

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information in 10-K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

AMENDMENTS NO. 4135

(Purpose: To authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit)

At the appropriate place, insert the following:

**SEC. . BALANCE OF TRADE WITH CHINA IN CEREALS AND SOYBEANS.**

(a) IN GENERAL.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

(b) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (a) for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(c) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (a).

AMENDMENT NO. 4136

(Purpose: To authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit)

At the appropriate place, insert the following:

**SEC. . BALANCE OF TRADE WITH CHINA IN ADVANCED TECHNOLOGY PRODUCTS.**

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

(1) The trade deficit with the People's Republic of China in advanced technology products for 1999 was approximately \$3.2 billion.

(2) The trade deficit with the People's Republic of China in advanced technology products for 2000 is projected to be approximately \$5 billion.

(b) REPORT.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data becomes available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products for the previous year.

(c) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (b) in excess of \$5 billion for any year, the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(d) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (b).

AMENDMENT NO. 4137

(Purpose: To condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications)

At the appropriate place, insert the following:

**SEC. . RISK INSURANCE CERTIFICATIONS.**

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by law, regulation, or rule, neither the Export-Import Bank of the United States nor the Overseas Private Investment Corporation may provide risk insurance after December 31, 2000, to an applicant unless that applicant certifies that it—

(1) has not transferred advanced technology after January 1, 2001, to the People's Republic of China; and

(2) has not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

Mr. HOLLINGS. Mr. President, the first amendment to H.R. 4444, No. 4134, has to do with jobs and the trade deficit. It says:

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information and 10-K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture, or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

It is not a burdensome amendment. They report where they are working and the number of employees in those countries. I was intrigued by the report from the National Association of Manufacturers that came out today. I quote from it:

Of the total \$228 billion U.S. merchandise trade deficit so far this year, 77 percent has been in manufacturing.

We are losing our manufacturing capacity, and as Akio Morita, the former head of Sony, said some years back, the world power that loses its manufacturing capacity will cease to be a world power.

The second amendment has to do with technology and the export of technology. Our distinguished Ambassador engaged in the conduct of trade, Ambassador Barshefsky, said before the press and the Finance Committee:

The rules put an absolute end to forced technology transfers.

This particular amendment is to then monitor that statement:

The Congress makes the following findings:  
 (1) The trade deficit with the People's Republic of China for . . . 1999 was approximately \$3.2 billion.

It is estimated that it will be \$5 billion this year. So beginning with the first business day of January 2001 and thereafter, "the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products . . . ."

If the President reports a trade deficit in favor of the People's Republic of China . . . in excess of \$5 billion—

I want to be realistic; it probably will get to that \$5 billion this year—

the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate that imbalance.

And, of course, report.

I ask unanimous consent to print in the RECORD an article entitled "Raising the Technology Curtain."

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

[From the Financial Times (London), August 16, 2000

**RAISING THE TECHNOLOGY CURTAIN: CHINA'S BURGEONING HIGH-TECH SECTOR IS SQUEEZING OUT US IMPORTS**

(By Ernest Hollings and Charles McMillion)

The US faces sharply worsening deficits with China in the trade of crucial advanced technology products. Moreover, these losses are accelerating and spreading to new products even after China's tariff cuts and official promises regarding the protection of intellectual property and an end to technology transfer requirements.

Although high-tech companies are enthusiastically lobbying to end the annual negotiation and review of China's trade status—a vote in the US Senate is expected in Sep-

tember—they could be big losers if US trade law and commercial leverage is permanently forsaken in dealings with China's unelected rulers.

Advanced technology products have represented a rare, consistent source of earnings for the US: during the last decade alone the surplus in global sales is Dollars 278bn.

During the same period, US trade deficits with China totaled Dollars 342bn, and have worsened sharply each year. That has occurred in spite of numerous agreements with China to end the obligatory transfer of technology from US companies to their Chinese counterparts, to protect intellectual property and to assure regulatory transparency and the "rule of law". Failure to implement these agreements goes a long way in explaining why the total US deficit with China has doubled from Dollars 33.8bn in 1995 to Dollars 68.7bn in 1999.

The US also lost its technology trade surplus with China in 1995 and has suffered deficits in this area every year since then. Last year, US technology exports to China fell by 17 percent while imports soared by 34 percent. The record Dollars 3.2bn technology trade deficit in 1999 may reach Dollars 5bn this year as technology imports now cost twice as much as US falling exports.

Quite simply, China is developing its own export driven high-tech industry with US assistance.

A recent Department of Commerce study found that transferring important technologies and next-generation scientific research to Chinese companies is required for any access to China's cheap labor force or market. Three of the most critical technology areas are computers, telecommunications and aerospace.

The US lost its surplus in computers and components to China in 1990 and now pays seven times as much for imports as it earns from exports.

Compaq and other foreign computer brands dominated the Chinese market a decade ago but now are displaced by local companies such as Legend, Tontru and Great Wall that are also beginning to export.

After 20 years of "normal" trade relations with China, no mobile phones are exported from the US to China. Indeed, US trade with China in mobile phones involves only the payment for rapidly rising imports that now cost Dollars 100m a year.

China has total control of its telephone networks, recently abrogating a big contract with Qualcomm. Motorola, Ericsson and Nokia sold 85 percent of China's mobile phone handsets until recently. But last November China's Ministry of Information and Industry imposed import and production quotas on mobile phone producers and substantial support for nine Chinese companies. The MII expects the nine to raise their market share from the current 5 percent to 50 percent within five years.

The US now has a large and rapidly growing deficit with China in advanced radar and

navigational devices. Nearly half of all US technology exports to China during the 1990s were Boeing aircraft and 59 percent were in aerospace. But according to filings by the Securities and Exchange Commission, Boeing's gross sales to—and in—China have generally fallen since 1993. The first Chinese-made Boeing MD90-30 was certified by the US Federal Aviation Administration last November with Chinese companies providing 70 percent local content.

More troubling, with the help of Boeing, Airbus and others, China has developed its own increasingly competitive civilian and military aerospace production within 10 massive, state-owned conglomerates and recently announced a moratorium on the import of large passenger jets.

China is a valuable US partner on many matters but it is also a significant commercial competitor. Experience in the US with deficits worsening after tariff cuts and other agreements shows this is not the time to abandon strong US trade laws but rather to begin to apply them, fairly but firmly. Since 42 percent of China's worldwide exports go to the US—and their value is equal to China's total net foreign currency earnings—the US certainly has the commercial means to enforce fair trade laws.

That is the type of real world engagement that can help to assure both peace and prosperity for the two countries in the future.

Mr. HOLLINGS. Mr. President, the next amendment is the Export-Import Bank:

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by . . . the Export-Import Bank . . . or the Overseas Private Investment corporation . . . .

The applicant, in making those applications before those entities, will certify that they have not transferred advanced technology after January 1, 2001, to the People's Republic of China, and, two, have not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

With more time, I can go into the reason for it. I only want to substantiate what the distinguished Ambassador said.

Finally, the fourth amendment has to do with agriculture. I ask unanimous consent to print in the RECORD a schedule of commodity groupings of the trade balances with the People's Republic of China in the years 1996, 1997, 1998, and 1999.

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

**UNITED STATES AGRICULTURAL TRADE BALANCE WITH CHINA**

HS Community groupings	In millions of dollars each year—			
	1996	1997	1998	1999
Total Agricultural Trade Balance	\$1,512	\$937	\$615	-\$218
01 Live Animals	6.2	6.1	4.3	3.9
02 Meat And Edible Meat Offal	64.2	61.8	53.4	58.3
03 Fish And Crustaceans, Molluscs, Other Aquatic	-179.5	-181.2	-228.9	-266.6
04 Dairy Produce, Birds' Eggs, Honey, Edible	-28.2	-16.8	-11.6	-14.8
05 Products Of Animal Origin, Nesoil	-65.2	-77.3	-96.2	-93.7
06 Live Trees And Other Plants; Bulbs, Roots	-6.2	-2.7	-2.5	-3.7
07 Edible Vegetables And Certain Roots, Tubers	-34.5	-36.8	-48.9	-55.8
08 Edible Fruit And Nuts; Peel Of Citrus Fruit	-20.1	-20.5	-13.3	-30.6
09 Coffee, Tea, Mate And Spices	-35.6	-38.8	-45.9	-43.1
10 Cereals (Wheat, Corn, Rice)	.....	43.4	90.1	39.6
11 Milling Industry Products; Malt; Starches; Inulin;	-2.8	-3.3	-1.4	-1.2
12 Oil Seeds; Oleaginous Fruits; Misc Grain (Soybeans)	366.7	355.1	224.6	288.1
13 Lac; Gums; Resins And Other Vegetable Saps	-33.3	-49.4	-70.3	-44.9
14 Vegetable Plaiting Materials And Products	-4.4	-1.2	0.2	0.5
15 Animal Or Vegetable Fats And Oils (Soy Oil)	106.1	160.1	310.3	67.9
16 Edible Preparations Of Meat, Fish, Crustaceans	-23.6	-24.4	-22.6	-69.9

## UNITED STATES AGRICULTURAL TRADE BALANCE WITH CHINA—Continued

HS Community groupings	In millions of dollars each year—			
	1996	1997	1998	1999
17 Sugars And Sugars Confectionary .....	-4.8	-7.9	-8.1	-7.8
18 Cocoa And Cocoa Preparations .....	-32.4	-42.4	-29.2	-15.2
19 Preparations Of Cereals, Flour, Starch Or Milk .....	-17.7	-16.1	-20.7	-23.1
20 Preparations Of Vegetables, Fruit, Nuts .....	-133.6	-146.2	-136.6	-118.9
21 Miscellaneous Edible Preparations .....	-9.1	-10.3	-8.4	-17.1
22 Beverages, Spirits And Vinegar .....	-6.1	-6.5	-6.4	-6.6
23 Residues And Waste From Food (Soy Residues) .....	131.2	103.4	187.1	25.7
24 Tobacco And Tobacco Substitutes .....	-7.4	-4.2	-4.3	-2.7
41 Raw Hides And Skins .....	115.6	134.5	157.4	126.3
520 Cotton: Not Carded/Combed .....	728.3	575.9	118.4	-12.3

Source: U.S. Department of Commerce, Bureau of the Census and MBG Information Services.

Mr. HOLLINGS. Mr. President, amongst all articles, you can see, generally speaking, China has a glut in agriculture. Their problem, of course, is transportation and distribution. But there is no question that once that problem is solved, that 7800 million farmers can certainly outproduce, if you please, the 3.5 million farmers in the United States.

All of the farm vote is in strong support of PNTR because they think, of course, it is going to enhance their agricultural trade. The fact is there are only a few here—the significant ones—and I have picked those out; cereals—wheat, corn, rice—and soybeans. Yes, there is a plus balance of trade in the cereals—wheat, corn, and rice—but it has gone from 440 million bushels down to 39 million bushels. With soybeans, it has gone from 366 million bushels, in the 4-year period, down to 288 million bushels.

So this particular amendment states that beginning on the first day of next year:

[T]he President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

If the President reports a trade deficit in favor of the People's Republic of China . . . for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

The President shall [also] report to the Congress the results of those negotiations . . . .

In a line last week, I saw the Prime Minister of Great Britain at the conference in New York. He was all stirred and upset with respect to 1,000 cashmere jobs in the United Kingdom. He was really going to bat for them. The story had his picture politicking, trying to convince the United States in particular not to take retaliatory action against his 1,000 cashmere jobs.

Here I stand, having lost 38,700 textile jobs in the State of South Carolina since NAFTA—over 400,000 nationally. According to the National Association of Manufacturers, we are going out of business. And I can't get the attention of the White House and I can't get the attention of Congress.

I thank the distinguished Senator from New York for permitting me to have these amendments called up and printed, and then, of course, obviously

set aside. Let me take my turn in behind the distinguished Senator from Tennessee and the Senator from West Virginia. The Byrd amendment is up, and I think several others. I will take my turn.

But I want my colleagues to look at these reasonable, sensible, pleading kind of amendments so that we can fulfill, as a Congress, under the Constitution, article 1, section 8: The Congress of the United States shall regulate foreign commerce.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me say again that I think we have made good progress. We have had good debate on both sides of the underlying China PNTR bill, and also on the amendments. But we are reaching the point where we really need to pick that speed up. We need to get an agreement on what amendments will be offered, time agreements for them to be debated, and votes. And we ought to do it tomorrow. Without that, certainly we will have to file cloture; and I may have to anyway. But I think the fair thing to do is give everybody who is serious a chance to offer amendments, have a time for debate on both sides, and then have votes.

I am going to try to get that started with this request. And we may have other requests. We are working on both sides of the aisle to identify amendments that really must be moved.

I just want to say to one and all that in the end we are going to get the bill to a conclusion. It is going to pass. We have been fair to everybody. But it is time now we begin to get to the closing. With a little help, we can finish this bill Thursday, or Friday, or, if not, early next week. I just have to begin to take action to make that happen so we can consider other issues.

I ask unanimous consent that a vote occur on or in relation to the pending Thompson amendment at 11 a.m. on Wednesday, and the time between 9:30 and 10:30 be equally divided in the usual form, and that no second-degree

amendments be in order prior to the vote in relation to the amendment.

I further ask unanimous consent that a vote occur on the pending Byrd amendment immediately following the 11 a.m. vote and there be time between 10:30 and 11 a.m. for closing remarks on that amendment to be equally divided in the usual form.

Before the Chair rules, I want to say that if any objection is heard to this agreement, we will attempt to set two votes tomorrow on these or other issues beginning at 11 a.m.

Therefore, there will be no further votes this evening, and votes will occur at 11 a.m.—hopefully including the Thompson amendment in those 11 o'clock votes. But if there is a problem with that, then we will ask consent to put in place two of the other amendments.

With that, I ask the Chair to put the request to the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, I have a great deal of respect for Senator THOMPSON and the issues he has raised. The problem is these issues fit more closely on the Export Administration Act. They have not been considered in committee. I think they represent a very real problem in this bill. I think it is important that if we are going to debate issues such as this, they be not just fully debated but they be subject to amendment.

On that basis, let me yield. Senator ENZI wants to be recognized.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, reserving the right to object, there isn't just an amendment that is being put on. It is an entire bill—33 pages—of very important information that has been changed each and every time we have seen a copy. My staff and I on the International Trade Subcommittee of the Finance Committee have been working on these issues for a long time. We have tried to take this moving target and worked on some amendments that could be put on it. It would need to be extensively amended to keep both national security and industry moving forward in the United States.

On that basis, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I believe there will be another consent request



propounded later so that we can have two—the Byrd amendment and another—considered and voted on at 11 o'clock.

I note that the Senator from Tennessee will want to respond to the objection just heard.

Let me say on that issue that I have been supportive of the Export Administration Act and tried several different ways earlier to get that to the floor. There were problems raised by a number of our committee chairmen. We were not able to get that done. I think the Thompson amendment is a very serious and legitimate amendment that has been considered, and it should be voted on. I think we should go ahead and vote on it tomorrow. I think people know where we are. We ought to go ahead and have that vote and move on.

I also must say I am trying to get these votes done so that the largest number of Senators can be accommodated and be here for the vote.

I also want to say I don't know exactly what the Senator from Tennessee is going to do. But I predict right now that if we don't get this agreement to vote on the Thompson amendment tomorrow, we are going to vote on it at some point—I believe probably on or in relation to this bill.

I don't think it serves anybody's purpose to try to put this off or to object to it. In fact, it may make the situation worse, not better. I think we are ready to go. I think everybody knows how they are going to vote. I think while it may be a close vote, everybody pretty much is reconciled to getting it done tomorrow.

I regret that there was objection. I hope we can still find a way to get a vote on it in the next sequence that we will try to put together.

By the way, on the Export Administration Act, I believe we are prepared to try to find a way to consider that because I think we need to act on it, making sure that we consider national security interests. That, obviously, is an underlying factor on the Export Administration Act. I have no doubt that the Senator from Wyoming wouldn't be for it if he had any doubts in that area himself because he has worked so extensively on it.

The same thing applies on this amendment. Senator THOMPSON is trying to raise a general concern about national security interests. The Chinese are not complying with the nuclear proliferation regimes to which they have committed.

What worries me is we are going to have this vote, we are going to pass this bill, and in a month or 6 months we may have a lot of explaining to do. I spent 2 months trying to get a way to have this issue considered separately. That is the way it should have been considered. But it will be considered, I predict, before we get out of here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. First, I thank the majority leader and agree with him

completely on the proposition that we will have a vote on this issue. It might not be the exact wording of this bill, but we will have a vote on this issue.

We introduced this bill last May because, as chairman of the Governmental Affairs Committee, the committee that has jurisdiction on proliferation matters under the statute, we receive briefings, as a few committees do, on proliferation developments, for example. In that position, we have had numerous hearings and have been told there is a longstanding and growing threat because of proliferation of China, primarily, and Russia and North Korea.

We haven't had a lot of attention with regard to that, or a whole lot of interest, until we started discussing it in the context of trade. Trade interests everybody because there is money to be made. That is understandable. I am all for it.

We introduced this bill because we were told by our intelligence people that there was a threat to this country. I can't think of anything more serious that we could possibly be dealing with than a nuclear, biological, or chemical threat, and the fact that rogue nations are rapidly developing the capability to hit this country with all three of those. Let that sink in for a little bit.

All the time that we spend around here in budget and other votes that take up most of our time, trying to divide up the money, we are being told by our experts—whether it is the Rumsfeld Commission, the Deutch Commission, the Cox Commission, or the biennial intelligence assessment—there is a present danger and it is growing, and the Chinese are actually increasing their activities as far as missiles are concerned.

That is why we introduced the bill. People raise various objections. Last night some were saying the report that we want to have produced is too extensive and we might catch up some innocent Chinese companies that might later prove to be innocent when we accuse them of proliferating. Frankly, I am willing to take that risk.

We tried to get a separate vote. We said: Let's not put it on PNTR. Our amendment shouldn't be considered a trade measure. The bipartisan bill shouldn't be considered a trade bill. It is a proliferation bill. So let's discuss it in the context of our overall relationship with China, but don't force us to put it on the China trade bill.

No, you wouldn't have that. We couldn't have that. You wouldn't give me a separate vote on that because it might complicate things.

So I said OK, if you don't do that, I will put it on the bill. So I put it on bill. Senator TORRICELLI and I did. And now it is an amendment to the China trade bill.

They said: My goodness, we wish you wouldn't have done that. We wish it was a freestanding bill now that we see you are serious, but we can't possibly vote on it as an amendment to the

trade bill because it might complicate the trade bill.

So we have gone through all of that. Frankly, we were told from the minority side that our Democratic colleagues were the ones who sunk—a few over there were the ones who had a problem with this. We have discussed this since May and there have been some changes. Anybody who wanted to discuss this bill—and there were staffers from many, many Senators, Democrats and Republicans, who have worked with Senator TORRICELLI and my staff—anyone who wanted some input certainly had the opportunity to do that for months. There have been changes because we have been trying to accommodate the concerns: It is too tough; we didn't give the President enough discretion. We made changes because of that. We have been discussing this since May, with all of the foot-dragging that we have seen along the way.

We had a good debate last night, and we had a good debate today. We debated over sanctions and whether or not they were effective—things that we ought to be debating. Good things, good substance, important subjects that we ought to be debating, and raising the issue now. When we are obviously getting ready to engage in this new trade relationship with China, what better time to address the fact that they are the world's worst in selling weapons of mass destruction to these rogue nations.

We claim we need a national defense system because of the threat of these rogue nations. How can we talk to the Chinese Government without addressing it? That is what the debate has been about. It has been good.

Now it is time for a vote. I have been around here a few years. I don't remember another occasion where a colleague has objected to a vote under these circumstances. My Democratic colleagues have raised no objection, but my two good friends on this side of the aisle raise objections. I am sad to say that it appears the real objection all comes down to one of jurisdiction. My friend from Wyoming apparently believes this should be a part of his bill if it is going to be anything, the Export Administration Act; and that this should be presumably under the purview of the Banking Committee if it is going to be considered. He will have the opportunity to correct me if I am wrong, but I thought that is what I heard.

I think that is a sad set of circumstances, if after all of that we finally flush out the real reasons for the objection to even having a vote. Oppose it if you will, but the objection to even having a vote is because somebody got somebody else's jurisdiction.

All my colleagues should know that according to the Parliamentarian, this bill, if it were referred to committee, would be referred to the Foreign Relations Committee.

Let's look at some of the hearings we have had in the Governmental Affairs

Committee. The Banking Committee has some jurisdiction with regard to export administration. The Governmental Affairs Committee has some jurisdiction with regard to proliferation. I can't believe we are even talking about this, but here goes. It is like kids squabbling in the back of the school-bus.

If the issue is that nobody has paid any attention to this and nobody has had any hearings, this committee of jurisdiction, the Governmental Affairs Committee, in May of 2000, had a full committee hearing on export control implementation issues with respect to high-performance computers.

In April of 2000: Full committee hearing on the Wassenaar Arrangement and the future of the multilateral export controls;

February of 2000: Subcommittee on Internet Security, Proliferation and Federal Services hearing on National Intelligence Estimate on the Ballistic Missile Threat to the United States;

June of 1999: Full committee hearing on Interagency Inspector General's Report on the Export-Control Process for Dual-Use and Munitions List Commodities;

June of 1999: Full committee hearing on Dual-Use and Munitions List Export Control Processes and Implementation at the Department of Energy;

May of 1999: Subcommittee on International Security, Proliferation and Federal Services—that is Senator COCHRAN's subcommittee. He had a hearing on the Report of the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.

Senator COCHRAN's subcommittee, of course, has been in this area, the proliferation area, the missile area, the whole problem with China and Russia in particular, the problem with the rogue nations—Senator COCHRAN has been dealing with this for years and has put out published reports. The last one was within the last couple of weeks, for anybody who is interested.

September of 1998: Subcommittee on International Security, Proliferation and Federal Services hearing on GAO Reports on High Performance Computers;

June of 1998: Subcommittee on International Security, Proliferation and Federal Services hearing on the Adequacy of Commerce Department Satellite Export Controls;

March of 1998: Subcommittee on International Security, Proliferation and Federal Services hearing on the Comprehensive Test Ban Treaty and Nuclear Proliferation;

October of 1997: Subcommittee on International Security, Proliferation and Federal Services hearing on North Korean Missile Proliferation—again Senator COCHRAN's subcommittee. Once again, in September of 1997, his Subcommittee on International Security Proliferation and Federal Services had a hearing on Missile Proliferation in the Information Age.

In June of 1997, his subcommittee had a hearing on Proliferation and U.S. Export Controls.

In May of 1997, his subcommittee had a hearing on National Missile Defense and the ABM Treaty. Senator COCHRAN, of course, is chairman of this subcommittee. He is the leader on the national missile defense issue and has been for some time. Of course, again, it is directly relevant because the reason we are claiming we need a national missile defense is the very issue our amendment brings up.

April of 1997: Subcommittee on International Security—again, Senator COCHRAN's subcommittee—hearing on Chinese Proliferation—Part II;

April of 1997: His subcommittee, Chinese Proliferation hearing, Part I.

So, for the uninformed, we have various committees here with various jurisdictions. Sometimes jurisdiction overlaps, where more than one committee has jurisdiction in the subject area. This is one of those cases.

Over the past 4 years, the Governmental Affairs Committee alone has held 15 hearings on proliferation; over 30 hearings have been held by my committee, the Armed Services Committee, and in the Foreign Relations Committee. Furthermore, this legislation has the full support of the chairman of jurisdiction, Senator HELMS, chairman of the Foreign Relations Committee. The issue of proliferation, of course, has had a full, full consideration for some time now.

So we will have an opportunity to discuss this further, including further tonight. I don't know if anyone wants to speak to this. I will give them the opportunity, give my colleague from Wyoming an opportunity to further address it. But it is a sad situation, when our country faces this kind of threat, that we cannot even get a vote on an amendment that would address that threat.

Vote it down if you must. Oppose it if you will. But the very idea of us not having a vote because it has not been considered enough by the right committee or that it is more properly a part of somebody else's bill instead of our bill? Surely it has not come to that.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Tennessee for his comments. I want to assure him I am not doing this on a jurisdictional basis. I am a little incensed at the implication of that accusation, and, in the objection I raised, I did not mention anything about jurisdiction. In the speech I gave yesterday, I didn't mention anything about jurisdiction. I mentioned the concerns about items that are in this bill and there are amendments that would need to be made to this bill. I am sure, if it went through the normal process—and one of the things I am learning about here is process. I learned a lot about process as I did the

bill my colleague mentioned, the Export Administration Act. I took it through a process. I got a 20-0 vote on it. I brought it to the floor. I learned a little bit about process that sometimes, even when you think you have the right to bring it up on the floor, people can object after that point and you can have it taken down. But it went through a process there. That process has undoubtedly been effectively stopped for this year. I have not been whining about that.

But I did learn a lot of things through that process because it involved going into a number of the reports the Senator from Tennessee has mentioned. I did not just go through the public part of those reports. I took the time to go over to the Intelligence Committee and have the special briefings and read the documents from a number of the things that have been cited, and particularly the Cox report. So I learned a lot of things about these areas of problems.

There are some problems there, and they need to be solved, but they ought to be solved through the regular process so we do not wind up with some things we are going to be embarrassed by, or believe are lacking, or have pointed out to us later that just a little bit more deliberation would have changed.

We have been suggesting changes. We can make some amendments. It is very difficult to go into another person's bill and make extensive amendments, but we have mentioned the need for some pretty extensive amendments. I am certain if this would have gone through the process of going through the Foreign Relations Committee first—not just hearings. Hearings are valuable. They build some basis for building things. I know these extensive hearings that have been done are where this bill came from. But it goes through another step in that process called a markup. That is where very detailed amendments are made to a bill by people who have a wide knowledge of the items that are included. It is kind of a free-for-all, putting on amendments. A number of them do not make it and should not make it. But it gives a more thorough review than if one of us drafts a bill, or two of us get together and draft a bill, and then occasionally talk to other people and occasionally listen to part of their criticisms but discard large parts of their criticism.

I know this bill was originally drafted in May and we have been registering objections to things that are in it since May. They have been tweaked a little bit, and part of the process is, if you are not going to make the changes, then you have to go through this process here on the floor, which the Senate designs to be an extremely excruciating one—as I learned on my EAA bill.

It is a part of the process. There needs to be additional work on it. There needs to be additional amendments.

As I mentioned yesterday, if one listens to the debate, it sounds as if we can solve the export-import imbalance by doing PNTR, and that is not going to happen. The way that imbalance gets solved is if U.S. folks stop buying Chinese products or we get extensive sales over there. Extensive sales over there probably is not going to happen because the people over there on an average wage do not make much, so they cannot buy much. We do have a hope of getting in the door with some of the bigger equipment items. To listen to the debate, everything will be solved by PNTR, and that is not going to happen.

I have to congratulate the Senator from Tennessee for the title he put on the bill. I noticed when he expanded the bill to include a couple of other countries in light of our objection, that it was aimed solely at China and they are not the only proliferators. A couple of others were stuck in there. But the title was not changed because the title is so great. One of the things I learned a long time ago in legislation is one does not vote on a bill because of a good title. One votes on it because it is good through and through.

Those have been the reasons for my objections. I am sorry if the Senator from Tennessee put in all of that work. This delays his plan for a vote, but it does not stop it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, first, I am sorry if I drew the wrong conclusion this might be jurisdictional. When the Senator mentioned this would be a better part of the Export Administration Act legislation, which happens to be his legislation, and it was not referred to the right committee, I just thought that might be jurisdictional. That is where I got that idea. If he resents that implication, I am sorry, but that is the source of that idea.

I think back to a time not too long ago when the Senator from Wyoming and the Senator from Texas worked long and hard on a bill called the Export Administration Act. Several of us who are committee chairmen had problems with that because of some of the same things we are talking about.

In my view, and I think my colleagues' view, it liberalized our export rules at a time when we should have been tightening them up. The chairman of the Armed Services Committee, the chairman of the Intelligence Committee, the chairman of the Foreign Relations Committee, and myself as chairman of the Governmental Affairs Committee, looked at this and said that it had some major problems. The statement was made by the sponsors of the bill that they would not bring it up, as I recall, without our signing off on it, and we never signed off on it.

If the hangup here is the fact my colleagues have not gotten a vote on their Export Administration Act, I suggest they offer it as an amendment to my amendment. Let's have a second-degree

amendment. If that is the problem, then let's have a vote on both of them.

Let's be frank with each other. The Senator's opposition is the same opposition and arguments in many respects that we have heard from four other amendments that have been considered. The only difference is we have had votes on those four other amendments. The Senator was not over here complaining that we had not had sufficient process, I guess, with regard to the Wellstone amendment or the Byrd amendment or the Hollings amendment or the Helms amendment. The process was OK with regard to those, but now we have an amendment, the only amendment that deals with a direct threat to this Nation, and we are talking about process.

One of the big complaints of the opponents of the Thompson-Torricelli amendment has been that we have changed it so much they hardly know what is going on here anymore. The reason we changed it is we kept responding to the complaints. Staffs met numerous times. Everybody knew these meetings were going on. It was not an open forum for somebody to come down and lay down a bunch of requirements if they did not get what they wanted the first day, leave, and not show up again. It was an open, rolling forum with various staff members.

I sat in on an occasion or two. It was very open since May that we were talking about trying to come together because we all appreciate the proliferation problem and we need to do something.

While we are talking about trade with China, we ought to be talking with them also about the fact they are endangering this country by arming these rogue nations, and we tried to work it out. Some Members objected. We had mandatory sanctions and they said we did not give the President enough discretion. We gave him more discretion. Some people claimed we are singling out the Chinese; it will make them angry; and it will be counterproductive. We broadened it. Some people claimed we were giving Congress too much authority; that any Member of Congress could come in and have a vote to override a Presidential decision in this regard, so we raised the requirement to 20 Members. There have to be 20 Members who have to have that concern. We made all of these changes.

Now I understand the complaint is that we did not change it enough, or is it the process? Is that process? Is that a process issue? There are still problems with it. Everybody who has spoken against this bill has raised problems with it, but none of them have raised an objection to taking a vote.

I just received the latest in a series of fliers I have been graced with over the last several days; this one from an industry coalition. The first thing we got today was a report from the president of the Chamber of Commerce who came out against our bill. Somebody told me they were at a Chamber of

Commerce meeting not long ago and they mentioned my bill, and most of the people there broke into applause. I ought to be careful talking about the Chamber of Commerce.

This is coming from the president of the Chamber of Commerce, who I do not think speaks for the average business person in America on this issue. Let's get that straight. First of all, he complains that it is limited to one country—obviously, he has not read the bill—that if we do this, it will effectively kill the bill, not that we have this serious problem and we should do something about it, but effectively it will kill the bill.

Then he says he is getting ready to leave for a tour of Asia and going to wind up in Beijing, but before he leaves, he delivers his last salvo against my amendment, purporting to speak for all the members, I suppose, of the Chamber of Commerce. I hope while he is in Beijing, he will ask them to quit selling weapons of mass destruction to our enemies. I hope that is on his agenda while he is talking about his trade.

The latest has been a sheet put out by the High-Tech Industry Coalition on China, the American Electronics Association, Business Software Alliance, Computer Systems Policy Project, Computer Technology Industry Association, Consumer Electronics Association, Electronic Industry Alliance, Information Technology Industry Council, National Venture Capital Association, Semiconductor Industry Association, Semiconductor Equipment Materials International, Software and Information Industry Association, Telecommunications Industry Association, and United States Information Technology Offices.

All of them have joined together to put out this opposition sheet to this bill. Some people have been so crass as to imply that maybe it was this feverish lobbying that is going on from exporters that might have something to do with the opposition to this bill.

But I have the greatest respect, from what I know, about this entire group here. Our high-tech industry has done phenomenally well. They are creative. They have contributed mightily to our economy. They want to export; I understand that. They want to make more money; I understand that. God bless them. More power to them. But I do not see any association listed on here that has any responsibility for the protection of this country.

We can vote on human rights, religious freedom, and all the other important things, but the only thing that poses a danger to this country we can't get a vote on because we didn't go through the "process" because it needs to go back to a committee. The chairman of that committee gave the most eloquent statement that has been given on behalf of my amendment. One Senator just said he wants to send it to a committee that does not want it, whose chairman, Senator HELMS, says

we do not need it; that we have had enough hearings; that we know what the problem is.

Give me a break. There will be a vote on this issue. But let's get back to the latest salvo, which may or may not have something to do with what we are dealing with tonight. The information they are putting out says this undercuts China PNTR; that it will undo PNTR; that it will return us to inflammatory annual votes on China.

I have been involved in a few annual votes on China. I do not remember the flames, but be that as it may, this will not kill PNTR. The die is cast on PNTR. The House has passed PNTR. We are going to pass PNTR. The only issue is whether or not in doing so, we raise the issue with our new "strategic trading partners," the issue that we are making this world a more dangerous one.

The House passed it by a 40-vote margin. Are you here to tell me that if we passed it and added on a nuclear proliferation component, that it would make it more difficult for the House to pass it again? It would have to go back to the House if we add anything new. So for the folks who might be listening and watching, the deal is, they say: You can't pass the Thompson amendment because it is different from what the House passed. If you make any changes, it has to go back to the House for another vote, and they might not vote for it again. That is the bottom-line argument for those who oppose this amendment.

My first response is, so what. If we have a serious national security problem and issue that is paramount, it begs the question: Is this problem serious enough for us to address? I can join issue on that argument and respect my friends who disagree with it. But don't tell me that even though it may be that serious, we can't add it on over here because the House might have to take another vote. That is an insult to this body. Since when did we stop being the world's greatest deliberative body and become a rubber stamp for the House of Representatives?

The practical answer to this particular accusation is that it will not kill PNTR. Before the sun sets, they will have it back over there, and they will revote on it. Nobody is going to go into an election just having cast a vote for it and then a vote against it, and the vote against it has a proliferation tag-on. That is going to make it more difficult to vote for it? Give me a break.

Please, be serious in your arguments, I say to my friends. There are some serious arguments to be had around here. I had a good discussion with the Senator from Kansas today on sanctions in general—a good discussion. But don't tell me, as a Senator, I have to rubber stamp something, when the House of Representatives identifies problems—religious persecution, slave labor, Radio Free Asia—and then it comes over here, and we can't identify the

only thing that is a threat to this Nation.

All those things are things that ought to be identified. They were correct in doing that. But to tell us that we have to rubber stamp it, that the benefits of PNTR to this country are so great, and so obvious, and so overwhelming, and so clear, that we are afraid to risk letting the House, with a 40-vote margin, with a nuclear proliferation add-on, have another shot at it because it is going to cost us a few more days—while the Chinese Government, as we speak, is trying to undercut the WTO agreement. That is just kind of a sideline. We see this in the paper now. We understand. They are trying to mess with Taiwan coming into the WTO later. They are trying to renege on some of the agreements that they have previously made in their bilateral agreement with us. They must not have any respect at all for us right now. We have danced to their tune now for a few years. We do not make any big fuss about the theft of nuclear secrets. We say: Boys will be boys. Everybody does that.

The Chinese military puts money into our campaigns, and they say, again: Maybe the higher-ups didn't know about it. We give them WTO. We give them a veto on a national missile defense system. That is the reason the President put off that decision, because the Russians and the Chinese objected to it.

We send delegations over there asking them to please stop their proliferation activities. They give us the back of their hand and say: We're going to continue our activities as long as you continue with the missile defense system and your friendship with Taiwan.

Then the President meets Jiang Zemin at the Waldorf in New York on Friday. According to the New York Times, the President once again raised the issue of what they were doing with regard to Pakistan. They have outfitted Pakistan. They took a nation, a small nation with no nuclear capability, and have outfitted Pakistan, soup to nuts. Not only do they have missiles, M-11 missiles, goodness knows what else, but they now have, apparently, missile plants where they can make their own.

The Chinese are probably ready to sign a new agreement now not to ship any more in there. They do not need to. They have equipped Pakistan so they can do it themselves. They have made that place a tinderbox. So the President rightfully brings this up, according to the New York Times.

Jiang Zemin's response, apparently, according to the New York Times, was to smile, wish the President well on his pending retirement, and to thank him for his assistance in getting them into the WTO. They must not have much respect for us anymore.

And we are over here saying we are afraid to give our House of Representatives another vote on this, regardless of the merits of the case. It would kill,

as they say, the PNTR. They are incorrect. They are wrong. They are brilliant people. They have contributed mightily to our economy. I am talking about all these high-tech people. I want to help them in every way I can. I am with them on most things. But they do not know this subject. We are supposed to know it. We are given access to classified information. We are paid the big bucks to spend long hours poring over these documents that the intelligence people bring to us—and the Rumsfeld Commission and the Deutch Commission and the Cox Commission, and all the rest. It is not their responsibility.

But they are papering this town. I said today, you can't stir the lobbyists with a stick. Everybody is petrified of this amendment. I think the reason is because they fear it will irritate the Chinese and maybe cause us some problems, trade retaliation, or something like that. But the Chinese want this mightily. They want this PNTR badly. They have a \$69 billion trade surplus with us.

There will be no killing of that golden goose. They are not foolish people.

They also said that it is ineffective because it is a unilateral sanction. Unilateral sanctions rarely achieve the intended results of the targeted country, but they penalize American companies, workers, and investments. Let me tell you when an American company or worker would be penalized. If we catch the Chinese entities selling missile parts or the ability to make bombs, nuclear weapons, to Libya, let's say, then we are going to cut off military and dual use that can be used for military purposes, we are going to cut those sales off. So if you make those items, you are going to be affected. The President has the discretion—let me add that—and it does not happen automatically.

The process, under our bill, is that we have a report. Our intelligence agencies give a report. It identifies these entities, companies that are doing these things. Then our President has the discretion or he has to make a determination, depending on the category, but it is within his power to exercise the appropriate remedy. We are not talking about cutting off sales of wheat or food or shoes—we would not be selling them shoes—or any other commodity. We are talking about munitions and dual-use items.

If you are affected by that, you will be affected by this bill. I don't know about the company president, but I will bet you, if you said to the average worker—that is 2 percent, by the way, of our dual use and munitions; our entire trade with China is 2 percent of our exports; 2 percent is what we are so afraid of here—if you said to the average worker: we are going to impose these restrictions or these sanctions on China for a year to try to get them to clean up their act because we have caught these Chinese companies doing these things. Obviously, it is going to make it a more dangerous place for

your kids if we keep on down this road. We need to get their attention. It is going to mean some loss of sales for the company you work for. Do you think we ought to do it?

I don't think there is any question about that. I have more faith and confidence in the American worker and the American farmer.

They talk about farmers being concerned. Well, agriculture is not directly affected, but what if the Chinese get mad at us and decide to cut off some of our agricultural exports?

I think my Tennessee farmers are willing to take that chance. If that is the price we have to pay to sell corn, then that is too high a price to pay. I am like all these other agriculture Senators here. I have agriculture. I have farmers. They are concerned about these issues. But they are also very patriotic. When you come right down to it, there are a lot of organizations running around using the names of various people, but when you come right down to the workers of America and the farmers of America, you are not cutting off exports of goods across the spectrum, and you are certainly not cutting off agricultural exports. They would see through that. They would say, well, yes, there is an indirect possibility, if I am in a certain area, that there might be some ramifications down the road. But if that possibility were to occur, if that is what I have to do to help make this place a little bit safer and get their attention because, goodness knows, if we can't get their attention while we are about to give them this trade bill, we are never going to get their attention, I think they would be willing to go along with that.

What else do they say? It duplicates current U.S. proliferation laws. The last point was the unilateral sanction. Of course, this was drafted by some lobbyists downtown. We all know that that works for these folks. All the points are always the same. They hand them around town. Everybody uses them. Do you really think their real concern is that these sanctions won't work or that we are duplicating current laws? Is that what is stirring up all this activity, that we are being inefficient in some way? Please.

Unilateral sanctions don't work. Well, some don't. And there is a chance these might not. But there is a good chance they might.

Why is the Chinese Government so upset? If you read the French newspapers—and I assure you, they are translated in English before I read them—or the Chinese, you will see that there is tremendous consternation over the Thompson-Torricelli amendment. Why do you think that is, if we are only duplicating what is already on the books and unilateral sanctions don't work? Do you think they are concerned because we are about to do something that doesn't work, or do you think they are going to maybe think twice before they continue their activity be-

cause they know that at least the Congress is serious about this? They are going to continue to get highlighted and embarrassed in the world community for making this a more dangerous world. I think it is the latter.

I have had Mr. Berger, the President's national security adviser, tell me that on occasions when they have actually used or threatened unilateral action in times past, that it has had an effect. I don't think they have done it nearly enough, and we have strong disagreements about that. That is part of the problem we have had. They have gone around the barn to apologize for 95 percent of what the Chinese Government has done here. That is the reason we are here tonight. But when they have on occasion done this, he has told me it has had effect.

You can't have it both ways. Unilateral sanctions sometimes do work. We are not talking about these blanket agricultural sanctions or going towards some particular country. We are going to the supplier and saying that we are going to cut off the relevant goods and items if we continue to catch you doing these things that you are flaunting disrespectfully.

Unilateral sanctions undercut PNTR, will kill PNTR, and duplicates current laws. To a certain extent that is right. There are laws on the books now that require sanctions, just as we are proposing, or close to it.

So you say, THOMPSON, why are you doing this? Well, because we have other provisions, such as a little more congressional oversight, such as a more extensive report where it would make it more difficult for a President to game the system and do what President Clinton said he had to do on occasion—that is, to fudge the facts—because if he made a finding against a company that he didn't want to move against for diplomatic reasons, the law would require him to do that. He didn't want to do that.

What this does is make it more transparent. The President can still do it, but he has to give Congress a reason why he is not imposing sanctions on an entity that has been found to have been selling weapons of mass destruction.

While it duplicates current law in many respects, which is a point in our favor because we are not doing something new and dangerous and onerous and burdensome, the President should already be doing some of these things. What we are doing is saying, yes, that, but also in addition to that, a mechanism whereby we can have some enforcement to it, have some congressional oversight and highlight the fact that the President has some options here.

The President can address the capital markets issue. One of the things the opponents have complained about is the fact that our bill actually gives the President the authority to say to a particular Chinese company or, for that matter, a Russian or a North Korean

company, but the big players right now, such as Petro China or the Chinese companies, raising billions of dollars in our stock markets, in the New York Stock Exchange, going back, in some cases, to enhance the Chinese military—and in many cases, according to the Deutch Commission and according to the Cox committee, these are proliferators of weapons of mass destruction, raising all this money in our capital markets. How many people know about that? You know, we don't want to close our capital markets. We can't do that without thought. But, for goodness' sake, that is a privilege; that is not a right for them to come in and raise money from our people who do not know who they are dealing with—raise billions of dollars, while at the same time selling stuff that is making the world more dangerous for that investor's kids. Do we really want to keep financing these people that way? I don't think so.

According to this latest leaflet, it is inconsistent with current nonproliferation regimes. It would be activated by a hair-trigger mechanism—a hair-trigger mechanism—based on credible information. Well, that just comes from a misunderstanding of the law and what the bill says.

What the bill says is that if you get credible information that they are doing these things, you have to put it in the report. That is the only thing it activates. That is the hair-trigger they are talking about. If our intelligence people find that you are selling these things to these rogue nations, you have to put it in the report.

Now, the President takes a look at that. If it has to do with a country, he has total discretion as to what to do. If it has to do with a company, an entity, say a state-owned company in China, as so many of them are, the President has to make a determination that in fact the credible evidence is true. Then the President has an option to have a waiver. Even after he makes a determination that the allegations are true, he still has a waiver that he can exercise before all of this happens, before any sanctions are levied. That is the hair-trigger they are talking about.

They are just misinforming folks. I think it comes from a lack of understanding of what is in the bill. Somebody downtown, hopefully, will read it more carefully. You can have a lot of complaints about it, and so be it, but let's not misrepresent what it does. There is no hair-trigger, there is no automatic sanction, no automatic anything; it is discretionary with the President. If it is credible evidence, it goes into the report.

Some people say: Well, it might be credible evidence, but it might not be proof beyond a reasonable doubt; we might catch up some innocent Chinese company. We are not trying a criminal lawsuit here. We are talking about information to go into a report for the

American people to see and for Congress to see. If it turns out we are incorrect, we can correct that when the time comes.

I don't want to be callous about this just because they are Chinese companies and maybe had proliferation problems in the past. I don't want to accuse anybody of anything of which they are not guilty. My guess is, if our intelligence community takes the time and effort and concludes that this information is credible enough to go into the report, they probably did it. Considering the fact that they are the world's leading proliferators of weapons of mass destruction, somebody over there is doing it—not proof beyond a reasonable doubt, but, then again, we are not putting anybody in the penitentiary. We are trying to protect the American people.

Contains automatic overbroad sanctions. The bill mandates automatic U.S. sanctions against any private or governmental entity, even for acquisition of commodity level products.

Somebody is not paying attention, are they? "Mandates automatic U.S. sanctions." It is just not true. The bill doesn't do that. There is nothing automatic about it. It is within the power and determination of the President if he chooses to do that. Then he has a waiver if he wants to use that. It is a modest step.

I think this report is the most important part of this legislation. It is a more extensive report. We get these halfway jobs, summaries, but this is a more extensive report. The President will know we are getting it, and we will have a dialog about who is on it and why and to the extent the President is doing anything about it. The report requires the President to tell us what he intends to do about it. He doesn't have to do anything. But there is the pressure, I would think, for most Presidents, to want to have a pretty good reason if they didn't choose to do anything about it once that credible evidence was there.

So, my friends who may be listening to this, there is an awful lot of false information going around. I know these people didn't intend to do this. They are in the business of advancing technology. They are the world's best, and God bless them. But they are not in this business. Somebody downtown is doing this who wants to win too badly. There are no automatic sanctions.

Underwent an inadequate public process.

Well, we are getting back to my friends from Wyoming and Texas.

Deserves a full vetting by the Senate, not the hurried and nonpublic process that has characterized the consideration of this bill. Subsequent drafts and basic proposals have not addressed the bill's deficiencies. Should not be substituted for critical processes, such as public hearings.

In other words, we haven't had any public hearings. Somebody is not paying attention. I just read off two pages of the public hearings that we have had on this general subject matter. Nobody

paid attention then because trade was not involved; it was only national security. Now they are shocked to find out that all this time we have been having public hearings, and we have been getting the reports from bipartisan commissions all this time warning us, warning Congress, warning the American citizens, that it is becoming more dangerous. Countries such as North Korea will have the capability of hitting us within 5 years of their decision to do so. We know that some time ago they decided to have that capability. We know that some years ago they already decided to have the capability.

Shortly after we got the report, they fired a two-stage rocket over the country of Japan—another one of our allies. I guess, now that I think about it, that delivered more than one message, didn't it? It told the good old USA: Yes, we have that capability that you are debating over there. This is what we have. It shocked our intelligence community and surprised us. The Rumsfeld Commission told us they feared that was the case, and then they showed us the capability. Of course, Japan is one of our closest allies. So I suppose that accentuated it.

So we have gone through all that. How much does it take? And now my friends from Texas and Wyoming say we can't have a vote. We can't even have a vote on an issue that poses a direct threat to the security of this Nation because it hasn't sufficiently gone through the process.

Then we had the Deutch Commission telling us some of the same things. And then the Cox Commission told us that, relevant to our export laws, the Chinese Government was using our technology and the supercomputers we were sending to them to perfect and enhance their nuclear capability.

Was it Lenin who said, "The U.S. would sell the rope with which to hang itself"?

That is what that issue is all about. That is serious business. That opens another whole question about our export laws. That is why we have this debate and concern. My friends from Wyoming and Texas and I disagreed. So did these other Senators from various other committees, chairmen of these committees. It wasn't just me. At this particular time, while we can't put the genie back in the bottle, we can't keep technology from circling the globe eventually. But there is great dispute among experts as to what people can get their hands on and how long it will take other countries to get their hands on our technology. We shouldn't ship it out willy-nilly and let the Commerce Department decide. Some of our friends would let the Commerce Department decide whether or not these things ought to be sent around. The Commerce Department is in the business of business. Again, more power to them. But this is not a commerce issue. This is a national security issue. We should not be blind to our commercial interests, and we should not be unreasonable about that.

But there are more important things than whether we should be loosening our export laws and saying, well, if we can make it, everybody is going to have it eventually. So we might as well give it to them tomorrow. Even if we are able to slow them down somewhat, this is a dangerous world. I am looking to the day we find out the direct proof that one of these rogue nations has what we shipped to China and China just passed it along. I assume it has already happened, but we don't have any proof of that. That is what all of this is really about, in my opinion.

It goes on to say here—this is the last objection—it provides for dangerous procedures and fast-track procedures would inevitably lead to highly politicized annual votes.

Our bill, of course, says the President's actions have been, frankly, inadequate. I think some of President Clinton's actions have been totally inadequate with regard to some of these decisions.

Our intelligence has proof that the Chinese Government sent M-11 missiles to Pakistan, and the response from the State Department is: No. We are not going to impose sanctions there because we cannot prove it. We only see canisters on the ground that we know were put there by the Chinese on Pakistani docks. But we do not really know that there are missiles inside the canisters.

What can you say to that?

Then there was another occasion where we proved that they sent ring magnets to the Pakistanis, and those go to enhance the uranium enrichment process that goes into these nuclear weapons. The answer there was that we did not have sufficient proof that those high up enough in the Chinese Government really signed off on that.

We are requiring courtroom-level proof. Instead of requiring them to bear the burden, you had better prove to us that you didn't do it because it sure looks as if you did it. No, we are putting the burden on ourselves to have a level of proof that no one can ever reach because our diplomats and some of our administration officials are living in another world. They think if they can continue to dialog with the leadership of the Communist Chinese Government that things are going to magically fall into place.

In this bill we said if we run into one of those situations Congress ought to have some input. Congress hasn't done enough in this regard. We can't sit back and say that we can't mess with the President's authority. We have done that too much—go into wars, and everything else—partially under the jurisdiction of this body. And we really do not want to take the political heat for making the decisions.

Our tendency, it seems to me nowadays, is to sit back and let the President do the tough stuff and make those decisions. We will criticize him every once in a while. We don't want to be involved. That exposes us to criticism if we make a mistake.



If you look at the national political polls, national security and foreign affairs ranks, only 2 percent of the people in this country would put it at the top of their area of concern—2 percent. That doesn't get the attention of a lot of people around here. So we sit back. We have done it too long. The problem is that this administration has sat back right along with us. The result of that has been a more dangerous world.

We signal to our allies that we claim we need a national missile defense system because of rogue nations. But the signal is we are really not that worried about it; Trade is more important. We are signaling to the leadership of the Chinese Government that we may or may not be concerned about this. We may issue a sanction in one out of every five times we catch it.

That is still going to lead to a more dangerous world because they somewhere along the line are going to misjudge how far we will go in response to some action.

What we need to do is have something right now that is measured, that is reasonable, and that is not extreme to put in place to simply send a signal that while we are approving the trade bill, that trade is not the only thing that is important to us and that we are going to blow the whistle on them and maybe cut off some of their dual-use technology. Yes—perhaps even with hardship on one or more of those conferences. That is the signal we need to send.

So we fashioned the provision in this bill that said if 20 Senators agree that we should disagree with the President's action—that we think it is clear and he is doing nothing, or that we think it is not so clear and he is doing something and we believe we should become involved—if 20 of us think that way, we can become involved in a variety of actions. He can veto that. Or it would take a tremendously unusual situation for us to actually get anything done, quite frankly. Everybody knows that. I know that. Overriding the President's veto on something like that would be tremendous. It would have to be an egregious situation. That is the kind of thing we need to signal to the world that we are willing to do, at least in an egregious situation.

They say that it is dangerous. I say to them that we already have 60 laws on the books that in one form or another have this general procedure I just described. They are making it look as if it is a dangerous, unusual thing. We have at least 60 laws on the books which provide for expedited procedure in one way or another.

We will have an opportunity to discuss this further. As I say, I particularly want to get a vote on this. I guess I am having a hard time absorbing what has happened here. After all of this debate, all of this discussion, this clearly would not cause any harm and would not cause any problem, except some people think it would complicate the trade bill. It is not as if we are

about to do something dangerous or we are about to do something where some of our critics say the law is already on the books and you don't need to do it. That is the level of danger we are talking about.

Our colleagues are keeping us from even having a vote. And we let all of these other things go? The Senator from Wyoming and the Senator from Texas say we haven't gone through the process enough. It has nothing to do with the fact that we couldn't get our Export Administration Act up for a vote, or chose not to. Frankly, I don't know which. If that is the case, that is the case. I take them at their word. I don't want to accuse them of having jurisdictional concerns. I say when it is in the wrong committee and it is on the wrong bill, to me that is a jurisdictional problem. If I am using the wrong word, I apologize. But the very idea that in light of this threat and in light of the good debate that we have had—and we have pros and cons on the Republican side and pros and cons on the Democratic side as to whether or not we ought to pass this. We have had a good debate. We are talking about one of the few things that really matter around here.

Our first obligation in the preamble of our Constitution is the reason for the creation of this Government, the kind of matters we are considering here tonight.

To come down to this, after all these hearings and all this time, with no one denying the nature of the threat, saying it needs to be sent to the committee of jurisdiction—they know by now, of course, that the Parliamentarian has said it would go to the Foreign Relations Committee; it would not even go to their Banking Committee. The only problem they have with that is Senator HELMS is chairman of the Foreign Relations Committee and says he doesn't want that to happen. He wants my amendment to pass.

I don't understand. It has nothing to do with anything other than some jurisdiction. We need to go back and massage this a little bit more, send it back to a committee that doesn't want it. Maybe we can offer some amendments. Why not offer it now, I ask my friends from Wyoming and Texas. If you want to offer amendments, offer them now. I don't understand the nature of the problem. I cannot for the life of me understand the nature of the problem.

But we will have a chance, perhaps, to explore that further.

I yield the floor.

Mr. BAUCUS. Mr. President, we have heard a lot on the Senate floor the last few days about the advantages to the United States of granting PNTR to China. In commercial terms, PNTR means that American farmers, ranchers, workers, manufacturers, and service providers can take advantage of what will be an unprecedented liberalization in the world's most populous market, and an economy that has

grown almost ten percent annually for two decades. PNTR and China's accession to the WTO means that China will enter the global trade community, liberalize and open up much of its economy, and be subject to the operating rules and regulations of the WTO.

I would like to focus my remarks on the effect of PNTR on one very important sector of America's economy—agriculture.

We are in the third year of a severe agricultural crisis in the United States. Our farmers are suffering terribly from drought, record low prices, increased costs, and now damage due to unprecedented forest fires this summer. At the same time, the American food market is a mature one with almost no room for growth for our farmers and ranchers. Therefore, one part of the solution to the agricultural crisis lies in increasing the quantity and value of our agricultural exports, bringing the products of the world's most efficient farming to the people of the world.

That means ensuring that our producers are not besieged by dumped imports. That means our producers need time to adjust to surges in imports. That means working to dismantle the European Union's system of massive trade-distorting export subsidies to its farmers. That means reversing the trends that have reduced our agricultural exports by ten billion dollars since 1996. And that means bringing China into the WTO and granting them PNTR so that our farmers and ranchers can benefit from the significant liberalization commitments that China is making.

Let me review those changes that China has agreed to make as part of its WTO accession commitments. And remember, if we don't grant China PNTR, our competitors can take advantage of this new liberalization in China, while our ranchers and farmers will lose out.

First, the US-China Agricultural Cooperation Agreement. Although this was technically separate from China's negotiations for WTO accession, it was an integral part of our bilateral negotiations. This agricultural agreement provides three specific benefits to American producers.

On wheat, China agreed to end a thirty year ban on Pacific Northwest wheat. This ban was based on spurious sanitary and phyto-sanitary standards. We completed the first shipment of Pacific Northwest wheat to China earlier this year.

On beef, under the agricultural agreement, China will accept meat and poultry from all USDA Food Safety Inspection Service-approved plants, honoring USDA inspection certificates.

On citrus, the agreement provided for a series of measures that would approve citrus for export to China. Chinese officials made several inspection trips to the United States, and the first shipment occurred earlier this year.

Second, China made significant trade concessions on bulk commodities. For

example, China agreed to a tariff rate quota on wheat of 7.3 million metric tons for its first year of membership in the WTO, increasing to 9.6 million tons in 2004. This contrasts with recent annual import of wheat at around two million tons. Ten percent of the tariff rate quota will be allocated to non-state trading entities. If state trading entities do not use their portion of the quota, the unused part will be given to non-state entities. Tariff rate quotas at similarly high levels will also be in effect for other commodities such as corn, cotton, rice, and soybean oil.

Third, tariffs themselves will be cut significantly. By January, 2004, the overall average for agricultural products of importance to the United States will drop from 31 percent to 14 percent. Beef goes down from 45 percent to 12 percent for frozen and to 25 percent for fresh. Pork drops from 20 percent to 12 percent. Poultry goes from 20 percent to 10 percent.

Fourth, foreigners will have the right to distribute imported products without going through a state-trading enterprise or middleman.

Fifth, China has committed not to use export subsidies for agricultural products. They have also committed to cap, and then reduce, trade-distorting domestic subsidies.

Sixth, there are several provisions that most people think apply only to manufactured goods, but, in fact, apply to agriculture as well. The United States can continue to use our non-market economy methodology in anti-dumping cases for 15 years, an important protection against dumped Chinese products. Also, for the next 12 years, we can take safeguard measures against specific products from China that cause, or threaten to cause, disruption in our market.

In short, once we grant China PNTR and the WTO accession process concludes, our farmers, ranchers, and food processors can begin to take advantage of vast new opportunities in China. Americans need to move aggressively to follow-up on these Chinese commitments. And we in the Congress and in the Executive Branch must put resources into monitoring closely Chinese compliance with those commitments.

Following my own advice about follow up, I will lead a delegation of Montana ranchers, farmers, and business people to China in December. I encourage all my Congressional colleagues to do likewise. I have also sent a letter to Chinese Premier Zhu Rongji insisting that China fully comply with its agriculture commitments.

We have a lot to do in the Congress this year and next to help our farm economy. Approving PNTR is one important part of that agenda.

Mrs. FEINSTEIN. Mr. President, I would like to explain why I oppose all amendments offered to H.R. 4444, a bill to establish Permanent Normal Trade Relations (PNTR) with China.

Much is at stake here; the effects of this vote may be felt for years to come.

I am convinced that amendments at this stage create a procedural problem that could derail passage of this important bill. Adopting any amendments would mean sending this bill to conference, where it could become mired in wrangling over differences of language and content. It is clear to me that we do not have time remaining in this Congress to resolve a bicameral conflict over this bill. We can allow nothing to interfere with what may be this Congress's most important decision concerning China.

I am convinced we must not let our focus be drawn away from the real point in question: pure and simple, this vote is about deciding whether or not the United States wishes to join with the world community in having normal trade relations with China, and whether we are prepared to conduct our dealings with China according to the terms and conditions established by that community under the World Trade Organization framework (WTO).

This vote is about protecting U.S. interests in an increasingly competitive global marketplace and about ensuring that American workers, managers, entrepreneurs, and investors do not miss out on the opportunities that are bound to grow as China brings itself further into the modern world.

I do not think we further U.S. interests by undermining this nation's ability to function effectively in the world's most important multinational trade organization, or by cutting Americans off from the full benefits of WTO membership.

This is what will happen if we pass a bill that does not conform to WTO requirements, or if we are forced to send the bill to conference, and fail to pass a bill, at all. I believe it is in America's best interests that this body pass a clean, focused bill establishing permanent normal trade relations with China that is the same as the House bill and does not need conferencing.

Mr. THOMPSON. Mr. President, I ask unanimous consent that at 10 a.m. on Wednesday there be 60 minutes for closing remarks for two amendments, with the following Senators in control of time: Senator ROTH, 15 minutes; Senator MOYNIHAN, 15 minutes; Senator BYRD, 15 minutes, Senator Bob SMITH, 15 minutes. I further ask consent that the vote on the pending Byrd amendment occur immediately at 11 a.m., to be followed by a vote in relation to division 6 of Senator SMITH's amendment, No. 4129.

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

#### MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

#### SENATOR SLADE GORTON'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, it is a long-standing tradition in the Senate to recognize and honor those Senators that serve as presiding officers of the Senate for 100 hours in a single session of Congress. Today, I have the pleasure to announce that Senator SLADE GORTON is the latest recipient of the Senate's coveted Golden Gavel Award.

This Golden Gavel Award is not the first or even the second for Senator GORTON but is the sixth. Senator GORTON is the first Senator in the history of the Golden Gavel Award to attain the six gavel mark. This is a great achievement.

On behalf of the Senate, I extend our sincere appreciation to Senator GORTON and his staff for their efforts and commitment to presiding duties during the 106th Congress.

#### SENATOR WAYNE ALLARD'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator WAYNE ALLARD has achieved the 100 hour mark as presiding officer. In doing so, Senator ALLARD has earned his second Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator ALLARD and his staff for their efforts and commitment to presiding duties during the 106th Congress.

#### VICTIMS OF GUN VIOLENCE

Mr. ROBB. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 12, 1999:

Arthur Adams, 41, Philadelphia, PA; Anita Arrington, 36, Charlotte, NC; Robert Bason, 21, Detroit, MI; Keith Brisco, 23, Chicago, IL; Shiesha Davis, 19, Detroit, MI; Clinton Dias, 24, Baltimore, MD; Steve Esparza, 15, San Antonio, TX; Friday D. Gardner, 21, Chicago, IL; Tony M. Gill, 28, Gary, IN; Elaine Howard, 47, Detroit, MI; Greta

L. Johnson, 33, Memphis, TN; Rickey D. Johnson, 36, Memphis, TN; Willie Johnson, 20, Miami, FL; Roberto E. Moody, 30, Seattle, WA; Donald Morrison, 20, San Antonio, TX; Deric Parks, 23, Washington, DC; Harry R. Penninger, 69, Memphis, TN; Albert Perry, 31, Detroit, MI; Artemio Raygoza, 22, San Antonio, TX; Douglas M. Stanton, 33, Chicago, IL; Rodrick Swain, 24, Houston, TX; Ramon Vasquez-Ponti, 56, Miami, FL; Damon Williams, 21, Kansas City, MO; Derrion Wilson, 19, Memphis, TN; Margaret Wilson, 52, Dallas, TX; Dwayne Wright, 28, Detroit, MI; Unidentified Male, 18, Norfolk, VA.

One of the gun violence victims I mentioned, 20-year-old Donald Morrison of San Antonio, was shot and killed one year ago today when an irritated driver followed Donald into a convenience store parking lot and shot him in the head.

Another victim, 33-year-old Greta Johnson of Memphis, was shot and killed one year ago today by her husband before he turned the gun on himself.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### HEALTH CARE SAFETY NET OVERSIGHT ACT OF 2000

Mr. HATCH. Mr. President, I am pleased to cosponsor the Health Care Safety Net Oversight Act of 2000, which is an important step toward addressing a critical issue facing our country: the fact that over 40 million Americans lack health insurance.

While it is natural to question the need for any new commission, I believe this legislation is more than warranted given the fact that there is such a substantial number of Americans who are uninsured and there is to date no comprehensive solution to this problem.

Despite the hard work of Community Health Centers in Utah and throughout the Nation, and despite the many, many efforts of others who are working to improve health care delivery in hospitals, emergency rooms and clinics, two facts remain. First, it is deplorable that in a Nation as great as the United States, we still have so many people who lack basic health care services. And second, there is no national consensus on how this problem should be addressed by the public and private sectors.

It is obvious that we need to begin the process toward developing that necessary consensus, and I believe the Health Care Safety Net Oversight Commission's work will help us meet that goal.

I commend Senator BAUCUS and my colleagues for their work which has led to introduction of our bipartisan bill tonight. As the legislation progresses, I do want to work with them to improve a limited number of provisions in the

bill, including the funding source for the Commission.

#### THE MEDICARE BENEFICIARIES' CHOICE STABILIZATION ACT

Mr. SANTORUM. Mr. President, I rise today to address a matter of critical importance to our Nation's 39 million Medicare beneficiaries, 2 million of whom live in Pennsylvania alone. I speak of the current erosion of the Medicare+Choice program, a situation which demands attention by Congress and this administration.

Currently, more than 6.2 million Medicare beneficiaries are enrolled in the Medicare+Choice program, receiving high quality, affordable health care services through HMOs and other private sector health plans. Beneficiaries are choosing these plans because they typically provide a more comprehensive package of benefits (including coverage of prescription drugs), lower out-of-pocket costs, and a stronger emphasis on preventive health care services than the old Medicare fee-for-service system.

As my colleagues well know, for more than ten years Medicare beneficiaries have had access to this array of enhanced health benefits and options through the Medicare's risk contract program, and the success of this program was evidenced by the fact that beneficiaries signed up for Medicare HMO coverage in large numbers. From December 1993 through December 1997, enrollment in Medicare HMOs increased at an average annual rate of 30 percent. In states such as Louisiana, Pennsylvania, Ohio, and Texas, enrollment in Medicare HMOs increased even more rapidly. In December 1997, shortly after the enactment of the BBA, Medicare HMO enrollment stood at 5.2 million, accounting for 14 percent of the total Medicare population—up from just 1.3 million enrollees and 3 percent of the Medicare population in December 1990.

The success of the Medicare HMO program inspired Congress to establish the Medicare+Choice program in 1997 through the enactment of the Balanced Budget Act (BBA). In establishing the Medicare+Choice program, Congress had three goals in mind: (1) to build on the success of the Medicare HMO program; (2) to give seniors and persons with disabilities the same health care choices available to Americans who obtain their health coverage through the private sector; and (3) to further expand beneficiaries' health care choices by establishing an even wider range of health plan options and by making such options available in areas where Medicare HMOs were not yet available. Three years later, however, the Medicare+Choice program has not fulfilled its promise of expanding health care choices for Medicare beneficiaries. Instead, a large number of beneficiaries have lost their Medicare+Choice plans or experienced an increase in out-of-pocket costs or a reduction in benefits.

This disturbing trend is especially harmful to low-income beneficiaries, who are almost twice as likely to enroll in Medicare HMOs as are other Medicare beneficiaries. For many seniors and persons with disabilities who live on fixed incomes, having access to a Medicare HMO means that they can spend their limited resources on groceries and other daily essentials. Beneficiaries also like Medicare HMOs because they provide coordinated care and place a strong emphasis on preventive services that help them to stay healthy and avoid preventable diseases.

Mr. President, when Congress enacted BBA in 1997, plans were still joining the Medicare+Choice program and 74 percent of beneficiaries had access to at least one plan. But today, access dropped to 69 percent, with 2 million fewer beneficiaries having access to a plan. Next year, 711,000 Medicare beneficiaries will lose access to health benefits and choices as a result of Congressional underpayment and burdensome HCFA regulations.

In addition, many Medicare HMOs have curtailed benefits, increased cost-sharing and raised premiums. Average premiums have increased \$11 per month in 2000.

Two major problems are responsible for this outcome: (1) the Medicare+Choice program is significantly underfunded; and (2) the Health Care Financing Administration (HCFA) has imposed excessive regulatory burdens on health plans participating in the program. The funding problem has been caused by the unintended consequences of the Medicare+Choice payment formula that was established by the BBA, as well as the Administration's decision to implement risk adjustment of Medicare+Choice payments on a non-budget neutral basis. Under this formula, the vast majority of health plans have been receiving annual payment updates of only 2 percent in recent years—while the cost of caring for Medicare beneficiaries has been increasing at a much higher rate.

When plans withdraw from communities, beneficiaries are forced to switch plans, or in some cases revert back to the traditional Medicare program, which does not cover additional benefits like eye and dental care, or, more importantly, prescription drugs.

It is in response to this crisis in the Medicare+Choice program that I am pleased to be introducing The Medicare Beneficiaries' Choice Stabilization Act. This legislation will make numerous changes to the way Medicare+Choice rates are calculated and will seek to sensitize the funding mechanisms in the current Medicare system to the difficulties of health care delivery in all communities, and particularly in rural areas.

As the costs of providing care in some areas can be higher than the payments from Medicare, The Medicare Beneficiaries' Choice Stabilization Act will also give plans the opportunity to negotiate for higher payment rates based on local costs.

Realizing the importance of assuring that the benefits of programmatic regulations outweigh their costs, my legislation will also provide Medicare+Choice providers regulatory relief from overreaching HCFA dictates. Rather than devoting substantial human and financial resources toward compliance activities, which leaves fewer resources available for paying for health care services provided to beneficiaries, Medicare+Choice plans ought to be left to the fullest extent possible to the business they know best: providing high quality and cost effective health care to our Medicare beneficiaries.

Congress must devote more adequate funding to the Medicare+Choice program, and work to ensure that resources are allocated in such a way as to assure that the Medicare+Choice program is viable in areas where beneficiaries have already selected health plan options and that the program can expand in areas where such options are not yet widely available. I am sponsoring Beneficiaries' Choice Stabilization Act with just these goals in mind, and I hope my colleagues will join me in a bipartisan effort to save and strengthen the Medicare+Choice program and the valuable health benefits it provides for our Medicare population which relies on them.

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#### DEPARTMENT OF JUSTICE REPORT OF RACE AND GEOGRAPHIC DISPARITIES IN FEDERAL CAPITAL PROSECUTIONS

Mr. FEINGOLD. Mr. President, in recent months, our Nation has begun to question the fairness of the death penalty with greater urgency. Now, with details of the Justice Department report being released, we have learned that just as we feared, the same serious flaws in the administration of the death penalty that have plagued the states also afflict the federal death penalty. The report documents apparent racial and regional disparities in the administration of the federal death penalty. All Americans agree that whether you die for committing a federal crime should not depend arbitrarily on the color of your skin or randomly on where you live. When 5 of our 93 United States Attorneys account for 40 percent of the cases where the death penalty is sought; when 75 percent of federal death penalty cases involve a minority defendant, something may be awry and it's time to stop and take a sober look at the system that imposes the ultimate punishment in our names.

I first urged the President to suspend federal executions to allow time for a thorough review of the death penalty on February 2 of this year. I repeat that request today, more strongly than ever. While I understand the Attorney General plans further studies of some of the issues raised by the report, additional internal reviews alone will not satisfy public concern about our system. With the solemn responsibility

that our government has to the American people to ensure the utmost fairness and justice in the administration of the ultimate punishment, and with the first federal execution since 1963 scheduled to take place before the end of the year, a credible, comprehensive review can be conducted only by an independent commission.

This is what Governor Ryan decided in Illinois. He created an independent, blue ribbon commission to review the criminal justice system in his state, while suspending executions. The wisdom of that bold stroke by Governor Ryan is clear, both to supporters and opponents of capital punishment. The federal government must do the same. The President should appoint a blue ribbon federal commission of prosecutors, judges, law enforcement officials, and other distinguished Americans to address the questions that are raised by the Justice Department report and propose solutions that will ensure fairness in the administration of the federal death penalty.

I urge the President to suspend all federal executions while an independent commission undertakes a thorough review. That is the right thing to do, given the troubling racial and regional disparities in the administration of the federal death penalty. Indeed, it is the only fair and rational response to these disturbing questions. Let's take the time to be sure we are being fair. Let's temporarily suspend federal executions and let a thoughtfully chosen commission examine the system. American ideals of justice demand that much.

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#### CABIN USER FEE FAIRNESS ACT OF 1999

Mr. CRAIG. Mr. President, soon the Senate will take up S. 1938, the Cabin User Fee Fairness Act of 1999. It is designed to set a new course for the Forest Service in determining fees for forest lots on which families and individuals have been authorized to build cabins for seasonal recreation since the early part of this century.

In 1915, under the Term Permit Act, Congress set up a program to give families the opportunity to recreate on our public lands through the so-called recreation residence program. Today, 15,000 of these forest cabins remain, providing generation after generation of families and their friends a respite from urban living and an opportunity to use our public lands.

These cabins stand in sharp contrast to many aspects of modern outdoor recreation, yet are an important aspect of the mix of recreation opportunities for the American public. While many of us enjoy fast, off-road machines and watercraft or hiking to the backcountry with high-tech gear, others enjoy a relaxing weekend at their cabin in the woods with their family and friends.

The recreation residence programs allows families all across the country

an opportunity to use our national forests. This quiet, somewhat uneventful program continues to produce close bonds and remarkable memories for hundreds of thousands of Americans, but in order to secure the future of the cabin program, this Congress needs to reexamine the basis on which fees are now being determined.

Roughly twenty years ago, the Forest Service saw the need to modernize the regulations under which the cabin program is administered. Acknowledging that the competition for access and use of forest resources has increased dramatically since 1915, both the cabin owners and the agency wanted a formal understanding about the rights and obligations of using and maintaining these structures.

New rules that resulted nearly a decade later reaffirmed the cabins as a valid recreational use of forest land. At the same time, the new policy reflected numerous limitations on use that are felt to be appropriate in order keep areas of the forest where cabins are located open for recreational use by other forest visitors. Commercial use of the cabins is prohibited, as is year-round occupancy by the owner. Owners are restricted in the size, shape, paint color and presence of other structures or installations on the cabin lot. The only portion of a lot that is controlled by the cabin owner is that portion of the lot that directly underlies the footprint of the cabin itself.

At some locations, the agency has determined a need to remove cabins for a variety of reasons related to "higher public purposes," and cabin owners wanted to be certain in the writing of new regulations that a fair process would guide any future decisions about cabin removal. At other locations, some cabins have been destroyed by fire, avalanche or falling trees, and a more reliable process of determining whether such cabins might be rebuilt or relocated was needed. It was determined, therefore, that this recreational program would be tied more closely to the forest planning process.

The question of an appropriate fee to be paid for the opportunity of constructing and maintaining a cabin in the woods was also addressed at that time. Although the agency's policies for administration of the cabin program have, overall, held up well over time, the portion dealing with periodic redetermination of fees proved in the last few years to be a failure.

A base fee was determined twenty years ago by an appraisal of sales of "comparable" undeveloped lots in the real estate market adjacent to the national forest where a cabin was located. The new policy called for reappraisal of the value of the lot twenty years later—a trigger that led to initiation of the reappraisal process in 1995.

In the meantime, according to the policy, annual adjustments to the base fee would be tracked by the Implicit Price Deflator (IPD), which proved to be a faulty mechanism for this purpose.

Annual adjustments to the fee based on movements of the IPD failed entirely to keep track of the booming land values associated with recreation development.

As the results of actual reappraisals on the ground began reaching my office in 1997, it became clear that far more than the inoperative IPD was out of alignment in determining fees for the cabin owners.

At the Pettit Lake tract in Idaho's Sawtooth National Recreation Area, the new base fees skyrocketed into alarming five-digit amounts—so high that a single annual fee was nearly enough money to buy raw land outside the forest and construct a cabin. Meanwhile, the agency's appraisal methodology was resulting in new base fees in South Dakota, in Florida, and in some locations in Colorado that were actually lower than the previous fee.

At the request of the chairman of the House Committee on Agriculture in 1998, the cabin owners named a coalition of leaders of their various national and state cabin owner associations to examine the methodology being used by the Forest Service to determine fees. It became obvious to these laymen that analysis of appraisal methodology and the determination of fees was beyond their grasp, and a respected consulting appraiser was retained to guide the cabin owners through their task. The report and recommendations of the coalition's consulting appraiser is available from my office for those who might wish to examine the details. This legislation reflects the coalition's consulting appraiser's report and comments from the Administration and the appraiser they hired to review their appraisal process.

This is highly technical legislation. Its purpose is to send a clear set of instructions to appraisers in the field and a clear set of instructions to forest managers to respect the results of appraisals undertaken to place value on the raw land being offered cabin owners. Additionally, the purpose of this legislation is to ensure that the cabin program continues long into the future, that it provides a fair return to the taxpayers, and continues to generate a profit for the Treasury.

I ask unanimous consent that the section-by-section analysis for S. 1938 be entered into the RECORD following this statement.

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

#### SECTION-BY-SECTION ANALYSIS

##### SEC. 1 TITLE

This Act may be cited as the "Cabin User Fee Fairness Act of 2000"

##### SEC. 2 FINDINGS

Current appraisal procedures for determining recreation residence user fees have, in certain circumstances, been inconsistently applied in determining fair market values for cabin lots demonstrating the need for clarification of these provisions.

##### SEC. 3 PURPOSES

The purposes of the Act are 1) to ensure that the National Forest System recreation

residence program is managed to preserve the opportunity for individual and family-oriented recreation and 2) to develop a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

##### SEC. 4 DEFINITIONS

This section defines the terms "agency" "authorization" "base cabin user fee" "cabin" "cabin owner" "cabin user fee" "caretaker cabin" "current cabin user fee" "lot" "natural, native state" "program" "Secretary" "tract" "tract association" and "typical lot"

##### SEC. 5 ADMINISTRATION OF RECREATION RESIDENCE PROGRAM

To the maximum extent practicable, the Secretary will determine a cabin user fee for owners of privately owned cabins, authorized to be built on National Forest land, that reflects the market value of the cabin lot and regional and local economic influences.

##### SEC. 6 APPRAISALS

The Secretary will establish an appraisal process to determine the market value of a typical lot or lots at a cabin tract. Section 6 describes the unique characteristics of the lots authorized for use under the Forest Service recreation residence program, and the characteristics of parcels of land sold in the private sector that might appropriately provide comparable market information for purposes of determining market value.

As a first step, the Secretary will complete an inventory of existing improvements to the cabin lots in the program to determine whether these improvements were paid for by the agency, by third parties, or by the cabin owner. Improvements paid for by the cabin owner (or his predecessor) are not included in the market value. There is a rebuttable presumption that improvements were paid for by the cabin owner or his predecessor.

The Secretary will contract with an appropriate appraisal organization to manage the development of specific appraisal guidelines. An appraisal shall be performed by a State-certified general real estate appraiser in compliance with Uniform Standards of Professional Appraisal Practice, Uniform Appraisal Standards for Federal Land Acquisitions, and specific appraisal guidelines developed in accordance with this Act.

Reappraisal for the purpose of recalculation of the base cabin user fee shall occur not less often than once every 10 years.

##### SEC. 7 CABIN USER FEES

To determine the annual base cabin user fee, the Secretary shall multiply the market value of the cabin lot by 5 percent. This calculation reflects restrictions imposed by the permit, including the limited term, absence of significant property rights, and the public's right of access to, and use of, any open portion of the forest lot upon which the cabin is located.

If the Secretary decides to discontinue use of a lot as a cabin site, payment of the full base cabin user fee will be phased out in equal increments over the final 10 years of the existing authorization. If the decision to eliminate the authorization for use as a cabin lot is reversed, the cabin owner may be required to pay any portion of fees that were forgone as a result of the expectation of termination.

The cabin owner's fee obligation terminates if an act of God or catastrophic event makes it unsafe to continue occupying a cabin lot.

##### SEC. 8 ANNUAL ADJUSTMENT OF CABIN USER FEE

The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average

of a published price index that reports changes in rural or similar land values in the State, county, or market area in which the lot is located. An adjustment to the fee may not exceed 5 percent per year, but the amount of adjustment exceeding 5 percent shall be carried forward for application in the following year or years.

At the end of the initial 10-year period, the Secretary has the option to choose a different index if it is determined that this index better reflects change in the value of a cabin lot over time.

##### SEC. 9 PAYMENT OF CABIN USER FEES

A cabin user fee shall be prepaid annually by the cabin owner. If the increase over the current base cabin user fee exceeds 100 percent, payment of the increased amount shall be phased in over three years.

##### SEC. 10 RIGHT OF SECOND APPRAISAL

On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner may obtain a second appraisal at the cabin owner's expense. The Secretary shall determine a new base cabin user fee that is equal to the base cabin user fee determined by the initial appraisal or the second appraisal, or within that range of values.

##### SEC. 11 RIGHT OF APPEAL AND JUDICIAL REVIEW

The Secretary shall grant the cabin owner the right to an administrative appeal of the determination of a new base cabin user fee. A cabin owner that is adversely affected by a final decision of the Secretary may bring a civil action in United States district court.

##### SEC. 12 CONSISTENCY WITH OTHER LAW AND RIGHTS

Nothing in this Act limits or restricts any right, title, or interest of the United States in or to any land or resource. The Secretary shall not establish a cabin user fee or a condition affecting a cabin user fee that is inconsistent with the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

##### SEC. 13 REGULATIONS

The Secretary shall promulgate regulations to carry out this Act within 2 years of the date of enactment.

##### SEC. 14 TRANSITION PROVISIONS

The Secretary may complete the current appraisal process in accordance with the policy in effect prior to enactment of this Act.

For annual cabin fees conducted on or after September 30, 1995 but prior to promulgation of regulations required under this Act, the Secretary shall temporarily charge an annual cabin user fee as determined by appraisals occurring since September 30, 1995, provided that the amount charged shall not be more than \$3,000 greater than the cabin user fee in effect on October 1, 1996, as adjusted for inflation.

In the absence of an appraisal conducted on or after September 30, 1995, the Secretary shall continue to charge the annual cabin user fee in effect on the date of enactment of this Act until a new fee is determined under the new regulations and the right of the cabin owner to a second appraisal is exhausted.

Not later than 2 years after promulgation of final regulations, cabin owners who received a new appraisal after September 30, 1995, but prior to promulgation of new regulations under this Act, may request a new appraisal or peer review of the existing appraisal. Such request must be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

Peer review will be conducted by an independent professional appraisal organization. If peer review determines that the earlier appraisal was conducted in a manner inconsistent with this Act, such appraisal may be

revised accordingly, or subject to an agreement with the cabin owners, a new appraisal and fee determination may be conducted.

Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

For annual cabin user fees capped by an increase of \$3,000, if the new appraisal or peer review resulted in a cabin fee that is 90% or more of the appraisal conducted on or after September 30, 1995 but prior to the promulgation of regulations under this Act, the Secretary shall charge the cabin owner the unpaid difference between those two appraised cabin fees in three annual equal installments.

In the absence of a request for a new appraisal or peer review, the Secretary may consider the base cabin user fee resulting from the appraisal conducted after September 30, 1995, to be the base cabin user fee in accordance with this Act.

#### WILDFIRES

Mr. CRAPO. Mr. President, I rise to acknowledge the efforts of the tens of thousands of brave men and women who have fought this year's rash of wildfires throughout the West. These firefighters have weakened the menacing flames that have burned millions of acres of western states, taking lives and devouring farmland, forests and homes. More than six and a half million acres have been destroyed this year. My home state of Idaho, with one and a quarter million acres lost to the flames, has been one of the most harmed.

This fire season is the worst we have faced in fifty years. It is clear that without the help of the many people who are fighting these fires, many inhabited areas of the West could become smoldering expanses of charred remains. I offer my sincerest gratitude to everyone participating in the effort to combat the devastating fires. Their work protecting lives, property and the environment is appreciated by all westerners and is crucial to the western economy.

Firefighters and fire support teams have been deployed from a range of federal and municipal agencies including county sheriffs departments, local volunteer fire departments, tribes and other local crews throughout the West and the Forest Service, the Bureau of Land Management, the Bureau of Indian Affairs, the National Park Service, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. Help has also been enlisted from the National Guard and battalions from the U.S. Army and the U.S. Marine Corps as well as from trained individuals from Canada, Mexico, Australia and New Zealand. Most of these efforts have been coordinated out of the National Interagency Fire Center, located in Boise, Idaho.

Battling fires is dangerous and exhausting work. The air is warm, smoke-filled and flecked with ash. Most of the firefighter's time is spent building firelines, burning out areas, moping up after fires and directly at-

tacking fires. These tasks often entail miles of walking, and hours of tough manual labor, like scraping the ground, chopping and digging, all while wearing uncomfortable protective equipment.

The work is so demanding that some firefighters still lose weight even though they have consumed five or six thousand calories a day. Sleep is often inadequate and infrequent. Some teams along the fire line have been known to work 48-hour shifts before calling it a day. Firefighters can almost count on receiving blistered feet and bloodshot eyes. Serious injuries and even death are ever-present risks. This year, sixteen people have suffered fire-related fatalities.

Fire support teams also have been working overtime as drivers, equipment operators, paramedics, medical staff, and trouble shooters. It is an enormous management task just to make sure that all of the firefighters are fed and that they receive the equipment, medical attention, and time to sleep.

I commend all of the firefighters and support teams for meeting the physical and mental challenges with bravery and steadfast determination. I know I speak for all when I say that our thoughts and prayers are for their safety and we are eager for them to return to their normal lives.

The fire season is not yet over as hundreds of fires blaze and threats of more lightening storms that could bring new fires loom. This is indeed a difficult time, although we can take peace of mind from the fact that steady, well-trained hands are working on our behalf to keep the towering flames at bay. Right now, it is important to be grateful for the hard work that has been done to protect us and hopeful for an end to the destruction.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 11, 2000, the Federal debt stood at \$5,680,975,300,511.24, five trillion, six hundred eighty billion, nine hundred seventy-five million, three hundred thousand, five hundred eleven dollars and twenty-four cents.

Five years ago, September 11, 1995, the Federal debt stood at \$4,962,944,000,000, four trillion, nine hundred sixty-two billion, nine hundred forty-four million.

Ten years ago, September 11, 1990, the Federal debt stood at \$3,231,889,000,000, three trillion, two hundred thirty-one billion, eight hundred eighty-nine million.

Fifteen years ago, September 11, 1985, the Federal debt stood at \$1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million.

Twenty-five years ago, September 11, 1975, the Federal debt stood at \$548,918,000,000, five hundred forty-eight billion, nine hundred eighteen million, which reflects a debt increase of more

than \$5 trillion—\$5,132,057,300,511.24, five trillion, one hundred thirty-two billion, fifty-seven million, three hundred thousand, five hundred eleven dollars and twenty-four cents, during the past 25 years.

#### ADDITIONAL STATEMENTS

##### COMMENDING RUTHIE MATTHES AND STACY DRAGILA

• Mr. CRAPO. Mr. President, I rise today to commend the remarkable accomplishments of Ruthie Matthes, an Idaho native and a cross-country cyclist, and Stacy Dragila, an Idaho constituent and pole vaulter.

At the United States Olympic Track and Field trials in July, Stacy cleared fifteen feet, two and a quarter inches, which broke her personal record by a half-inch and further solidified her qualification to represent the United States at the Sydney 2000 Olympic Games.

Stacy, a native of Auburn, California, graduated from Idaho State University and currently resides in Pocatello in my home state of Idaho. It is an honor that she has chosen to live in Idaho and continues to do a lot of her training in Idaho.

Stacy has won three of four national championships since the pole vault became an official event in 1997. She currently ranks as the defending world champion and has broken her indoor and outdoor world records a combined eight times since August. All of her competitions have been approached with maximum effort and dedicated preparation.

At the U.S. Track and Field Trials, Stacy tried to break her record again, attempting fifteen feet, five inches, three times. She missed each of her three tries, but ended the competition encouraged and gratified nonetheless. "It helps me to know that I can jump under pressure," she said. "And it's nice to know that I'm attempting 15-5 and I still have things to work on."

Ruthie Matthes was born in Sun Valley, ID, and lived in neighboring Ketchum throughout most of her formative years. She began cycling as part of her training for alpine hill ski racing. Her decision to cycle full-time was followed by great success.

Between 1990 and 1996, Ruthie took home two bronze, two silver, and one gold medal at the World Mountain Bike Championships. She was also the National Cross-Country champion from 1996-1998. Her off-road career now includes three consecutive national cross-country titles.

Ruthie deserves as much praise for her athletic prowess as she does for her positive sports ethic. "You have to stay true to your heart," says Matthes. "Do your very best and enjoy it. Whether you finish first, tenth or last, all of it is an opportunity to learn about yourself."

These two women, and other devoted athletes, serve as reminders that,



through healthy competition, our challenges can inspire us to excel. They unify those of us who watch them through shared pride and passion. Their victories leave our souls soaring high and our feet feeling light. In times of defeat, we are humbled by the fact that there is more work to be done to reach our team's victory.

The Olympic ideal is perhaps the best evidence that endurance, the desire to challenge oneself, and the pursuit of achieving top physical form are age-long endeavors. The events demonstrate that the will to compete in the athletic arena is nearly universal, crossing boundaries of culture and geography to bring together most of the world's nations. It is one of the great celebrations of the human spirit and one of the finest examples of our time of peaceful multi-national competition.

I am very proud of Ruthie and Stacy's accomplishments and the role that they will play in this international competition. I wish Ruthie, Stacy, and all the other athletes who are participating in the Olympics this year, the challenge of vigorous competition. May they again know the exaltation of pushing themselves to their limits and the roar of a crowd that lives vicariously through their triumph.●

#### NATIONAL ASSISTED LIVING WEEK

● Mr. GRAMS. Mr. President, today I rise to draw attention to a vital service upon which many older Americans depend: assisted living. I also want to pay tribute to those who work in this nation's assisted living facilities and dedicate their lives to making someone else's life a little easier.

Grandparents Day—Sunday, September 10—marks the beginning of the sixth annual National Assisted Living Week (September 10–16), sponsored by the National Center for Assisted Living. This year's theme is "The Art of Life," highlighting the creative new ways in which seniors are expressing themselves as they strive to maintain their independence and autonomy.

In the U.S., nearly 28,000 assisted living facilities accommodate more than 1.15 million people by providing supervision, assistance, and health care services. The need for assisted living services is growing with the rapidly increasing elderly population in America. Advances in medicine and technology have dramatically extended the ability of seniors to live independent lives without the need for assistance with daily functions. However, as seniors live longer, more of them eventually discover they need a helping hand in order to maintain the lifestyle to which they have become accustomed—a lifestyle they should not have to give up simply because they are growing older.

Just as we are full of excitement from new challenges in our adolescence, in our later years, after retire-

ment, we recognize that we cannot do it all ourselves. The difficult task is understanding when, after many years of easy mobility in life, an individual needs assistance. National Assisted Living Week promotes not only an increased quality of life for the elderly, but builds a team and network to accomplish this added quality of life by opening our eyes to the obstacles we can conquer if we only ask for a little assistance.

National Assisted Living Week provides an environment which brings together friends and family with the staff and volunteers of assisted living programs to discover and explore the contributions and services these facilities offer to their communities. These centers will hold many events this week to spotlight their activities and help educate the communities they serve. National Assisted Living Week works as a catalyst, by helping to create strong relationships involving all facets of the community, including places of worship, health care facilities, schools, and businesses.

During this National Assisted Living Week, I recognize the selfless efforts of those Minnesotans and many other caring Americans who help make dignity in retirement a reality, and I offer them my thanks as they promote assisted living as a quality way of life for America's elderly.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two treaties and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 6:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

The message also announced that the House has heard with profound sorrow

of the death of the Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia. That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral. That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House. That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased. That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

#### 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-10672. A communication from the President of the United States, transmitting, pursuant to law, a proclamation relative to Nigeria; to the Committee on Finance.

EC-10673. A communication from the Social Security Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Supplemental Security Income; Determining Disability for a Child Under Age 18" (RIN0960-AF40) received on September 8, 2000; to the Committee on Finance.

EC-10674. A communication from the Chief, Regulations Unit, Internal Revenue Agency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 National Pool" (Rev. Proc. 2000-36) received on September 11, 2000; to the Committee on Finance.

EC-10675. A communication from the Acting Director of the 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; Other Red Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10676. A communication from the Acting Director of the 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; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10677. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10679. A communication from the Acting Director of the 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; Pollock in Statistical Area 630 of the Gulf of Alaska" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10680. A communication from the Trial Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of nonconforming vehicles determined to be eligible for importation" (RIN2127-A117) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10681. A communication from the Trial Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees authorized by 49 U.S.C. 30141" (RIN2127-A111) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10682. A communication from the Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Advisory Notice; Transportation of Lithium Batteries" (RIN2137-AD48) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10683. A communication from the Deputy Chief Counsel of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Internal Corrosion in Gas Transmission Pipelines; Notice; issuance of advisory bulletin" (RIN2137-AD52) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10684. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Compressed Natural Gas Fuel Container Integrity" (RIN2127-AH72) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10685. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Property Reporting Requirements" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10686. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777-200 Series Airplanes; docket no. 97-NM-260 [8-21/8-31]" (RIN2120-AA64) (2000-0416) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10687. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Co. CF6-45, -50, 80A, 80C2, and 80E1 Turbofan Engines; docket no. 2000-NE-31 [8-21/9-7]" (RIN2120-AA64) (2000-0435) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10688. A communication from the Program Assistant of the Federal Aviation Ad-

ministration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fairchild Aircraft, Inc. Models SA226-T, SA226-AT, SA226-TC, SA227-AT, SA-227-TT, and SA-227-AC Airplanes; docket no. 99-CE-62-AD [8-22/9-7]" (RIN2120-AA64) (2000-0442) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10689. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc. RB211 Trent 768-60, Trent 772-60 and Trent 772B 60 Turbofan Engines; corrections; docket no. 2000-NE-05 [8-23/9-7]" (RIN2120-AA64) (2000-0451) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10690. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company Model AE 3007C Series Turbofan Engines; Docket No. 2000-NE-33-AD [9-11-00]" (RIN2120-AA64) (2000-0452) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10691. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; request for comments, Raytheon Aircraft Company Models A65, A65-8200, 65-B80, 70, 95-B55, 95-C55, D55, E55, 56TC, A56TC, 58, 58P, 58TC, and 95-B55B (T42A) Airplanes; Docket No. 2000-CE-53-AD [9-22-9-11]" (RIN2120-AA64) (2000-0453) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10692. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc RB211-524D4 Series Turbofan Engines Docket No. 2000-NE-23-AD [9-22-9-11]" (RIN2120-AA64) (2000-0454) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10693. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospaciale Model ATR42-300, -300, and -320 Series Airplane Docket No. 97-NM-270-AD [10-11-9-11-00]" (RIN2120-AA64) (2000-0455) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10694. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Kaman Model K-1200 Helicopters Docket No. 2000-SW-32-AD [9-26-9-11-00]" (RIN2120-AA64) (2000-0456) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10695. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospaciale Model ATR42 and ATR72 Series Airplanes; Docket No. 99-NM-183-AD [10-13-9-11-00]" (RIN2120-AA64) (2000-0458) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10696. A communication from the Program Assistant of the Federal Aviation Ad-

ministration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A300-600, and A310 Series Airplanes Docket No. 2000-NM-54-AD [10-13-9-11-00]" (RIN2120-AA64) (2000-0459) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10697. A communication from the Program Assistant of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes Docket No. 99-NM-75-AD [8-17-9-11-00]" (RIN2120-AA64) (2000-0462) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10698. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to importing noncomplying motor vehicles; to the Committee on Commerce, Science, and Transportation.

EC-10699. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to insulin-treated diabetes mellitus; to the Committee on Commerce, Science, and Transportation.

EC-10700. A communication from the Secretary of Transportation, transmitting, pursuant to law, the National Bicycle Safety Education Curriculum; to the Committee on Commerce, Science, and Transportation.

EC-10701. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the transportation's research and development plan; to the Committee on Commerce, Science, and Transportation.

EC-10702. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Singapore and Germany; to the Committee on Foreign Relations.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 3026. A bill to establish a hospice demonstration and grant program for beneficiaries under the Medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 3027. A bill to authorize the Secretary of Agriculture to purchase and transfer certain land; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM (for himself, Mr. BINGAMAN, Mr. JEFFORDS, and Mr. LEVIN):

S. 3028. A bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services; to the Committee on Finance.

By Mr. SANTORUM:

S. 3029. A bill to amend part C of title XVIII to stabilize the Medicare+Choice program by improving the methodology for the calculation of Medicare+Choice payment rates, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON:

S. 3030. A bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 3031. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH of New Hampshire (for himself, Mr. WARNER, and Mr. L. CHAFFEE):

S. 3032. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 3033. A bill to delegate the Primary Responsibility for the Preservation and Expansion of Affordable Low-Income Housing to States and Localities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 3034. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare program; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. ROCKEFELLER, and Mr. HATCH):

S. 3035. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Finance.

By Mr. TORRICELLI:

S. 3036. A bill to assure that recreation and other economic benefits are accorded the same weight as hurricane and storm damage reduction benefits as well as environmental restoration benefits; to the Committee on Environment and Public Works.

By Mr. SANTORUM:

S. 3037. A bill to amend title XVIII of the Social Security Act to increase payments under the Medicare program to Puerto Rico hospitals; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. FRIST, Mr. DEWINE, Mr. BRYAN, and Mr. THOMPSON):

S. 3038. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Finance.

By Mr. CRAIG:

S. 3039. To authorize the Secretary of Agriculture to sell a Forest Service administrative site occupied by the Rocky Mountain Research Station located in Boise, Idaho, and use the proceeds derived from the sale to purchase interests in a multiagency research and education facility to be constructed by the University of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. HOLLINGS, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 353. A resolution designating October 20, 2000, as "National Mammography Day"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 354. A resolution amending paragraphs 2 and 3(a) of Rule XXV and providing for certain appointments to the Agriculture, Nutrition, and Forestry Committee, the Banking, Housing, and Urban Affairs Committee, the Finance Committee, the Small Business Committee, and the Veterans' Affairs Committee; considered and agreed to.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. Res. 355. A resolution commending and congratulating Middlebury College; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3026. A bill to establish a hospice demonstration and grant program for beneficiaries under the Medicare Program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

#### HOSPICE DEMONSTRATION AND GRANT PROGRAM

Mr. WYDEN. Mr. President, today, I am introducing groundbreaking legislation to make a difference in the way in which dying patients and their families can access hospice care. Ninety percent of Americans do not realize that there is a hospice benefit provided under the Medicare program. Over time, the length of stay in a hospice is decreasing so that patients do not get the full benefit of services that could make them more comfortable at a crucial time in their lives.

The issues related to how we die are too important to permit the Medicare Hospice benefit to remain fixed in time. Now is the time to begin to test new ways to design the benefit so that the benefit can remain truly patient-centered at one of the most crucial times in patients' and their families' lives.

Just as we push our health care system for medical breakthroughs that will allow more of us to live healthier and longer, we need to drive our health care system to create accessible, positive care for those facing the end of life.

My legislation, the Hospice Improvement Act of 2000, would require the Secretary to establish a demonstration program to increase access and use of hospice care for patients at the end-of-life, and to increase the knowledge of hospice among the medical, mental

health and patient communities. My legislation stresses the following:

**Supportive and Comfort Care:** To assist families and patients in getting the benefit of hospice care, the Demonstration program will allow for a new supportive and comfort care benefit. This benefit, elected at the option of the patient, will not require the terminally ill to elect hospice care instead of other medical treatment, but will permit a patient to have supportive and comfort care in place while the patient still seeks "curative treatment." This will permit patients and families to learn about hospice without forcing them to make a choice between hospice and other care. Case management would be provided through a hospice provider reimbursed on a fee-for-service basis.

**Severity Index Instead of a Six-Month Prognosis:** To determine whether or not a patient is eligible for the supportive and comfort care option, a severity index will be used instead of the current hospice requirement of a 6 month prognosis. This will permit patients to have access to support services, as needed, instead of relying on an often inaccurate time-related prognosis.

**Increase Rural Hospice Access:** Permit nurse practitioners and physician assistants to admit patients to hospice if this is within their authority under state practice law. In communities without a qualified social worker, other professionals with skills, knowledge and ability may provide medical social services such as counseling on the effects of illness on the family.

**Respite Care:** Nursing facilities used for respite care would not be required to have skilled nurses on the premises 24 hours a day (because hospice will be caring for the patient) or respite could be provided in the patient's home.

**Payment Issues:** Permit reimbursement for consultations, preadmission informational visits, even if the patient does not elect hospice/supportive care and provide minimum payment for Medicare hospice services provided under the demonstration program based on the provision of services for a period of 14 days, regardless of length of stay.

In addition, the demonstration project could address other payment issues such as offsetting changes in services and oversight and the increased cost of providing services in rural areas and creating a per diem rate of payment for respite care that reflects the range of care needs.

In addition to the Demonstration program, the Secretary would be required to establish an education grant program for the purpose of providing information about the Medicare hospice benefit, and the benefits available under the demonstration program. Education grants could be used to provide individual or group education to patients and their families and to the medical and mental health community, and to test messages to improve public

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. CONRAD, Mr. DEWINE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr.

knowledge about the Medicare hospice benefit.

Let me conclude by saying that in the time left for this Congress, we have a unique opportunity to truly begin to improve care for the dying. There are fewer who are more vulnerable than someone who is dying and having to cope with the physical breakdown of their body and the emotional turmoil that imminent death brings to a family. This legislation provides us an opportunity to begin to remove the barriers to care for those who facing death.

Mr. President, I ask unanimous consent that the full 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. 3026

*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 "Hospice Improvement Program Act of 2000".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Each year more than 1/3 of the people who die suffer from a chronic illness.
- (2) Approximately 1/3 of Americans are unsure about whom to contact to get the best care during life's last stages.
- (3) Americans want a team of professionals to care for the patient at the end of life.
- (4) Americans want emotional and spiritual support for the patient and family.
- (5) Ninety percent of Americans do not realize that hospice care is a benefit provided under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).
- (6) Health Care Financing Administration data show that beneficiaries were enrolled in hospice for an average of less than 7 weeks in 1998, far less than the full 6-month benefit under the Medicare program.
- (7) According to the most recent data available, although the average hospice enrollment is longer, half of the enrollees live only 30 days after admission and almost 20 percent die within 1 week of enrollment.
- (8) Use of hospice among Medicare beneficiaries has been decreasing, from a high of 59 days in 1995 to less than 48 days in 1998.

#### SEC. 3. HOSPICE DEMONSTRATION PROGRAM AND HOSPICE EDUCATION GRANTS.

(a) DEFINITIONS.—In this section:

- (1) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Hospice Demonstration Program established by the Secretary under subsection (b)(1).
- (2) MEDICARE BENEFICIARY.—The term "Medicare beneficiary" means any individual who is entitled to benefits under part A or enrolled under part B of the Medicare program, including any individual enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of such program.
- (3) MEDICARE HOSPICE SERVICES.—The term "Medicare hospice services" means the items and services for which payment may be made under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)).
- (4) MEDICARE PROGRAM.—The term "Medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).
- (5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services, acting through the Administrator

of the Health Care Financing Administration.

#### (b) HOSPICE DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a Hospice Demonstration Program in accordance with the provisions of this subsection to increase the utility of the Medicare hospice services for Medicare beneficiaries.

(2) SERVICES UNDER DEMONSTRATION PROGRAM.—The provisions of section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) shall apply to the payment for items and services provided under the demonstration program, except that—

(A) notwithstanding section 1862(a)(1)(C) of such Act (42 U.S.C. 1395(a)(1)(C)), the Secretary shall provide for reimbursement for items and services provided under the supportive and comfort care benefit established under paragraph (3);

(B) any licensed nurse practitioner or physician assistant may certify a Medicare beneficiary as the primary care provider when necessary and within the scope of practice of such practitioner or assistant under State law;

(C) if a community does not have a qualified social worker, any professional who has the necessary knowledge, skills, and ability (other than social workers) to provide medical social services shall provide such services;

(D) the Secretary shall waive any requirement that nursing facilities used for respite care have skilled nurses on the premises 24 hours per day;

(E) the Secretary shall permit respite care to be provided to the Medicare beneficiary at home; and

(F) the Secretary shall waive reimbursement regulations to provide—

(i) reimbursement for consultations and preadmission informational visits, even if the Medicare beneficiary does not choose hospice care (including the supportive and comfort care benefit under paragraph (3)) at that time;

(ii) a minimum payment for Medicare hospice services provided under the demonstration program based on the provision of Medicare hospice services to a Medicare beneficiary for a period of 14 days, that the Secretary shall pay to any hospice provider participating in the demonstration program and providing such services (regardless of the length of stay of the Medicare beneficiary);

(iii) an increase in the reimbursement rates for hospice services to offset—

(I) changes in Medicare hospice services and oversight under the demonstration program;

(II) the higher costs of providing Medicare hospice services in rural areas due to lack of economies of scale or large geographic areas; and

(III) the higher costs of providing Medicare hospice services in urban underserved areas due to unique costs specifically associated with people living in those areas, including providing security;

(iv) direct payment of any nurse practitioner or physician assistant practicing within the scope of State law in relation to Medicare hospice services provided by such practitioner or assistant; and

(v) a per diem rate of payment for in-home care under subparagraph (E) that reflects the range of care needs of the Medicare beneficiary and that—

(I) in the case of a Medicare beneficiary that needs routine care, is not less than 150 percent, and not more than 200 percent, of the routine home care rate for Medicare hospice services; and

(II) in the case of a Medicare beneficiary that needs acute care, is equal to the contin-

uous home care day rate for Medicare hospice services.

(3) SUPPORTIVE AND COMFORT CARE BENEFIT.—

(A) IN GENERAL.—For purposes of the demonstration program, the Secretary shall establish a supportive and comfort care benefit for any eligible Medicare beneficiary (as defined in subparagraph (C)).

(B) BENEFIT.—Under the supportive and comfort care benefit established under subparagraph (A), any eligible Medicare beneficiary may—

(i) continue to receive benefits for disease and symptom modifying treatment under the Medicare program (and the Secretary may not require or prohibit any specific treatment or decision);

(ii) receive case management and Medicare hospice services through a hospice provider, which the Secretary shall reimburse on a fee-for-service basis; and

(iii) receive information and experience in order to better understand the utility of Medicare hospice services.

(C) ELIGIBLE MEDICARE BENEFICIARY DEFINED.—

(i) IN GENERAL.—In this paragraph, the term "eligible Medicare beneficiary" means any Medicare beneficiary with a serious illness that has been documented by a physician to be at a level of severity determined by the Secretary to meet the criteria developed under clause (ii).

(ii) DEVELOPMENT OF CRITERIA.—

(I) IN GENERAL.—The Secretary, in consultation with hospice providers and experts in end-of-life care, shall develop criteria for determining the level of severity of an established serious illness taking into account the factors described in subclause (II).

(II) FACTORS.—The factors described in this clause include the level of function of the Medicare beneficiary, any coexisting illnesses of the beneficiary, and the severity of any chronic condition that will lead to the death of the beneficiary.

(III) PROGNOSIS NOT A BASIS FOR CRITERIA.—The Secretary may not base the criteria developed under this subparagraph on the prognosis of a Medicare beneficiary.

(4) CONDUCT OF PROGRAM.—Under the demonstration program, the Secretary shall—

(A) accept proposals submitted by any State hospice association;

(B)(i) except as provided in clause (ii), conduct the program in at least 3, but not more than 6, geographic areas (which may be statewide) that include both urban and rural hospice providers; and

(ii) if a geographic area does not have any rural hospice provider available to participate in the demonstration program, such area may substitute an underserved urban area, but the Secretary shall give priority to those proposals that include a rural hospice provider;

(C)(i) except for the geographic area designated under clause (ii), select such geographic areas so that such areas are geographically diverse and readily accessible to a significant number of Medicare beneficiaries; and

(ii) designate as such an area 1 State in which the largest metropolitan area of such State had the lowest percentage of Medicare beneficiary deaths in a hospital compared to the largest metropolitan area of each other State according to the Hospital Referral Region of Residence, 1994-1995, as listed in the Dartmouth Atlas of Health Care 1998;

(D) provide for the participation of Medicare beneficiaries in such program on a voluntary basis;

(E) permit research designs that use time series, sequential implementation of the intervention, randomization by wait list, and

other designs that allow the strongest possible implementation of the demonstration program, while still allowing strong evaluation about the merits of the demonstration program; and

(F) design the program to facilitate the evaluation conducted under paragraph (6).

(5) DURATION.—The Secretary shall complete the demonstration program within a period of 6½ years that includes a period of 18 months during which the Secretary shall complete the evaluation under paragraph (6).

(6) EVALUATION.—During the 18-month period following the first 5 years of the demonstration program, the Secretary shall complete an evaluation of the demonstration program in order to determine—

(A) the short-term and long-term costs and benefits of changing medicare hospice services to include the items, services, and reimbursement options provided under the demonstration program;

(B) whether increases in payments for the medicare hospice benefit are offset by savings in other parts of the medicare program;

(C) the projected cost of implementing the demonstration program on a national basis; and

(D) in consultation with hospice organizations and hospice providers (including organizations and providers that represent rural areas), whether a payment system based on diagnosis-related groups is useful for administering the medicare hospice benefit.

(7) REPORTS TO CONGRESS.—

(A) PRELIMINARY REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit a preliminary report to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate on the progress made in the demonstration program.

(B) INTERIM REPORT.—Not later than 30 months after the implementation of the demonstration program, the Secretary, in consultation with participants in the program, shall submit an interim report on the demonstration program to the committees described in subparagraph (A).

(C) FINAL REPORT.—Not later than the date on which the demonstration program ends, the Secretary shall submit a final report to the committees described in subparagraph (A) on the demonstration program that includes the results of the evaluation conducted under paragraph (6) and recommendations for appropriate legislative changes.

(8) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary for the conduct of the demonstration program.

(9) SPECIAL RULES FOR PAYMENT OF MEDICARE+CHOICE ORGANIZATIONS.—The Secretary shall establish procedures under which the Secretary provides for an appropriate adjustment in the monthly payments made under section 1853 of the Social Security Act (42 U.S.C. 1395w-23) to any Medicare+Choice organization offering a Medicare+Choice plan in which a medicare beneficiary that participates in the demonstration program is enrolled to reflect such participation.

(c) HOSPICE EDUCATION GRANTS.—

(1) IN GENERAL.—The Secretary shall establish a Hospice Education Grant program under which the Secretary awards education grants to entities participating in the demonstration program for the purpose of providing information about—

(A) the medicare hospice benefit; and

(B) the benefits available to medicare beneficiaries under the demonstration program.

(2) USE OF FUNDS.—Grants awarded pursuant to paragraph (1) shall be used—

(A) to provide—

(i) individual or group education to medicare beneficiaries and their families; and

(ii) individual or group education of the medical and mental health community caring for medicare beneficiaries; and

(B) to test strategies to improve the general public knowledge about the medicare hospice benefit and the benefits available to medicare beneficiaries under the demonstration program.

(d) FUNDING.—

(1) HOSPICE DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), expenditures made for the demonstration program shall be in lieu of the funds that would have been provided to participating hospices under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)).

(B) SUPPORTIVE AND COMFORT CARE BENEFIT.—The Secretary shall pay any expenses for the supportive and comfort care benefit established under subsection (a)(3) from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportion as the Secretary determines is appropriate.

(2) HOSPICE EDUCATION GRANTS.—The Secretary is authorized to expend such sums as may be necessary for the purposes of carrying out the Hospice Education Grant program established under subsection (c)(1) from the Research and Demonstration Budget of the Health Care Financing Administration.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 3027. A bill to authorize the Secretary of Agriculture to purchase and transfer certain land; to the Committee on Agriculture, Nutrition, and Forestry.

A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO PURCHASE LAND ADJACENT TO THE COASTAL PLAINS SOIL, AND PLANT RESEARCH CENTER IN FLORENCE, SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today, along with Senator HOLLINGS, to introduce legislation that will enable the Secretary of Agriculture to purchase up to ten acres of land for the U.S. Department of Agriculture's Coastal Plains Soil, Water, and Plant Research Center in Florence, South Carolina. This land is located within 150 feet of the Center's administrative offices. Part of it has been leased and used for agricultural research for almost 25 years. If these ten acres were to be developed commercially the Center's operations would be impaired substantially. This land will be used for agricultural research.

The Coastal Plains Soil, Water, and Plant Research Center focuses its research on the agricultural needs of farmers in both North and South Carolina. However, much of the work done by its staff benefits all U.S. agriculture. The Center undertakes basic and applied research with an emphasis toward total resource management. I would like to highlight just a few of its research programs in soil, water, and plant management. The Center's staff investigates the effects of soil erosion,

non-point-source pollution, and animal waste disposal. Further, they work to develop better cropping systems for major field crops including cotton, corn, soybeans, and small grains; to identify high-value horticultural crops suitable for production on the soils of the coastal plains; and to improve cotton germ plasm.

Mr. President, the Coastal Plains Soil, Water, and Plant Research Center does outstanding work that is not only very important to the farmers of the Carolinas but to all our Nation's farmers. This land purchase is important to the efficient continued operation of the Florence Center, and I urge my colleagues to support the legislation.

I ask unanimous consent that the bill be printed in the RECORD following my statement.

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

S. 3027

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

**A SECTION 1. AUTHORIZATION FOR SECRETARY OF AGRICULTURE TO PURCHASE AND TRANSFER LAND.**

Subject to the availability of funds appropriated to the Agricultural Research Service, the Secretary of Agriculture may—

(1) purchase a tract of land in the State of South Carolina that is contiguous to land owned on the date of enactment of this Act by the Department of Agriculture, acting through the Coastal Plains Soil, Water, and Plant Research Center of the Agriculture Research Service; and

(2) transfer land owned by the Department of Agriculture to the Florence Darlington Technical College, South Carolina, in exchange for land owned by the College.

By Mr. THOMPSON:

S. 3030. A bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes; to the Committee on Governmental Affairs.

A BILL TO PROVIDE FOR ANNUAL RECOVERY AUDITS

Mr. THOMPSON. Mr. President, I rise today to introduce a bill which begins to address the issue of improper payments in Federal programs.

Each year, the Federal government spends hundreds of billions of dollars for a variety of grants, transfer payments, and the procurement of goods and services. The Federal government must be accountable for how it spends these funds and for safeguarding against improper payments. Unfortunately, the problem of improper payments by Federal agencies and departments is immense. Today, I released a GAO report which I requested which identifies \$20.7 billion in improper payments in just 20 major programs administered by 12 Federal agencies in Fiscal Year 1999 alone. And this represents an increase of more than \$1.5 billion from the previous year's estimate. In its report, GAO writes that its "audits and those of agency inspectors general continue to demonstrate that

improper payments are much more widespread than agency financial statement reports have disclosed thus far.”

Legislative efforts have focused on improving the Federal government's control processes. Recently-enacted laws, such as the Chief Financial Officers Act, the Government Management Reform Act, and the Government Performance and Results Act, have provided an impetus for agencies to systematically measure and reduce the extent of improper payments.

However, the risk of improper payments and the government's ability to prevent them continue to be a significant problem. While we continue to work to improve the government's widespread financial management weaknesses, we also can attempt to recover the tens of billions of dollars in improper payments. And that's what the legislation I am introducing today will do.

The legislation is modeled on H.R. 1827, a bill sponsored by House Committee on Government Reform Chairman DAN BURTON, to require the use of a management technique called “recovery auditing” which would be applied to a Federal agency's records to identify improper payments or payment errors made by the agency.

Recovery auditing is used extensively by private sector businesses, including a majority of Fortune 500 companies. These businesses typically contract with specialized recovery auditing firms that are paid a contingent fee based on the amounts recovered from overpayments they identify. Recovery auditing is not “auditing” in the usual sense. Recovery auditing firms do not examine the records of vendors doing business with their client companies or assess the vendors' performance. Instead, these firms develop and use computer software programs that are capable of analyzing their clients' own contract and payment records in order to identify discrepancies in those records between what was owed and what was paid. They focus on obvious but inadvertent errors, such as duplicate payments or failure to get credit for applicable discounts and allowances.

The bill I am introducing today would require Federal agencies to perform recovery audits in order to identify discrepancies between what was actually paid by the agency and what should have been paid. This bill seeks to address concerns with H.R. 1827 which were raised after its passage by the House. For example, this bill would make clear that the relationship established by this bill is one between the agency and the recovery audit contractor, and all communications and interaction on the part of the recovery audit contractor is with the agency. Further, this bill includes exemptions for contracts which, under current law, already are subject to extensive audit scrutiny and oversight. Also, this bill includes Federal agency authority for recovery audit pilot programs for con-

tracts, grants or other arrangements other than those covered by this bill.

I appreciate all the work done by Chairman BURTON on H.R. 1827. I believe my legislation appropriately addresses concerns raised with that bill and goes a long way in addressing the wasted taxpayer dollars and government inefficiencies resulting from Federal agency payment errors which are made each year.

Mr. CAMPBELL:

S. 3031. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

TECHNICAL AMENDMENTS TO LAWS RELATING TO NATIVE AMERICANS

Mr. CAMPBELL. Mr. President, today I introduce a bill making certain technical amendments to laws relating to Native Americans. As my colleagues know, Congress typically considers legislation like this every year or so. This bill provides an opportunity to address a series of corrections to the law or other non-controversial, minor amendments to Indian laws in one broad stroke, rather than having to introduce several separate bills.

This bill includes amendments regarding issues of importance to a number of my colleagues that have been brought to my attention over recent months. The amendments include, for instance, one-year reauthorizations of the Indian Health Care Improvement Act and the Indian Alcohol and Substance Abuse Prevention and Treatment Act, as well as a clarification of a bill signed into law earlier this year relating to the status of certain lands held in trust by the Mississippi Band of Choctaw Indians.

All amendments included in this bill will serve to promote the original intent of the affected laws, and do not alter the meaning or substance of the laws they amend. I urge my colleagues to join me in supporting this bill, the sole purpose of which is to ensure that the laws this body has already passed are carried forward in the way we originally intended.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD. I thank the Chair and yield the floor.

There being no objection, the bill was order to be printed in the RECORD, as follows:

S. 3031

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

**SECTION 1. TECHNICAL CORRECTION TO AN ACT AFFECTING THE STATUS OF MISSISSIPPI CHOCTAW LANDS AND ADDING SUCH LANDS TO THE CHOCTAW RESERVATION.**

Section 1(a)(2) of Public Law 106-228 (an Act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes) is amended by striking “September 28, 1999” and inserting “February 7, 2000”.

**SEC. 2. TECHNICAL CORRECTIONS CONCERNING THE FIVE CIVILIZED TRIBES OF OKLAHOMA.**

(a) INDIAN SELF-DETERMINATION ACT.—Section 1(b)(15)(A) of the model agreement set forth in section 108(c) of the Indian Self-Determination Act (25 U.S.C. 4501(c)) is amended—

(1) by striking “and section 16” and inserting “, section 16”; and

(2) by striking “shall not” and inserting “and the Act of July 3, 1952 (25 U.S.C. 82a), shall not”.

(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 403(h)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc(h)(2)) is amended—

(1) by striking “and section” and inserting “section”; and

(2) by striking “shall not” and inserting “and the Act of July 3, 1952 (25 U.S.C. 82a), shall not”.

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2106 of the Revised Statutes (25 U.S.C. 84).

(2) Sections 438 and 439 of title 18, United States Code.

**SEC. 3. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE RED LAKE BAND OF CHIPPEWA INDIANS AND THE MINNESOTA CHIPPEWA TRIBES.**

(a) RED LAKE BAND OF CHIPPEWA INDIANS.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Red Lake Band of Chippewa Indians under the authority of Public Law 88-168 (77 Stat. 301), and relating to Red Lake Band v. United States (United States Court of Federal Claims Docket Nos. 189 A, B, C), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Red Lake Band of Chippewa Indians from any liability associated with such loans.

(b) MINNESOTA CHIPPEWA TRIBE.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Minnesota Chippewa Tribe under the authority of Public Law 88-168 (77 Stat. 301), and relating to Minnesota Chippewa Tribe v. United States (United States Court of Federal Claims Docket Nos. 19 and 188), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Minnesota Chippewa Tribe from any liability associated with such loans.

**SEC. 4. TECHNICAL AMENDMENT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PROTECTION ACT.**

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) is amended—

(1) by striking “any offense” and inserting “any felonious offense, or any of 2 of more misdemeanor offenses,”; and

(2) by striking “or crimes against persons” and inserting “crimes against persons; or offenses committed against children”.

**SEC. 5. TECHNICAL AMENDMENT REGARDING THE TREATMENT OF CERTAIN INCOME FOR PURPOSES OF FEDERAL ASSISTANCE.**

Notwithstanding any other provision of law, none of the funds paid by the State of Minnesota to the Bois Forte Band of Chippewa Indians and the Grand Portage Band of Chippewa Indians pursuant to the agreement of such Bands' to voluntarily restrict tribal rights to hunt and fish in territory ceded under the Treaty of September 30, 1854 (10 Stat. 1109), including all interest accrued on such funds during any period in which such funds are held in a minor's trust, shall be



considered as income or resources, or otherwise be used as the basis for denying or reducing the financial assistance or other benefits to which a household or member of such Bands would be entitled to under the Social Security Act (42 U.S.C. 301 et seq.), the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2105) and the amendments made by such Act, or any Federal or Federally assisted program.

**SEC. 6. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN HEALTH CARE IMPROVEMENT ACT.**

The authorization of appropriations for, and the duration of, each program or activity under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is extended through fiscal year 2001.

**SEC. 7. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.**

The authorization of appropriations for, and the duration of, each program or activity under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is extended through fiscal year 2001.

By Mr. SMITH of New Hampshire (for himself, Mr. WARNER, and Mr. L. CHAFEE):

S. 3032. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994, and for other purposes; to the Committee on Environment and Public Works.

JUNIOR DUCK STAMP REAUTHORIZATION ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I would like to introduce the Junior Duck Stamp Reauthorization Act of 2000.

The Junior Duck Stamp Program is a wonderful program that allows children from kindergarten through twelfth grade to participate in an integrated art and science curriculum that is designed to teach environmental science and habitat conservation. It also raises awareness for wetlands and waterfowl conservation. Students and teachers work together through a set curriculum that incorporates ecological and wildlife management principles, allowing students to learn about conserving wildlife habitat while they explore the esthetic qualities of wildlife and nature.

As part of the curriculum, each student is encouraged to focus his or her efforts on a particular waterfowl species. The culmination of the curriculum is an artistic depiction of that species. Each state selects a Best-of-Show winner and that piece of artwork competes to become the national winner of the Junior Duck Stamp contest. The winning depiction is chosen as the Federal Junior Duck Stamp, and the student receives \$2,500. Revenues from selling the stamp are used for conservation awards and scholarships to the participants.

By all accounts the Junior Duck Stamp Program has been extremely successful. Last year alone more than 44,000 students entered the state competitions. The Fish and Wildlife Serv-

ice and educators estimate that for every child who enters the state program, ten others are exposed to the curriculum. The program has also been very successful in introducing urban children to nature, allows all children to develop an important connection to the environment, and motivates students to take an active role in conservation of waterfowl species.

This legislation is a simple reauthorization of the program through 2005. The U.S. Fish and wildlife Service would be authorized to receive \$250,000 a year for the administration of the Junior Duck Stamp Program. In addition, the Junior Duck Stamp Conservation and Design Program Act of 1994 would be amended to allow schools in the District of Columbia and the U.S. territories to participate in the program.

Mr. President, I strongly urge the passage of this legislation. The Junior Duck Stamp Program has played an important role in the education of children and the conservation of our natural resources, and it should continue to do so. I ask that the full 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. 3032

*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 "Junior Duck Stamp Reauthorization Act of 2000".

**SEC. 2. REAUTHORIZATION OF JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994.**

Section 5 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719c) is amended by striking "for each of the fiscal years 1995 through 2000" and inserting "for each of fiscal years 2001 through 2005".

**SEC. 3. EXPANSION OF PROGRAM TO INSULAR AREAS.**

The Junior Duck Stamp Conservation and Design Program Act of 1994 is amended—

(1) by redesignating sections 2 through 6 (16 U.S.C. 719 through 719c; 16 U.S.C. 668dd note) as sections 3 through 7, respectively;

(2) by inserting after section 1 (16 U.S.C. 719 note) the following:

**"SEC. 2. DEFINITION OF STATE.**

"In this Act, the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.;"

(3) in section 3(c) (16 U.S.C. 719(c)) (as redesignated by paragraph (1)), by striking "50 States" each place it appears and inserting "States"; and

(4) in section 5 (16 U.S.C. 719b) (as redesignated by paragraph (1)), by striking "section 3(c)(1) (A) and (B)" and inserting "subparagraphs (A) and (B) of section 4(c)(1)".

By Mr. BOND:

S. 3033. A bill to delegate the Primary Responsibility for the Preservation and Expansion of Affordable Low-Income Housing to States and Localities; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING NEEDS ACT OF 2000

Mr. BOND. Mr. President. I rise today to introduce an important piece of housing legislation that addresses the affordable-housing needs of needy Americans. The Housing Needs Act of 2000 is a direct response to the affordable housing crisis being experienced by millions of Americans today. By working with State and localities, this legislation will produce thousands of affordable housing units and ensure that existing federally-assisted housing properties are maintained for lower income families.

As Chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies, I have become increasingly alarmed by the news reports and housing studies that have shown that lower income Americans are having a difficult time finding decent, safe, and affordable housing. The Administration's response to this problem has been to provide section 8 tenant-based assistance or vouchers. However, I have heard from communities in Missouri to here in the Washington, D.C. area that it is becoming increasingly difficult to use vouchers to find affordable housing. It has also come to my attention that despite the resources given to the Department of Housing and Urban Development (HUD), the Federal government has lost thousands of scarce affordable housing that were once subsidized by the Federal government. Instead of preserving these scarce and valuable housing resources, the Department has replaced these units with vouchers. While some families have been able to locate replacement housing, many have experienced displacement and hardship, resulting in returning the voucher unused or becoming homeless.

Due to these well-publicized problems, I instructed my subcommittee staff to conduct a review of the section 8 program and to provide recommendations on how to meet better the housing needs of lower income Americans. The recommendations of the report are captured in the Housing Needs Act of 2000, which I am introducing today.

Before I discuss the contents of the bill, I summarize the key findings of the Subcommittee Staff report entitled "Empty Promises—Subcommittee Staff Report on HUD's Failing Grade on the Utilization of Section 8 Vouchers." The key findings of the report are (1) housing units for low-income families are disappearing; (2) worse case housing needs are worsening; and (3) section 8 vouchers are proving to be less and less effective in meeting the housing needs of low-income families.

Specifically, the staff reported that over the past 4 years, nearly 125,000 housing units have been lost to the national inventory of affordable housing. These units have been lost due to the decision of landlords to leave or opt-out of the section 8 program, HUD's policy to voucher out properties that they have acquired title to and those that the Department actually owns.

The staff also found that a record high of 5.4 million households have major housing needs. Based on HUD's Worst Case Housing Needs study, many of these households are our most vulnerable individuals such as the elderly, disabled, and children.

Lastly, the staff reported that about 1 out of every 5 families that received a voucher are unable to find housing and thus, the voucher remains unused. The report also found not enough landlords were participating in the voucher program, the payment standard of the vouchers were too low for the market area, and voucher holders had personal problems which affected the utilization of vouchers.

Mr. President, the staff's findings were disturbing to me. As a result, I am here today to introduce the Housing Needs Act of 2000 to address the report's findings.

Briefly, the legislation creates a new affordable housing block grant production program that would allocate funds to state housing agencies. States currently administer other federal programs such as the Low-Income Housing Tax Credit program, HOME block grant program, and the Community Development Block Grant program, which have expanded and increased the capacity of states to create affordable housing units. Thus, state housing finance agencies have the tools to make this program work effectively. I am a big believer in local decision-making. States and localities know and understand their housing problems and needs and are in the best position to make decisions on their housing needs.

The legislation would also create a new section 8 success program that would allow public housing agencies (PHA) to raise the payment standard for vouchers up to 150 percent of the fair market rent. This will greatly improve the ability of voucher holders to use the vouchers in economically strong markets. As the Subcommittee Staff report found, 19 percent or one in five families that receive a voucher cannot use it. I believe that this new success program will improve greatly the number of voucher holders actually to use the voucher.

Lastly, the bill includes a number of smaller provisions that would enhance the ability of state and local housing entities to produce low-income housing and ensure that HUD maintains section 8 assistance on properties that it has acquired through foreclosure.

I urge my colleagues to support this critical piece of legislation. Families all over the country are experiencing hardships never before seen. It is clear that vouchers alone do not adequately address the housing needs of our vulnerable populations. I believe strongly that the Housing Needs Act of 2000 provides a much-needed, flexible, balanced approach to ensure that the affordable-housing problems can be solved.

By Mr. KERRY:

S. 3034. A bill to amend title XVIII of the Social Security Act with respect to

payments made under the prospective payment system for home health services furnished under the Medicare Program; to the Committee on Finance.

HOME HEALTH REFINEMENT AMENDMENTS OF  
2000

Mr. KERRY. Mr. President, I am pleased to introduce the Home Health Refinement Amendments of 2000. This legislation will protect patient access to home health care under Medicare, and ensure that providers are able to continue serving seniors who reside in medically underserved areas, have medically complex conditions, or require non-routine medical supplies.

Medicare was enacted in 1965, under the leadership of President Lyndon Johnson, as a promise to the American people that, in exchange for their years of hard work and service to our country, their health care would be protected in their golden years. Today, over 30 million seniors rely on the Medicare home health benefit to receive the care they need to maintain their independence and remain in their own homes, and to avoid the need for more costly hospital or nursing home care. Home health care is critical. It is a benefit to which all eligible Medicare beneficiaries should be entitled. But, this benefit is being seriously undermined. Since enactment of the Balanced Budget Act, BBA, of 1997, federal funding for home health care has plummeted. According to the Congressional Budget Office, Medicare spending on home health care dropped 48 percent in the last two fiscal years—from \$17.5 billion in 1998 to \$9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. Across the country, these cuts have forced over 2,500 home health agencies to close and over 900,000 patients to lose their services.

In my own State of Massachusetts—a state that, because of economic efficiency, sustained a disproportionate share of the BBA cuts in Medicare home health funding—28 home health agencies have closed, 6 more have turned in their Medicare provider numbers and chosen to opt out of the Medicare program, and 12 more have been forced to merge in order to consolidate their limited resources. The home health agencies that have continued to serve patients despite the deep cuts in Medicare funding reported net operating losses of \$164 million in 1998. The loss of home health care providers in Massachusetts has cost 10,000 patients access to home health services. Consequently, many of the most vulnerable residents in my state are being forced to enter hospitals and nursing homes, or going without any help at all.

To compound the problem, without Congressional action, Medicare payments for home health care will be automatically cut by an additional 15 percent next year. It is critical that we defend America's seniors against future cuts in home health services, and this bill will eliminate the additional 15 percent cut in Medicare home health

payments mandated by the BBA. However, we must do more than attempt to stop future cuts. Indeed, it is equally as important that we begin to provide relief to home health providers who are already struggling to care for patients.

During the first year of implementation of the Interim Payment System, IPS, agencies were placed on precarious financial footing because of insufficient payments, particularly for high-cost and long-term patients. Accordingly, it is critical that we bolster the efforts of home health care providers to transcend their current operating deficits, especially as they transition from the Interim Payment System to the Prospective Payment System, PPS.

The Home Health Refinement Amendments of 2000 would ensure that providers are able to treat the sickest, most expensive patients who rely on home health care. Independent studies indicate that, under IPS, thousands of patients have been denied home health care benefits—while “outlier” patients (those who require the most intensive services) have been most at risk of losing access to care. To address the costs of treating the sickest homebound patients, this legislation provides additional funding for outliers under PPS. Specifically, this bill would set the funding level for outliers at 10 percent of the total payments projected or estimated to be made under PPS each year. This would double the current 5 percent allocation without reducing the PPS base payment.

In addition, the Home Health Refinement Amendments of 2000 would remove the costs of non-routine medical supplies from the PPS base payment and, instead, arrange for Medicare reimbursement for these supplies on the basis of a fee schedule. PPS rates include average medical supply costs, but some agencies' patient populations have greater or lesser supply needs than the average. Thus, current rates would underpay agencies that treat patients with high medical supply needs and overpay agencies that treat patients with low medical supply needs. Agencies that treat our most ill, frail, and vulnerable should not be punished with low payment rates.

Agencies that treat patients in medically underserved communities also deserve equitable reimbursement for the services they provide. In order to address the unique costs of treating patients in underserved areas, the Home Health Refinement Amendments of 2000 would establish a 10 percent add-on to the episodic base payment for patients in rural areas, to reflect the increasing costs of travel, and a “reasonable cost” add-on for security services utilized by providers in our urban areas. These add-ons ensure that patients in all types of communities across the country continue to receive the home care they need and deserve.

Finally, this legislation would encourage the incorporation of telehealth

technology in home care plans by allowing cost reporting of the telemedicine services utilized by agencies. Telemedicine has demonstrated tremendous potential in bringing modern health care services to patients who reside in areas where providers and technology are scarce. Cost reporting will provide the data necessary to develop a fair and reasonable Medicare reimbursement policy for telehomecare and bring the benefits of modern science and technology to our nation's underserved.

Unless we increase the federal commitment to the Medicare home health care benefit, we can only expect to continue to imperil the health of an entire generation. We must act to deliver on that promise that President Johnson made 25 years ago—our nation's seniors deserve no less.

Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. JEFFORDS):

S. 3035. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Finance.

HEALTH CARE SAFETY NET OVERSIGHT ACT OF 2000

Mr. BAUCUS. Mr. President, it is often said that, "Good health and good sense are two of life's greatest blessings." Senators GRASSLEY, JEFFORDS, and I hope to further the cause of good health and good sense today, through introduction of the Health Care Safety Net Oversight Act of 2000.

Mr. President, currently no entity oversees America's health care safety net. This means that all safety net providers—including rural health clinics, community health centers and emergency rooms—are laboring on their own. They are like master musicians performing without a conductor. Each is trying their hardest and performing their part—but no one is coordinating their efforts. No one is able to tell an actor when his services will be needed, or when he can take a break.

This act changes that, by creating the Safety Net Organizations and Patient Advisory Commission, an independent and nonpartisan commission to monitor the stability of the health care safety net.

What does this mean?

The Safety Net is made up of providers that deliver health services to the uninsured and vulnerable populations across America. These providers are often a last resort for patients who are unable to afford the health care they need and have nowhere else to turn. In my state, we have about 30 community health centers and rural health clinics, serving an estimated 80,000 persons per year. That translates into about one in ten Montanans. Were it not for these clinics and health centers, many of these folks—the uninsured and underinsured—would have no place to turn.

According to the U.S. Census Bureau, nearly one in five Montanans were uninsured in 1998. This number has risen by 36 percent over the last ten years, and there are now only five states with a higher percentage of uninsured residents. When these uninsured seek medical treatment they are often not able to pay. Last year, Montana hospitals reported over \$67 million in charity care and bad debt. And the problem is not going away. At current growth rates for the uninsured, as many as one in four Montanans will be uninsured by the year 2007.

But Mr. President, these people are not uninsured of their own volition. Eighty three percent of uninsured Montanans are in working families. And self-employed workers—including owners of small businesses—and their dependents account for one-fifth of the uninsured in our state. In fact, Montana ranks last in the nation with only 40 percent of firms offering a health insurance benefit.

So what do we do about this problem? How do we ensure that all Americans, irrespective of color, creed gender or geography, have access to quality health care?

Six or seven years ago, Congress and the administration worked on the problem of the uninsured. A tremendous amount of time and effort went into the Health Security Act, on both sides of the issue. As we know, passage of that bill failed. Since then, Congress has taken a more incremental approach to health care. Congress passed legislation in 1996 to ensure portability of health insurance. A year later, the CHIP program was signed into law, bipartisan legislation to cover children of working families. And last year, Congress passed the Work Incentives Improvement Act to allow disabled folks to continue working and not lose health care benefits.

But while these legislative actions are extremely important, they affect relatively few Americans. The fact remains, for most uninsured and underinsured Americans, the safety net is still the only place to turn.

Yet the safety net has been seriously damaged in recent years. According to a recent report by the Institute of Medicine, the health care safety net is "intact but endangered."

For instance, the 1997 Balanced Budget Act cut payments to Disproportionate Share Hospitals and Community health centers. It also cut reimbursement to rural health clinics, so critical to providing coverage to rural uninsured individuals. At the same time, Congress mandates that emergency departments care for anyone and everyone that darkens their door. Though not a reimbursement issue per se, the EMTALA dictates that all ER's care for all individuals, regardless of ability to pay.

Despite all these developments, there is no entity responsible for making changes to the safety net. And though SNOFAC will not solve the problem of

America's uninsured, it will work to ensure that no holes develop in the Safety Net. An independent, non-partisan commission, modeled on the Medicare Payment Advisory Commission (MedPAC), SNOFAC will include professionals from across the policy and practical spectrum of health care. And like MedPAC, SNOFAC will report to the relevant committees of Congress on the status of its mission: tracking the well-being of the health care safety net.

Though it's not a panacea, SNOFAC is a positive step toward a coordinated approach in caring for the uninsured. Absent large-scale improvements in the number of insured Americans, we should at least work to monitor and care for what we already have—an intact, but endangered, health care safety net.

I urge all my colleagues to join me in this effort towards good health and good sense.

By Mr. TORRICELLI:

S. 3036. A bill to assure that recreation and other economic benefits are accorded the same weight as hurricane and storm damage reduction benefits as well as environmental restoration benefits; to the Committee on Environment and Public Works.

NATIONAL BEACH ENHANCEMENT ACT

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation which will ensure the preservation of our nation's coastal areas. Protection of our beaches is paramount; they are not only where we go to enjoy the sand and surf, but they also generate a significant portion of our nation's revenue.

Tourism and recreational activity are extremely important to New Jersey, especially to our small businesses and shore communities. New Jersey's \$17 billion a year tourism industry is supported by the 160 million people who visit our 127 miles of beaches each year. This spending by tourists totaled \$26.1 billion in New Jersey in 1998, a 2 percent increase from \$25.6 billion in 1997.

My state is a microcosm of coastal tourism throughout the United States. Travel and tourism is our Nation's largest industry, employer, and foreign-revenue earner, and U.S. beaches are its leading tourist destination. In 1997, total tourism expenditures in U.S. coastal areas was over \$185 billion, generating over 2.7 million jobs with a payroll of nearly \$50 million.

Americans are not the only ones eager to enjoy our beaches and coastal regions. They are also the top destination for foreign tourists. Each year, the U.S. takes in \$4 billion in taxes from foreign tourists, while state and local governments receive another \$3.5 million.

In Florida alone, foreign tourists spent over \$11 billion in 1992, \$2 billion of that amount in the Miami Beach area. This Florida spending generated over \$750 million in Federal tax revenues. A recent article by Dr. James R.

Houston, published in the American Shore and Beach Preservation Journal, shows that annual tax revenues from foreign tourists in Miami Beach are 17 times more than the Federal government spent on the entire Federal Shore Protection program from 1950 to 1993. If the Federal share of beach nourishment averages about \$10 million a year, the Federal government collects about 75 times more in taxes from foreign tourists in Florida than it spends restoring that State's beaches.

Delaware, one of the smallest states in the Union, is visited by over 5 million people each year. This, in a state where just over 21,000 people actually live in beach communities and another 373,000 live within a several hours drive. Beach tourism generates over \$173 million in expenditures each year for "The First State."

Equally significant, however, beach erosion results in an estimated loss of over 471,000 visitor days a year, a figure which is estimated to increase to over 516,000 after five years. A 1998 study by Jack Faucett Associates (Bethesda, MD) in cooperation with independent consultants for the Delaware Department of Natural Resources and Environmental Control shows that during this five-year period, beach erosion will cost an estimated \$30.2 million in consumer expenditures, the loss of 625 beach area jobs, and the reduction of wages and salaries by \$11.5 million. Business profits will drop by \$1.6 million and State and local tax revenues will decrease by \$2.3 million. Finally, beach erosion will reduce beach area property values by nearly \$43 million. The situation in Delaware is indicative of beach erosion problems throughout the coastlines of our nation. Unless we increase our efforts to protect and renourish our coastline, we jeopardize a significant portion of our country's revenue.

The Federal government spends \$100 million a year for the Federal Shore Protection program. While the U.S. Army Corps of Engineers does a benefit-cost analysis in connection with every shore protection project, that analysis suffers from its own myopia. It places its greatest emphasis on the value of the private property that is immediately adjacent to the coastline. It is not reasonable to assume that a healthy beach with natural dunes and vegetation will benefit only that first row of homes and businesses. Homeowners spend money in the region; hotels attract tourists, who also spend money; local residents who live inland come to the beach to recreate. They too, spend money. Countless businesses, from t-shirt vendors to restaurants, all depend on these expenditures.

Prior to the 1986 Water Resources Development Act, the Army Corps of Engineers viewed recreation as an equally important component of its cost-benefits analysis. However, the 1986 bill omitted recreation as benefit to be considered, and our coastal commu-

nities have suffered. Indeed, the economy of our nation has suffered. My legislation would make it clear that recreational benefits will be given the same budgetary priority as storm damage reduction and environmental restoration. Companion legislation has been introduced in the House of Representatives, by Congressmen LAMPSON and LOBIONDO, and enjoys bipartisan support.

Beach replenishment efforts ensure that our beaches are protected, property is not damaged, dunes are not washed away, and the resource that coastal towns rely on for their lifeblood, is preserved. It is imperative that federal policy base beach nourishment assistance on the entirety of the economic benefits it provides. To limit benefits to hurricane or storm damage reduction ignores the equally important economic impact of tourism.

By Mr. CONRAD (for himself, Mr. FRIST, Mr. DEWINE, Mr. BRYAN, and Mr. THOMPSON):

S. 2038. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Finance.

THE MEDICARE RENAL DIALYSIS PAYMENT  
FAIRNESS ACT OF 2000

Mr. CONRAD. Mr. President, today I am pleased to be joined by Senator FRIST and Representatives CAMP and THURMAN in introducing the Medicare Renal Dialysis Payment Fairness Act of 2000. This legislation takes important steps to help sustain and improve the quality of care for Medicare beneficiaries suffering from kidney failure.

Nationwide, more than 280,000 Americans live with end-stage renal disease (ESRD). In my State of North Dakota, the number of patients living with ESRD is relatively small, just over 600. However, for these patients and others across the country, access to dialysis treatments means the difference between life and death.

In 1972, the Congress took important steps to ensure that elderly and disabled individuals with kidney failure receive appropriate dialysis care. At that time, Medicare coverage was extended to include dialysis treatments for beneficiaries with ESRD.

Over the last three decades, dialysis facilities have provided services to increasing numbers of kidney failure patients under increasingly strict quality standards; however, during this same time frame reimbursement for kidney services has not kept pace with the increasing demands of providing dialysis care.

Last year, Senator FRIST and I introduced legislation to ensure dialysis facilities could continue providing quality dialysis services to Medicare beneficiaries. I am happy to say that, based on these efforts, dialysis providers received increased Medicare reimbursement in fiscal years 2000 and 2001 as part of the Medicare, Medicaid, and SCHIP Refinement Act of 1999.

While these efforts were a step in the right direction, a recent Medicare Pay-

ment Advisory Commission (MedPAC) report suggests that we must take further action to sustain patients' access to dialysis services. In particular, MedPAC recommends a 1.2 percent payment adjustment for Medicare-covered dialysis services in the next fiscal year. In addition, MedPAC recommends that the Health Care Financing Administration provide an annual review of the dialysis payment rate—a review that most other Medicare-covered services receive each year.

I believe these recommendations represent critical adjustments that must be addressed this year. For this reason, I have worked with Senator FRIST, Representative CAMP and Representative THURMAN to develop the Medicare Renal Dialysis Payment Fairness Act of 2000. This legislation would provide the payment rate improvements recommended by MedPAC and would establish an annual payment review process for dialysis services. This proposal would help ensure all dialysis providers receive reimbursement that is in line with increasing patient load and quality requirements. This is particularly important for our Nation's smaller, rural dialysis providers that on average receive Medicare payments to do not adequately reflect costs.

As the Congress considers further improvements to the Medicare Program, I urge my colleagues to support this important effort to ensure patients with kidney failure continue to have access to quality dialysis services. I thank my colleagues for working together on this bipartisan and bicameral proposal.

Mr. FRIST. Mr. President, I am pleased to join Senators CONRAD, THOMPSON, BRYAN, and DEWINE this afternoon to introduce the Medicare Renal Dialysis Payment Fairness Act of 2000. This bipartisan legislation takes important steps to assure both the quality and availability of outpatient dialysis services for Medicare patients with end-stage renal disease (ESRD).

Almost 30 years ago, Congress recognized the pain and suffering patients with end-stage renal disease face, and thus moved to provide coverage for dialysis treatment to this population under the Medicare Program. Today, approximately 300,000 patients nationwide live with this disease and receive services through Medicare. Presently, there are 3,423 dialysis facilities throughout the Nation that serve the Medicare population, 93 of which are in my home State of Tennessee.

However, I fear that a lack of proper reimbursement may adversely impact the quality and availability of dialysis care for Medicare beneficiaries. As the Medicare Payment Advisory Commission (MedPAC) noted, the payment rate for the critical dialysis services received by Medicare beneficiaries was established in 1983, and had never been updated.

Last year, Senator CONRAD and I sought to remedy this situation by introducing S. 1449, the Medicare Renal

Dialysis Fair Payment Act of 1999, which provided an update to the Medicare reimbursement rate for dialysis services for Fiscal Year 2000. Thus, I was pleased to see the Balanced Budget Refinement Act of 1999 (BBRA) include a provision increasing the payment rate by 1.2 percent for Fiscal Year 2000 and 1.2 percent for Fiscal Year 2001.

However, the BBRA represented only the first step toward securing access to dialysis services for Medicare patients and ensuring they receive the highest quality of care. The legislation we are introducing today takes the necessary additional steps, as recommended by MedPAC this year, to assure proper reimbursement levels for dialysis services.

Specifically, the "Medicare Renal Dialysis Payment Fairness Act of 2000" provides a 1.2 percent increase in the payment rate for FY 2001, in addition to the 1.2 percent update included in the BBRA, providing a 2.4 percent total increase. This follows MedPAC's analysis of dialysis center costs that concluded that prices paid by dialysis centers would rise by 2.4 percent between Fiscal Year 2000 and 2001.

Second, the legislation ensure proper reimbursement in future years by requiring the Health Care Financing Administration (HCFA) to develop a market basket index for dialysis centers that measures input prices and other relevant factors and to annually review and update the payment rate based upon this index.

Overall, the Medicare Renal Dialysis Payment Fairness Act of 2000 will ensure that dialysis facilities receive the proper Medicare reimbursement to continue to provide high quality dialysis services to the ESRD population.

I am grateful to the National Kidney Foundation, the American Nephrology Nurses Association, the Renal Physicians Association, the National Renal Administrators Association, and the Renal Leadership Council for their support of the Medicare Renal Dialysis Payment Fairness Act of 2000, and I urge my colleagues to support this critical measure.

#### ADDITIONAL COSPONSORS

S. 577

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 681

At the request of Mr. DASCHLE, the name of the Senator from New Jersey

(Mr. TORRICELLI) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 805

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1020, *supra*.

S. 1391

At the request of Mr. INOUE, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1391, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1974

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Illinois (Mr. DURBIN), and the Senator from Nevada (Mr. REID) were added as cospon-

sors of S. 1974, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and a tax credit for student education loans.

S. 1987

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1987, a bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2264

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2264, a bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2399

At the request of Mr. DURBIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2399, a bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the medicare program.

S. 2612

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2612, a bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from North Carolina (Mr. HELMS), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2787

At the request of Mr. HATCH, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2828

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2828, a bill to amend title XVIII of the Social Security Act to require that the Secretary of Health and Human Services wage adjust the actual, rather than the estimated, proportion of a hospital's costs that are attributable to wages and wage-related costs.

S. 2841

At the request of Mr. ROBB, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2938

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

At the request of Mr. BROWNBACK, the names of the Senator from Oregon (Mr. SMITH), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2938, *supra*.

S. 3007

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3016

At the request of Mr. ROTH, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3017

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3017, a bill to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3021

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 3021, a bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

S. CON. RES. 102

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 102, a concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 347

At the request of Mr. HATCH, his name was added as a cosponsor of S. Res. 347, a resolution designating the week of September 17, 2000, through September 23, 2000, as National Ovarian Cancer Awareness Week.

AMENDMENT NO. 4119

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Amendment No. 4119 proposed to H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China.

SENATE RESOLUTION 353—DESIGNATING OCTOBER 20, 2000, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. CONRAD, Mr. DEWINE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. HOLLINGS, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 353

Whereas according to the American Cancer Society, in 2000, 182,800 women will be diagnosed with breast cancer and 40,800 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women were diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by more than 30 percent; and

Whereas the 5-year survival rate for localized breast cancer is over 96 percent: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 20, 2000, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am introducing a resolution designating October 20, 2000, as "National Mammography Day". I am pleased that 54 of my colleagues have endorsed this proposal by agreeing to be original cosponsors. I might note that I have introduced a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to introduce this resolution, I review the latest information from the American Cancer



Society about breast cancer. For the year 2000, it is estimated that nearly 183,000 women will be diagnosed with breast cancer and slightly fewer than 41,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be upbeat about this situation. The number of deaths from breast cancer is falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 96 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease.

So I am feeling quite positive about breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer so frequently now on a daily basis that I scarcely give it a second thought. And the key to this success is early diagnosis and treatment, with routine periodic mammography being the linchpin of the entire process. Routine mammography can locate a breast cancer as much as 2 years before it would be detectable by self-examination. The statistics tell the story: the number of breast cancer deaths is declining despite an increase in the number of breast cancer cases diagnosed. More women are getting mammograms, more breast cancer is being diagnosed, and more of these breast cancers are discovered at an early and highly curable stage.

So my message to women is: have a periodic mammogram. Early diagnosis saves lives. But I know many women don't have annual mammograms, usually because of either fear or forgetfulness. Some women avoid mammograms because they are afraid of what they will find. To these women, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Let me consider an analogous situation. We know that high blood pressure is a killer, and we are all advised to get our blood pressure checked from time to time. Are we afraid to do this? No. Why not? Because we know that even if high blood pressure is detected on a screening examination, it can be readily and successfully treated. We also know that high blood pressure is not going to go away by itself, so if we have it, we should find out about it, get it treated, and move ahead with our lives.

The argument for having periodic routine mammograms to detect breast cancer is similar. Most of the time, the examination is reassuringly negative. But if it is positive, and your previous routine mammograms were negative, it means that this cancer has been detected early on, when it has a high chance of being cured.

And then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where "National Mammography Day" comes in. This year, National Mammography Day falls on Friday, October 20, right in the middle of National Breast Cancer Awareness Month. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

Mr. President, I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 20, 2000, as National Mammography Day.

**SENATE RESOLUTION 354—AMENDING PARAGRAPHS 2 AND 3(A) OF RULE XXV AND PROVIDING FOR CERTAIN APPOINTMENTS TO THE AGRICULTURE, NUTRITION, AND FORESTRY COMMITTEE, THE BANKING, HOUSING, AND URBAN AFFAIRS COMMITTEE, THE FINANCE COMMITTEE, THE SMALL BUSINESS COMMITTEE, AND THE VETERANS' AFFAIRS COMMITTEE**

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 354

*Resolved*, That notwithstanding any other provision of Rule XXV, paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "20".

Strike the figure after "Banking, Housing, and Urban Affairs" and insert in lieu thereof "22".

SEC. 2. That Rule XXV, paragraph 3(a) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Veterans' Affairs" and insert in lieu thereof "14".

SEC. 3. That on the Committee on Agriculture, Nutrition, and Forestry, the Senator from Oregon (Mr. SMITH) is hereby appointed to serve as a majority member; that the Senator from Georgia (Mr. MILLER) is

hereby appointed to serve as a minority member; and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 4. That on the Committee on Banking, Housing, and Urban Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 5. That on the Committee on Finance, the Senator from Idaho (Mr. CRAIG) is hereby appointed to serve as a majority member.

SEC. 6. That on the Committee on Small Business, the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 7. That on the Committee on Veterans' Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint a majority member to that committee.

**SENATE RESOLUTION 355—COMMENDING AND CONGRATULATING MIDDLEBURY COLLEGE**

Mr. LEAHY (for himself and Mr. JEFFORDS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 355

Whereas in the fall of 1800, a group of distinguished Vermonters, including Jeremiah Atwater, Nathaniel Chipman, Herman Ball, Elijah Paine, Gamaliel Painter, Israel Smith, Stephen R. Bradley, Seth Storrs, Stephen Jacob, Daniel Chipman, Lot Hall, Aaron Leeland, Gershom C. Lyman, Samuel Miller, Jedediah P. Buckingham, and Darius Matthews, petitioned the Vermont General Assembly for the establishment of a new institution of higher education in the town of Middlebury, Vermont;

Whereas on November 1, 1800, the Vermont General Assembly adopted a law to establish a college in Middlebury and named this group of distinguished Vermonters to be known as "the President and fellows of Middlebury college", and designated Jeremiah Atwater as the new college's first President;

Whereas on November 5, 1800, less than 1 week after receiving its Charter, Middlebury College opened its doors to 7 students and 1 professor using space at the local grammar school for instruction;

Whereas by 1810, the college had grown to 110 students and needed space of its own, and the campus of Middlebury College was built, and on May 19, 2000, the United States Postal Service issued postcards to commemorate the Old Stone Row and the first 3 buildings of the Middlebury College campus;

Whereas over the last 2 centuries, Middlebury College has evolved from 1 of the first colleges in the United States into 1 of the most respected liberal arts colleges in the Nation, with more than 2,000 students, almost 200 professors, and a main campus of over 250 acres;

Whereas the Middlebury College Bicentennial Planning Commission has designed Celebration 2000 to commemorate this milestone in Vermont's and the Nation's educational history;

Whereas this bicentennial is a celebration honoring the people and events that have made and continue to make Middlebury College a leader in higher education;

Whereas Celebration 2000 features concerts, plays, and symposia, both on campus and at additional locations such as the New York Public Library, and the dedication of a new

science building, Bicentennial Hall, with an exterior that resembles the Old Stone Row and the early architectural history of this 200-year-old school; and

Whereas the year-long celebration of 2 centuries of quality higher education will culminate during Founders' Week, November 1st through 5th, 2000, when a variety of events will occur in honor of Middlebury, the college, and Middlebury, the college's town: Now, therefore, be it

*Resolved, That—*

(1) the Senate commends and congratulates Middlebury College on the completion of its first 200 years of educational excellence and wishes the college continued success as it commences a third century of educational opportunity and leadership; and

(2) the Secretary of the Senate shall send a copy of this resolution to the Middlebury College President, John M. McCardell, Jr.

Mr. LEAHY. Mr. President, today I rise to introduce a resolution on behalf of myself and Senator JEFFORDS to commemorate 200 years of quality higher education at nationally acclaimed Middlebury College located in Middlebury, Vermont.

In the fall of 1800, a group of distinguished Vermonters petitioned the Vermont General Assembly for the establishment of a new institution of higher education in the small agricultural town of Middlebury. On November 1, 1800 these efforts proved successful when the Vermont General Assembly adopted a law to establish a college in Middlebury. Less than one week after receiving its charter, Middlebury College opened its doors to seven students and one professor in space at the local grammar school.

Over the last two centuries, Middlebury College has evolved from one of the first colleges in Vermont into one of the most respected liberal arts colleges in the Nation. Today, Middlebury has more than two thousand students, almost two hundred professors, and a main campus of over 250 acres. The campus of was first built beginning in 1810 with three larger stone buildings, each sharing a unique architectural style. On May 19, 2000, the United States Postal Service issued postcards to commemorate the Old Stone Row and the first buildings of the Middlebury College campus.

In recognition of 200 years of educating students from across this country and the world, the Middlebury College Bicentennial Planning Commission has designed Celebration 2000 to commemorate this milestone in Vermont's and the Nation's educational history. The year-long bicentennial celebration honors the people and events that have made and continue to make Middlebury College a leader in higher education. Celebration 2000 features concerts, plays, and symposia, both on campus and at additional locations such as the New York Public Library, and the dedication of a new science building, Bicentennial Hall, with an exterior that resembles the Old Stone row and the school's early architectural history. This year-long celebration will culminate later this fall during Founders' Week, a se-

ries of events on campus during the first week of November.

Mr. President, I am pleased to offer this resolution to commend and congratulate Middlebury College on the completion of its first two hundred years of educational excellence. I hope my colleagues will join Senator JEFFORDS and me in honoring the contributions of the school, its students and its alumni.

Mr. JEFFORDS. Mr President, I rise today to join my good friend and colleague from Vermont in introducing a Resolution commending and congratulating Middlebury College on 200 years of providing quality higher education in Vermont. It gives me great pleasure in wishing this prestigious institution a very happy anniversary.

When Middlebury College first opened, seven students and one professor made up the entire faculty and student body. Two hundred years later, this institution has grown to include over 2000 and nearly 200 professors, and continues to remain a top rated liberal arts school.

As Middlebury College nears the culmination of their year-long celebration of their bicentennial, it is only fitting that we take this opportunity to recognize the accomplishments and achievements of Middlebury College and the many graduates thereof.

Therefore it gives me great pleasure in joining Senator LEAHY in introducing this resolution and I urge my colleagues to support its adoption.

#### AMENDMENTS SUBMITTED

##### HOLLINGS AMENDMENTS NOS. 4134-4137

Mr. HOLLINGS proposed four amendments to the bill, H.R. 4444, *supra*; as follows:

##### AMENDMENT No. 4134

At the appropriate place, insert the following:

##### SEC. . FOREIGN INVESTMENT INFORMATION TO BE INCLUDED IN 10-K REPORTS.

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information in 10-K reports required to be filed with the Commission:

(1) The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture or other business arrangement, listed by country in which employed.

(2) The annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports such goods.

(3) The annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity from each country from which it imports such goods.

##### AMENDMENT No. 4135

At the appropriate place, insert the following:

##### SEC. . BALANCE OF TRADE WITH CHINA IN CEREALS AND SOYBEANS.

(a) IN GENERAL.—Beginning with the first business day in January of the year 2001 and

on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in cereals (wheat, corn, and rice) and on the balance of trade between the United States and the People's Republic of China in soybeans for the previous year.

(b) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (a) for cereals or for soybeans, then the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(c) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the results of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (a).

##### AMENDMENT No. 4136

At the appropriate place, inset the following:

##### SEC. . BALANCE OF TRADE WITH CHINA IN ADVANCED TECHNOLOGY PRODUCTS.

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

(1) The trade deficit with the People's Republic of China in advance technology products for 1999 was approximately \$3.2 billion.

(2) The trade deficit with the People's Republic of China in advance technology products for 2000 is projected to be approximately \$5 billion.

(b) REPORT.—Beginning with the first business day in January of the year 2001 and on the first business day in January of each year thereafter, (or as soon thereafter as the data become available) the President shall report to the Congress on the balance of trade between the United States and the People's Republic of China in advanced technology products for this previous year.

(c) COMMITMENTS FROM CHINA TO REDUCE DEFICIT.—If the President reports a trade deficit in favor of the People's Republic of China under subsection (b) excess of \$5 billion for any year, the President is authorized and requested to initiate negotiations to obtain additional commitments from the People's Republic of China to reduce or eliminate the imbalance.

(d) 6-MONTH FOLLOW-UP.—The President shall report to the Congress the result of those negotiations, and any additional steps taken by the President to eliminate that trade deficit, within 6 months after submitting the report under subsection (b).

##### AMENDMENT No. 4137

At the appropriate place, insert the following:

##### SEC. . RISK INSURANCE CERTIFICATIONS.

Notwithstanding any other provision of law to the contrary, and in addition to any requirements imposed by law, regulation, or rule, neither the Export-Import Bank of the United States nor the Overseas Private Investment Corporation may provide risk insurance after December 31, 2000, to an applicant unless that applicant certifies that it—

(1) has not transferred advanced technology after January 1, 2001, to the People Republic of China; and

(2) has not moved any production facilities after January 1, 2001, from the United States to the People's Republic of China.

## NOTICES OF HEARINGS

## COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs is re-scheduling their September 13, 2000 hearing to September 14, 2000, in the Russell Senate Office Building room number 485, at 3:30 p.m. on S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians. Immediately following the hearing will be a business meeting where S. 2920, a bill to amend the Indian Gaming Regulatory Act, S. 2688, a bill to amend the Native American Languages Act, and S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, will be considered.

## SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, September 19, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the following bills: H.R. 3577, To increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; S. 2906, To authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2942, To extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia; S. 2951, To authorize the Commission of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the Upper Columbia River; and S. 3022, To direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, September 12, 2000. The purpose of this hearing will be to review the operation of the Office of Civil Rights, USDA, and the role of the Office of General Counsel, USDA.

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

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 12, 2000, at 9:30 a.m. on Firestone tire recall.

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

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 12, at 9:30 a.m. to conduct a hearing on proposed U.S. Department of Transportation regulations on planning and environment.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 12, 2000 at 9:30 a.m. to hold a hearing (agenda attached).

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

## SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 12, 2000, to conduct a hearing on "congressional proposals impacting F.H.A. reserves."

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

## SUBCOMMITTEE ON WATER AND POWER

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 12 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

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

## PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Marty Gensler, who is a fellow in my office, have floor privileges during the rest of the debate.

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

## COMMITTEE APPOINTMENTS

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 354 submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 354) amending paragraphs 2 and 3(a) of Rule XXV and providing for Senator appointments to the Agriculture, Nutrition, and Forestry Committee, the Banking, Housing, and Urban Affairs Committee, the Finance Committee, the Small Business Committee, and the Veterans' Affairs Committee.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. THOMPSON. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 354) was agreed to, as follows:

## S. RES. 354

*Resolved*, That notwithstanding any other provision of Rule XXV, paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "20".

Strike the figure after "Banking, Housing, and Urban Affairs" and insert in lieu thereof "22".

SEC. 2. That Rule XVV, paragraph 3(a) of the Standing Rules of the Senate is amended as follows:

Strike the figure after "Veterans' Affairs" and insert in lieu thereof "14".

SEC. 3. That on the Committee on Agriculture, Nutrition, and Forestry, the Senator from Oregon (Mr. SMITH) is hereby appointed to serve as a majority member; that the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member; and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 4. That on the Committee on Banking, Housing, and Urban Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 5. That on the Committee on Finance, the Senator from Idaho (Mr. CRAIG) is hereby appointed to serve as a majority member.

SEC. 6. That on the Committee on Small Business, the Majority Leader is hereby authorized to appoint one majority member to that committee.

SEC. 7. That on the Committee on Veterans' Affairs, the Senator from Georgia (Mr. MILLER) is hereby appointed to serve as a minority member, and that the Majority Leader is hereby authorized to appoint a majority member to that committee.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 106-46 AND 106-47

Mr. THOMPSON. I ask unanimous consent that the Injunction of Secrecy be removed from the following treaties transmitted to the Senate on September 12, 2000, by the President of the United States: Protocol Amending Investment Treaty with Panama (Treaty Document 106-46); and Investment Treaty with Azerbaijan (Treaty Document 106-47).

I further ask that the treaties be considered as having been read 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 message 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:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol Between the Government of the United States of America and the Government of the Republic of Panama Amending the Treaty Concerning the Treatment and Protection of Investments of October 17, 1982. This Protocol was signed at Panama City, on June 1, 2000. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Protocol.

The 1982 bilateral investment treaty with Panama (the "1982 Treaty") was the second treaty to be signed under the U.S. bilateral investment treaty (BIT) program. The 1982 Treaty protects U.S. investment and assists Panama in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

As explained in the Department of State's report, the Protocol is needed in order to ensure that investors continue to have access to binding international arbitration following Panama's 1996 accession to the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, done at Washington, March 18, 1965 (the "ICSID Convention"). The Protocol provides each Party's consent to international arbitration of investment disputes under the 1982 Treaty before the International Centre for the Settlement of Investment Disputes, established under the ICSID Convention. The Protocol also provides for arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law. The Protocol thus

facilitates the use of such procedures by investors of the Parties to resolve investment disputes under the 1982 Treaty. The Protocol also sets forth each Party's consent to ICSID Additional Facility arbitration, if Convention Arbitration is not available. Convention Arbitration would not be available, for example, if either Party subsequently ceased to be a party to the ICSID Convention.

I recommend that the Senate consider this Protocol as soon as possible, and give its advice and consent to ratification of the Protocol at an early date.

WILLIAM J. CLINTON,  
THE WHITE HOUSE, September 12, 2000.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Azerbaijan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on August 1, 1997, together with an amendment to the Treaty set forth in an exchange of diplomatic notes dated August 8, 2000, and August 25, 2000. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The Bilateral Investment Treaty (BIT) with Azerbaijan is the fourth such treaty signed between the United States and a Transcaucasian or Central Asian country. The Treaty will protect U.S. investment and assist Azerbaijan in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty furthers the objectives of U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON,  
THE WHITE HOUSE, September 12, 2000.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Texas (Mrs. HUTCHISON) as Chair of the Senate Delegation to the Mexico-U.S. Interparliamentary Union during the 106th Congress.

ORDERS FOR WEDNESDAY,  
SEPTEMBER 13, 2000

Mr. THOMPSON. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, September 13. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10 a.m., with the time equally divided between Senator THOMAS and Senator DURBIN.

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

PROGRAM

Mr. THOMPSON. For the information of all Senators, at 9:30 a.m. tomorrow the Senate will be in a period of morning business until 10 a.m. Following morning business, there will be 60 minutes for closing remarks on two amendments: The Byrd amendment, regarding safeguards; and division 6 of the Smith amendment, No. 4129. Votes on those two amendments will be back to back at 11 a.m.

Senators should be aware that there are amendments currently pending to the PNTR bill and further amendments are expected to be offered. Therefore, votes are expected throughout the remainder of the week.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. THOMPSON. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:28 p.m., adjourned until Wednesday, September 13, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 2000:

THE JUDICIARY

JOEL GERBER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

STEPHEN J. SWIFT, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

STEVEN E. ACHELPOHL, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE WILLIAM G. CAMBRIDGE, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 21:

*To be captain*

MARK B. CASE, 0000  
ROBERT C. AYER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

*To be captain*

KEVIN G. ROSS, 0000  
EDDIE V. MACK, 0000  
JOSEPH R. CASTILLO, 0000  
JOHN W. YOST, 0000  
ANDREW G. GIVENS, 0000  
PAUL A. PREUSSE, 0000  
MICHAEL J. LAPINSKI, 0000  
RONALD J. RABAGO, 0000  
MARK E. ASHLEY, 0000  
ROBERT E. REININGER, 0000  
AUBREY W. BOGLE, 0000  
LANCE W. CARPENTER, 0000  
STEVEN H. RATTI, 0000  
WAYNE C. PARENT, 0000  
MICHAEL J. MANGAN, 0000  
PATRICIA F. BRUCK, 0000  
ROBERT V. PALOMBO, 0000  
BRIAN R. CONAWAY, 0000  
STEPHEN T. DELIKAT, 0000  
ROBERT L. HURST, 0000  
JAMES M. FARLEY, 0000  
THOMAS R. CAHILL, 0000  
JAMES X. MONAGHAN, 0000  
STEPHEN P. GARRITY, 0000  
DUANE M. SMITH, 0000  
DARRELL C. FOLSOM, 0000  
DANIEL A. NEPTUN, 0000  
CHRISTOPHER C. COLVIN, 0000  
DOUGLAS J. WISNIEWSKI, 0000  
ROBERT W. NUTTING, 0000  
BRADLEY M. JACOBS, 0000  
DAVID B. MCLEISH, 0000  
FRANCIS J. STURM, 0000  
DAVID C. SPILLMAN, 0000  
CHRISTOPHER J. CONKLIN, 0000  
KEVIN S. COOK, 0000  
JEFFREY D. STIEB, 0000  
WILLIAM J. BELMONDO, 0000  
KENNETH L. KING, 0000  
CURTIS L. DUBAY, 0000  
BRUCE M. ROSS, 0000  
MICHAEL L. BLAIR, 0000  
CHARLES S. JOHNSON, 0000  
DANA E. WARE, 0000  
RICHARD J. PRESTON, 0000  
FRANCIS A. DUTCH, 0000  
DANIEL K. OLIVER, 0000  
KENNETH L. SAVOIE, 0000  
PETER J. BOYNTON, 0000  
NEIL O. BUSCHMAN, 0000  
DANIEL R. MAY, 0000  
WILLIAM J. SEMRAU, 0000  
JAMES K. LOUPTTT, 0000  
SUSAN D. BIBEAU, 0000  
DAVID B. HILL, 0000  
JEFFREY R. PETTTTT, 0000  
RICHARD W. HATTTON, 0000  
ROY A. NASH, 0000  
JOHN E. LONG, 0000  
BRUCE D. BRANHAM, 0000  
SCOTT H. EVANS, 0000  
MARK P. BLACE, 0000  
JOHN H. KORN, 0000  
CHARLES W. RAY, 0000

*IN THE AIR FORCE*

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JAMES C. SEAMAN, 0000

*IN THE ARMY*

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

EDDIE L. COLE, 0000  
JOE B. LAMB, JR., 0000  
ANDREW B. LEIDER, 0000  
OLIVER L. MARIANETTI, 0000  
JOHN M. MENTER, 0000  
ROBERT W. MITCHELL, 0000  
ANNE C. MOEN, 0000  
CHARLOTTE M. MORGAN, 0000  
EDDIE W. MORTON, 0000  
DANNY D. SCOTT SR., 0000  
NED I. SHULMAN, 0000  
JAMES W. SMITH, 0000  
CHRISTOPHER A. WHITE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

JEANNE J. BLAES, 0000  
DALE W. CLELLAND, 0000  
BRARRY A. COX, 0000  
SHIRLEY J. FONG, 0000  
HARRIETT A. FRAME, 0000  
GERY W. KOSEL, 0000  
LENWOOD A. LANDRUM, 0000  
JEFF W. MATHIS III, 0000  
MICHAEL P. MCGOWEN, 0000

MICHAEL W. MCHENRY, 0000  
RICHARD L. PALMATIER JR., 0000  
TOMMY W. PAULK, 0000  
TIMOTHY W. PAYNE, 0000  
CHARLES A. RAGUCCI, 0000  
RAFAEL H. RAMIREZ, 0000  
DELORAS J. RUSSO, 0000  
KEVIN L. SAMPLES, 0000  
THOMAS E. TROXELL, 0000  
JANELLE S. WEYN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT AS CHAPLAIN (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

*To be major*

\*PATRICK N. BAILEY, 0000 CH  
\*DAVID S. BAUM, 0000 CH  
JAMES L. BRISSON, JR., 0000 CH  
\*DAVID C. CAUSEY, 0000 CH  
\*CLAUDE A. CRISP, 0000 CH  
\*JUAN M. CROCKETT, 0000 CH  
\*JAMES L. DRAKE, 0000 CH  
\*THOMAS R. EDWARDS, 0000 CH  
\*MARK E. FAIRBROTHER, 0000 CH  
\*STEVEN R. GEORGE, 0000 CH  
\*SAMUEL K. GODFREY, 0000 CH  
\*KEITH N. GOODE, 0000 CH  
\*WILLIAM GREEN, JR., 0000 CH  
\*JEFFREY D. HAWKINS, 0000 CH  
\*JON N. HOLLENBECK, 0000 CH  
\*MICKEY D. JETT, 0000 CH  
\*MARK A. JOHNSON, 0000 CH  
\*STEVEN M. JONES, 0000 CH  
\*EDWARD J. KELLEY, 0000 CH  
\*ROBERT W. LEATHERS, 0000 CH  
\*SUK J. LEE, 0000 CH  
\*JOSEPH H. MELVIN, 0000 CH  
\*DAVID P. MIKKELSON, 0000 CH  
\*KELLY J. MOORE, 0000 CH  
\*CHARLES R. OWEN III, 0000 CH  
\*JAMES PALMER, JR., 0000 CH  
\*KWON PYO, JR., 0000 CH  
\*ROGER W. RAHILL, 0000 CH  
\*PABLO J. RIVERAMADERA, 0000 CH  
\*RAYMOND A. ROBINSON, JR., 0000 CH  
\*JOHN A. ROUTZAHN, JR., 0000 CH  
\*WILLIAM A. SAGER, 0000 CH  
\*JAMES E. SCHAEFER, 0000 CH  
\*ALVIN G. SHRUM, 0000 CH  
\*EUGENE G. SLADE, 0000 CH  
\*BLAINE E. SMREKAR, 0000 CH  
\*SCOTT A. STERLING, 0000 CH  
\*MARK E. THOMPSON, 0000 CH  
\*JEFFREY L. VOYLES, 0000 CH  
\*WILLIAM S. WEICHL, 0000 CH  
\*KENNETH R. WILLIAMS, JR., 0000 CH  
\*ROBINSON P. WILSON, 0000 CH  
\*JEFFREY L. ZUST, 0000 CH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

*To be major*

TIMOTHY F. ABBOTT, 0000  
EDMUND M. ACKERMAN, 0000  
\*ANTHONY L. ADAMS, 0000  
JAMES H. ADAMS III, 0000  
LARRY K. ADAMS, 0000  
\*DENNIS P. ADOMATIS, 0000  
BRYAN F. AGENA, 0000  
DARRYL K. AHNER, 0000  
DEXTER A. ALEXANDER, 0000  
\*LESLIE A. ALFORD, 0000  
DAVID K. ALLEN, 0000  
KRISTIN E. ALLEN, 0000  
\*TERANCE J. ALLEN, 0000  
MICHAEL C. ALLISON, 0000  
\*MICHAEL S. ALLMOND, 0000  
JAYSON A. ALTIERI, 0000  
HEATHER B. AMSTUTZ, 0000  
REIK C. ANDERSEN, 0000  
DOUGLAS A. ANDERSON, 0000  
JAMES C. ANDERSON, 0000  
\*JOSEPH S. ANDERSON, 0000  
\*LARRY S. ANDERSON, 0000  
\*MARVIN W. ANDERSON, 0000  
SAMUEL GRADY ANDERSON III, 0000  
FRANCIS L. ANDREWS, 0000  
PETER B. ANDRYSIK, JR., 0000  
\*OSADEBE M. ANENE II, 0000  
RICHARD E. ANGLE, 0000  
KEITH W. ANTHONY, 0000  
NICHOLAS M. ANTHONY, JR., 0000  
\*GREGORY S. APPLGATE, 0000  
\*JEFFREY L. APPLGATE, 0000  
\*RUDOLFO AQUINO, JR., 0000  
\*THOMAS L. ARMBRUSTER, 0000  
ERIC D. ARNOLD, 0000  
\*ERIC A. ARRINGTON, 0000  
THOMAS L. ARRINGTON, 0000  
\*VANCE R. ARRINGTON, 0000  
\*LINDA J. ARTHUR, 0000  
\*THOMAS F. ARTIS, 0000  
\*MARIO A. ARZENO, 0000  
PAUL V. ASHCRAFT, 0000  
JAMES M. ASHFORD, 0000  
\*DAVID G. ATHEY, 0000  
\*LAURI J. ATKINS, 0000  
\*CHARLES A. ATTALES, 0000  
\*ANTHONY J. AUDREY, 0000  
ROBERT T. AULT, 0000  
\*PHILIP D. AYER, 0000  
\*ROTHA R. AYERS JR., 0000  
\*WILLIAM L. AYERS, 0000

JESSE BABAUTA, 0000  
MICHAEL J. BACKUS, 0000  
BRODRICK J. BAILEY, 0000  
PAUL F. BAILEY, 0000  
BRUCE A. BAIN, 0000  
GREGORY E. BAK, 0000  
\*DONALD R. BAKER, 0000  
\*GREGORY A. BAKER, 0000  
\*JAMES W. BAKER, 0000  
KRISTIN M. BAKER, 0000  
PAUL M. BAKER, 0000  
\*JOHN D. BALLARD, 0000  
GEOFFREY T. BALLOUT, 0000  
\*DAVID W. BANIAN, 0000  
TEENA M. BARBER, 0000  
\*SCOTT W. BARHAM, 0000  
JEFFREY M. BARLUP, 0000  
DAVID M. BARNES, 0000  
LEE BARNES, 0000  
STEPHEN WAYNE BARONE, 0000  
MARCO J. BARRERA, 0000  
EDMUND J. BARRRETT, 0000  
FREDERICK S. BARRETT, 0000  
\*WELDON A. BARRETT III, 0000  
\*KEITH A. BARSHINGER, 0000  
\*BRIAN A. BARTO, 0000  
\*PAUL R. BARTZ, 0000  
TIMOTHY A. BASHAM, 0000  
JOHN C. BASKERVILLE, 0000  
\*JAMES E. BASS III, 0000  
SAMUEL C. BASS, 0000  
JOHN A. BASSO, 0000  
JAMES D. BATES, 0000  
\*THOMAS J. BATTLE, 0000  
\*JAMES P. BAUMGART, 0000  
\*ROBERT J. BAYHAM, 0000  
\*DAVID C. BEACHMAN, 0000  
MILFORD H. BEAGLE JR., 0000  
DANIEL GARTH BEATTY JR., 0000  
KEATON L. BEAUMONT, 0000  
\*JOSEPH B. BECKER, 0000  
IVAN P. BECKMAN, 0000  
\*MATTHEW C. BECKMANN, 0000  
\*DALE A. BEDSOLE, 0000  
\*DAVID T. BELL SR., 0000  
REGINALD J. BELTON, 0000  
PHILIP D. BENEFIELD JR., 0000  
\*RAUL C. BENITEZ, 0000  
\*SYLVIA A. BENNETT, 0000  
\*CHRISTOPHER M. BENSON, 0000  
WILLIAM E. BENSON, 0000  
ERSKINE R. BENTLEY II, 0000  
\*DAVID B. BEOUGH, 0000  
\*KAREN A. BERGER, 0000  
\*GLENN J. BERGERON, 0000  
\*STEVEN A. BERGOSH, 0000  
JOSE R. BERRIOS, 0000  
HODNE S. BERRY, 0000  
KEVIN L. BERRY, 0000  
CARTER J. BERTONE, 0000  
JULIAN S. BETHUNEBROWN, 0000  
JOSEPH S. BIANCHI, 0000  
MARIA A. BLANK, 0000  
MARK D. BIEGER, 0000  
JAMES P. BIENLIEN, 0000  
BENJAMIN J. BIGELOW, 0000  
MICHAEL L. BINEHAM, 0000  
\*ANN L. BING, 0000  
\*BRIAN R. BISACRE, 0000  
\*BARRY L. BISHOP, 0000  
\*GREGORY W. BISHOP, 0000  
\*EARL S. BITTNER II, 0000  
ANTHONY V. BLACK, 0000  
\*MICHELLE A. BLACK, 0000  
WILLIAM R. BLACK, 0000  
WILLIAM W. BLACKWELL, 0000  
\*SAMUEL C. BLANTON III, 0000  
MICHAEL A. BLAS, 0000  
\*JAMES J. BLAYLOCK, 0000  
JOSHUA D. BLOCKBURGER, 0000  
CHRIS A. BLOMBACH, 0000  
CHRISTOPHER T. BLUME, 0000  
\*THOMAS D. BOCCARDI, 0000  
\*MORRIS L. BODRICK, 0000  
MATTHEW A. BOEHNKE, 0000  
\*JOHN V. BOGDAN, 0000  
\*JAMES E. BOGLE, 0000  
\*ANTHONY P. BOHN, 0000  
\*KENNETH A. BOHON, 0000  
GARY BOLOS, 0000  
BRYON L. BONNELL, 0000  
MARK E. BOROWSKI, 0000  
DAVID W. BOTTCHE, 0000  
JAMES B. BOTTERS, 0000  
MICHAEL A. BOTTGLIERI, 0000  
JOHN ANTHONY BOUCHER, 0000  
\*HORACE W. BOWDEN III, 0000  
\*JOHN E. BOX, 0000  
EARNEST E. BOYD, 0000  
GREGORY G. BOYD, 0000  
\*JOHN M. BOYD, 0000  
\*RAYMOND E. BOYD JR., 0000  
THOMAS A. BOYD, 0000  
CHRISTOPHER BOYLE, 0000  
\*JIMMY M. BRADFORD, 0000  
\*ROBERT D. BRADFORD III, 0000  
\*ROBERT W. BRADFORD, 0000  
GREGORY J. BRADY, 0000  
\*MICHAEL D. BRADY, 0000  
\*EVA T. BRANHAM, 0000  
\*MICHAEL D. BRANTLEY, 0000  
\*JOHN R. BRAY, 0000  
MICHELE H. BREDENKAMP, 0000  
KENT A. BREDLOVE, 0000

DAVID D. BRENNER, 0000  
CHRISTOPHER J. BREWER, 0000  
MELVIN C. BRICKER JR., 0000  
\*DONALD E. BRISSENDINE, 0000  
JEFFERY D. BROADWATER, 0000  
\*JEFFREY B. BROADWELL, 0000  
\*DIRK K. BROCK, 0000  
HAROLD D. BROEK JR., 0000  
\*ANDRAE E. BROOKS, 0000  
\*MARTHA K. BROOKS, 0000  
\*NICHOEL E. BROOKS, 0000  
\*JOHNNY R. BROUGHTON, 0000  
THOMAS V. BROUNS, 0000  
CHARLES H. BROWN, 0000  
\*CHARLES T. BROWN, 0000  
\*JAMES D. BROWN, 0000  
JAMES E. BROWN III, 0000  
\*JEFFREY E. BROWN, 0000  
JOHN M. BROWN, JR., 0000  
MATTHEW J. BROWN, 0000  
MICHAEL L. BROWN, 0000  
\*ROBERT B. BROWN, 0000  
\*ROSS A. BROWN JR., 0000  
\*SHARON L. BROWN, 0000  
WILLIAM E. BROWN III, 0000  
\*ANITA S. BROWNGREENLEE, 0000  
\*JEFFREY A. BRUCE, 0000  
\*JEFFREY A. BRYAN, 0000  
\*SUSAN F. BRYANT, 0000  
DALE R. BUCKNER, 0000  
JENNIFER G. BUCKNER, 0000  
\*RICARDO C. BULLOCK, 0000  
\*JOHN S. BULMER, 0000  
DOUGLAS S. BUNNER, 0000  
\*DEAN A. BURBRIDGE, 0000  
\*BRIAN D. BURCHETTE, 0000  
\*KIM A. BURDESHAW, 0000  
ERIC C. BURGER, 0000  
JOHN E. BURGER, 0000  
CLIFFORD T. BURGESS III, 0000  
\*HILDA D. BURGOS, 0000  
EDWARD W. BURKE IV, 0000  
\*RONALD W. BURKETT, 0000  
JAMES M. BURNS, 0000  
BLAKE L. BURSLE, 0000  
\*LANCE J. BURTON, JR., 0000  
\*GARRY B. BUSH, 0000  
DWAYNE M. BUTLER, 0000  
WILLIAM J. BUTLER, 0000  
STEVEN T. BUTTERFIELD, 0000  
\*PETER W. BUTTS, 0000  
WILLIAM M. BYARS, 0000  
\*KEITH A. BYNUM, 0000  
\*RICHARD T. BYRD JR., 0000  
\*JOHN E. BYRN, 0000  
\*MICHAEL F. CABAJ, 0000  
JOHN E. CALAHAN, 0000  
SCOTT P. CALDWELL, 0000  
\*STEPHON CALHOUN, 0000  
CHRISTOPHER D. CALL, 0000  
CERVANTES E. CAMACHO, 0000  
MARK J. CAMARENO, 0000  
GREGORY D. CAMERON, 0000  
ERIC M. CAMPANY, 0000  
\*CARLA J. CAMPBELL, 0000  
\*ROBERT C. CAMPBELL, 0000  
\*DAVID S. CANNON, 0000  
\*SUERO J. CANO, 0000  
BRYAN E. CANTER, 0000  
CHRISTOPHER A. CANTRELL, 0000  
\*ROSE K. CARD, 0000  
\*CASIMIR C. CAREY III, 0000  
\*FREDERICK R. CARLSON, 0000  
MICHAEL A. CARLSON, 0000  
THOMAS C. CARNELL, 0000  
EDWIN J. CARNS, 0000  
\*RICHARD D. CARPENTER, 0000  
\*PRESSLEY R. CARR, JR., 0000  
CLAUDIA J. CARRIZALES, 0000  
\*JOSEPH F. CARROLL, 0000  
\*BRYAN S. CARTER, 0000  
\*GARY J. CARTER, 0000  
\*JERRY W. CARTER, 0000  
\*STEVEN A. CARTER, 0000  
\*JEFFREY T. CARTWRIGHT, 0000  
KENNETH C. CARY, 0000  
\*ROMEO J. CASCHERA, JR., 0000  
\*KEITH A. CASBY, 0000  
JOHN H. CASPER, 0000  
\*WILLIAM J. CATER, 0000  
TIMOTHY M. CAULEY, 0000  
ROBERT E. CAVAGNA, 0000  
JOHN R. CAVEDO, JR., 0000  
\*ROBERT N. CAVINESS, 0000  
RICHARD A. CAYA, 0000  
MARTIN W. CHADZYNSKI, 0000  
MICHAEL P. CHAKERIS, 0000  
PHILLIP A. CHAMBERS, 0000  
\*JAIME S. CHANEZ, 0000  
JAY K. CHAMAN, 0000  
\*KATHLEEN M. CHAPMAN, 0000  
\*MATTHEW A. CHAPMAN, 0000  
JOHN S. CHAPUT, 0000  
\*DAVID L. CHASE, 0000  
KENNETH D. CHASE, 0000  
\*WANDA A. CHATMAN, 0000  
CHARLES S. CHENOWETH, 0000  
JACQUELINE G. CHENOWETH, 0000  
ROBERT C. CHERIPKA, 0000  
\*MARK L. CHILDERS, 0000  
ROBERT T. CHILDRESS, 0000  
\*MARK W. CHILDS, 0000  
GEORGE A. CHIZMAR, 0000  
WILLIAM CHLEBOWSKI, 0000  
\*TONY K. CHO, 0000  
STEVEN B. CHOI, 0000  
\*DAVID A. CHRISTENSEN, 0000  
CRAIG A. CHUBA, 0000  
\*JOHN A. CHVERCHKO, 0000  
JON J. CHYTKA, 0000  
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\*DOLORES FISHER, 0000



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KENNETH A. STEVENS, 0000  
KIMBERLY E. STEVENSON, 0000  
DAVID F. STEWART, 0000  
\*HERMAN STEWART JR., 0000  
\*ROBERT L. STEWART III, 0000  
ERIC J. STIHERNA, 0000  
\*ALBERT H. STILLER, 0000  
\*JEFFREY M. STOLZ, 0000  
JOHN D. STORER, 0000  
CHADWICK W. STORLIE, 0000  
BRIAN M. STOUT, 0000  
KENNETH W. STRAYER, 0000  
\*MARK T. STREHLE, 0000  
\*JEFFREY C. STROH, 0000  
RIEKA M. STROH, 0000  
DAVID J. STROMBECK, 0000  
RICHARD J. STROYAN, 0000  
MICHAEL ALLEN STUART, 0000  
RAYMOND STURIN, 0000  
\*BRADLEY S. STUMPF, 0000  
\*THOMAS STYNER, 0000  
MICHAEL D. SUFNRSKI, 0000  
CHAD M. SULLIVAN, 0000  
TIMOTHY P. SULLIVAN, 0000  
\*CRAIG E. SUMNERS, 0000  
HUGH R. SUTHERLAND, 0000  
SHIRLEY D. SUTTON, 0000  
\*PATRICK T. SWEENEY, 0000  
PAUL J. SWIERGOSZ, 0000  
KENT L. SYLVESTER, 0000  
DARREL S. TACKETT, 0000  
\*CHRISTOPHER P. TACCOTT, 0000  
MARK T. TANNER, 0000  
\*CHRISTOPHER J. TATARKA, 0000  
EDWARD J. TAYLOR, 0000  
\*JEFFREY K. TAYLOR, 0000  
\*KHRIS Y. TAYLOR, 0000  
\*LAWRENCE M. TAYLOR, 0000  
CHRISTINE J. TEBBE, 0000  
\*CYNTHIA F. TERAMAE, 0000  
\*VANEDA S. TERRELL-SIMMONS, 0000  
\*JOSEPH A. TERRY, 0000  
BRIAN L. TESSMAN, 0000  
JOHN D. THEE, 0000  
\*WILLIE L. THEMES, 0000  
TERENCE B. THIBODEAUX, 0000  
GEORGE K. THIEBES, 0000  
KARL R. THOMAS, 0000  
DANIEL L. THOMPSON, 0000  
GARRY L. THOMPSON, 0000  
JOHN R. THOMPSON, 0000  
JOHNNY W. THOMPSON, 0000  
JOSE M. THOMPSON, 0000  
\*MICHELE N. THOMPSONSHOATS, 0000  
\*MARC D. THORESON, 0000  
MICHAEL J. TICE, 0000  
\*THOMAS J. TICKNER, 0000  
RILEY O. TISDALE, 0000  
\*PAUL J. TOMAKA, 0000  
\*TIAN T. TON, 0000  
KENNETH W. TONEY, 0000  
SHAUN E. TOOKE, 0000  
\*TERRY TORRACA, 0000  
ROBERT P. TORRES, 0000

VINCENT H. TORZA, 0000  
 JOHN R. TOTH, 0000  
 \*ROBERT N. TRABUCCHI JR., 0000  
 PETER J. TRAGAKIS, 0000  
 MICHAEL F. TRAVER, 0000  
 \*GREGORY R. TRNKA, 0000  
 \*MICHAEL F. TRONOLONE JR., 0000  
 TIMOTHY C. TROUTMAN, 0000  
 TERRY L. TRUETT, 0000  
 DEAN H. TRULOCK, 0000  
 \*SEENA C. TUCKER, 0000  
 RONALD M. TUCZAK, 0000  
 SCOTT K. TUFTS, 0000  
 WILLIAM TURMEL JR., 0000  
 \*DOUGLAS J. TWYMAN, 0000  
 \*JOSEPH D. TYRON, 0000  
 JUAN K. ULLOA, 0000  
 \*KATHY A. UNDERWOOD, 0000  
 ROBERT E. UNGER, 0000  
 \*KEVIN K. UPSON, 0000  
 \*CHARLES L. VANAUKEN, 0000  
 MARVIN G. VANNATTER JR., 0000  
 \*JOHN M. VANNOY, 0000  
 PETER R. VANPROOYEN, 0000  
 CHRISTOPHER H. VARHOLA, 0000  
 MICHAEL L. VARUOLO, 0000  
 DAVID I. VASQUEZ, 0000  
 \*JUAN M. VAZQUEZQUINTANA, 0000  
 \*RODRIGUEZ F. VENTURA, 0000  
 KENNETH G. VERBONCOEUR, 0000  
 \*LEONARD E. VERHAEG, 0000  
 JOHN A. VERMEESCH, 0000  
 \*JULIE A. VESEL, 0000  
 \*BRADFORD M. VESSELS, 0000  
 \*PAUL M. VIDO, 0000  
 TIMOTHY J. VINSON, 0000  
 \*SCOTT A. VOELKEL, 0000  
 JESSICA R. VOSS, 0000  
 KURT O. WADZINSKI, 0000  
 ROBERT A. WAGNER, 0000  
 DAVID J. WALDMAN, 0000  
 \*DAVID S. WALKER, 0000  
 DIANNE M. WALKER, 0000  
 MARLENA O. WALKER, 0000  
 \*LEONARD W. WALLACE JR., 0000  
 MICHAEL S. WALLACE, 0000  
 \*ROBERT D. WALLACE, 0000  
 \*SAMUEL J. WALLER, 0000  
 \*GLENN A. WALSH, 0000  
 PATRICK M. WALSH, 0000  
 TODD E. WALSH, 0000  
 \*WILLIAM A. WALTERS, 0000  
 CHRISTOPHER S. WALTON, 0000  
 \*STEPHEN J. WARD, 0000  
 KURTIS L. WARNER, 0000  
 KYLE W. WARREN, 0000  
 \*TONY W. WARREN, 0000  
 \*DAVID B. WASHINGTON, 0000  
 GREGORY C. WASHINGTON, 0000  
 \*JULIUS WASHINGTON, 0000  
 BRIAN K. WATKINS, 0000  
 \*CHRISTOPHER P. WATKINS, 0000  
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 JEFFREY L. WATSON, 0000  
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 ROBERT K. WATWOOD, 0000  
 MICKY E. WEAVER, 0000  
 \*ERIK C. WEBB, 0000  
 DAVID J. WEBER, 0000  
 \*TAMARA S. WEISS, 0000  
 AUGUST M. WEGNER IV, 0000  
 \*ROBERT G. WEGNER, 0000  
 ROY R. WELDANZ, 0000  
 \*DAVID J. WEIS, 0000  
 MICHAEL D. WEISZ, 0000  
 HILKE WELING, 0000  
 SHELLY D. WELLS, 0000  
 VERONICA J. WENY, 0000  
 \*CHARLES W. WERNER, 0000  
 MICHAEL E. WERTZ, 0000  
 STEPHEN A. WERTZ, 0000  
 NEAL A. WEST, 0000  
 MATTHEW A. WHALLEY, 0000  
 \*JAMES A. WHATLEY, 0000  
 JOHN WHITLEY WHEELER, 0000  
 BRADLEY A. WHITE, 0000  
 \*GREGORY D. WHITE, 0000  
 \*PATRICK M. WHITE, 0000  
 \*ROBERT L. WHITE, 0000  
 \*CHRISTOPHER J. WHITTAKER, 0000  
 ROBERT F. WHITTLE JR., 0000  
 \*ANTHONY R. WIGGINS, 0000  
 \*CHRISTOPHER W. WILBECK, 0000  
 \*JAMES L. WILKINS, 0000  
 KENNETH M. WILKINSON, 0000  
 \*KEVIN R. WILKINSON, 0000  
 ANDREA R. WILLIAMS, 0000  
 \*ANGELO N. WILLIAMS, 0000  
 \*BRIGITTE L. WILLIAMS, 0000  
 BRUCE H. WILLIAMS, 0000  
 \*CALVIN E. WILLIAMS, 0000  
 \*CEDRIC B. WILLIAMS, 0000  
 LEMUEL K. WILLIAMS, 0000  
 MICHAEL T. WILLIAMS, 0000  
 \*RALPH E. WILLIAMS, 0000  
 \*ROBIN D. WILLIAMS, 0000  
 \*SAMUEL E. WILLIAMS, 0000  
 \*STANLEY T. WILLIAMS, 0000  
 THOMAS M. WILLIAMS, 0000  
 \*ROBERT A. WILLIS, 0000  
 \*RICHARD E. WILLIS, 0000  
 JAMES L. WILMETH IV, 0000  
 CHARLES V. WILSON, 0000  
 \*EDDIE D. WILSON, 0000

\*JAMES D. WILSON, 0000  
 LAWRENCE D. WILSON, 0000  
 \*LISA M. WILSON, 0000  
 \*LITONYA J. WILSON, 0000  
 ROBERT E. WILSON, 0000  
 \*STEPHEN W. WILSON, 0000  
 TERRY M. WILSON JR., 0000  
 TODD P. WILSON, 0000  
 \*LARRY D. WINCHEL, 0000  
 DIANE E. WINEINGER, 0000  
 DOUGLAS W. WINTON, 0000  
 \*CHARLES E. WITTGES, 0000  
 \*MARK P. WITTIG, 0000  
 RAY P. WOJCIK, 0000  
 \*ERIC S. WOLF, 0000  
 DONALD C. WOLFE JR., 0000  
 \*DWANA L. WOLFE, 0000  
 \*CHRISTOPHER A. WOLNEY, 0000  
 DAVID S. WOLONS, 0000  
 JOHN W. WOLTZ, 0000  
 DAVID R. WOMACK, 0000  
 DAVID L. WOOD, 0000  
 HELY D. WOOD, 0000  
 HARRY T. WOODMANSEE III, 0000  
 \*ROBERTA J. WOODS, 0000  
 \*JEFFREY F. WOODWARD, 0000  
 \*GORDON J. WORRALL, 0000  
 \*JOHN J. WOTRING IV, 0000  
 JON A. WOZNAK, 0000  
 \*WILLIAM S. WOZNAK, 0000  
 \*MARK E. WRIGHT, 0000  
 \*JOHN A. WYRWAS, 0000  
 RICHARD S. YADA, 0000  
 \*GE YANG, 0000  
 NEWMAN YANG, 0000  
 DAVID J. YEBRA, 0000  
 DAVID GENE YONKOVICH, 0000  
 \*MARK A. YOUNG, 0000  
 \*CHAD D. YOUNG, 0000  
 \*JOEL W. YOUNG, 0000  
 \*KEITH L. YOUNG, 0000  
 PATRICK M. YOUNG, 0000  
 STEVEN D. YOUNG, 0000  
 GUY C. YOUNGER, 0000  
 MATTHEW W. ZAJAC, 0000  
 ERIC W. ZEEMAN, 0000  
 LOUIS A. ZEISMAN, 0000  
 CRAIG S. ZEITLER, 0000  
 \*DARRELL H. ZEMITIS, 0000  
 \*SIDNEY C. ZEMP IV, 0000  
 ANTHONY E. ZERUTO, 0000  
 \*ERIK D. ZETTERSTROM, 0000  
 \*CHRIS E. ZIMMERMAN, 0000  
 FRANK H. ZIMMERMAN, 0000  
 DENNIS M. ZINK, 0000  
 KEVIN K. ZURMUEHLEN, 0000  
 \*MICHAEL J. ZUVANICH, 0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant commander

ERIC M. AABY, 0000  
 CHARLES V. ACKLEY, 0000  
 EROL AGI, 0000  
 SYED N. AHMAD, 0000  
 JAMES T. ALBRITTON, 0000  
 JESSE P. ALDRIDGE, 0000  
 DOUGLAS E. ALEXANDER, 0000  
 GWENDOLYN A. ALLANSON, 0000  
 JOSEPH F. ALLING, 0000  
 STEPHEN L. ALMA, 0000  
 MOHAMAD ALSAWAF, 0000  
 JULIAN M. ALTHOFF, 0000  
 ROGELIO E. ALVAREZ, 0000  
 FREDRIC N. AMIDON, 0000  
 PAUL A. AMODIO, 0000  
 JENNIFER ANDERS, 0000  
 JEFFREY ANDERSON, 0000  
 KAMI ANDERSON, 0000  
 KEVIN L. ANDERSON JR., 0000  
 TERRY M. ANDERSON, 0000  
 JOHN S. ANTHONY, 0000  
 FLOMENO J. ARENAS JR., 0000  
 MICHAEL W. ARMES, 0000  
 STEPHEN E. ARMSTRONG, 0000  
 SARAH J. ARNOLD, 0000  
 STEPHEN ARNTZ, 0000  
 SCOTT ASHBY, 0000  
 DENIS E. ASHLEY, 0000  
 DIXIE L. AUNE, 0000  
 KEITH E. AUTRY, 0000  
 CHAM M. BAASEN, 0000  
 ETHAN A. BACHRACH, 0000  
 FLAUNSE M. BAGUIDY, 0000  
 JASON T. BALTIMORE, 0000  
 JEFF BARNES, 0000  
 MARIO L. BARNES, 0000  
 JOHN T. BARNETT, 0000  
 CHRISTOPHER B. BARNEY, 0000  
 JOSEPH P. BARRION, 0000  
 TIMOTHY S. BARTLETT, 0000  
 LAWRENCE M. BATEMAN, 0000  
 REBECCA L. BATES, 0000  
 SAM G. BATTAGLIA, 0000  
 ELIZABETH A. BEATY, 0000  
 AMY L. BECKER, 0000  
 TODD D. BELL, 0000  
 PATRICK M. BELSON, 0000  
 JOHN F. BENNETT, 0000  
 JACQUELINE M. BERNARD, 0000  
 LEAH A. BERSAMIN, 0000  
 CHRISTOPHER J. BERSANI, 0000  
 SUSAN M. BESSING, 0000  
 ROBERT J. BETTENDORF, 0000  
 AVERY A. BEVIN, 0000  
 DONALD E. BEYERS, 0000  
 MICHAEL M. BEZOUSKA, 0000  
 FRANK M. BISHOP, 0000  
 JEFFREY W. BITTERMAN, 0000  
 DUANE L. BIZET, 0000  
 PATRICK J. BLAIR, 0000  
 GINA K. BLAKEMAN, 0000  
 K. J. BLASINGAME, 0000  
 DAVID L. BLAZES, 0000  
 LYNELLE M. BOAMAH, 0000  
 MAJOR K. BOATENG, 0000  
 JOHN F. BOGARD, 0000  
 EDWIN F. BOGDANOWICZ, 0000  
 WILLIAM M. BOLAND, 0000  
 MICHAEL C. BOND, 0000  
 TROY F. BOREMA, 0000  
 LISA A. BOSIES, 0000  
 ADRIENNE E. BOSSIO, 0000  
 MICHAEL BOTTICELLI, 0000  
 RONALD J. BOUCHER, 0000  
 JAMES J. BOUDO, 0000  
 ROGER L. BOUMA, 0000  
 MICHAEL J. BOWERS, 0000  
 FRANK G. BOWMAN, 0000  
 WILLIAM BOYAN, 0000  
 MICHAELA S. BRADLEY, 0000  
 PAUL J. BRADY, 0000  
 WALTER D. BRAFFORD, 0000  
 BRIAN M. BRAITHWAITE, 0000  
 JAMES E. BREAY, 0000  
 DAVID N. BREIER, 0000  
 ERIC K. BRESSMAN, 0000  
 BRADLEY A. BRISCOE, 0000  
 PAUL J. BROCHU, 0000  
 DARWIN M. BROOKS, 0000  
 ROBERT A. BROOKS, JR., 0000  
 JEFFREY L. BROWDER, 0000  
 AVE MARIA R. BROWN, 0000  
 MARGARET A. BROWN, 0000  
 WENDY M. BROWN, 0000  
 PIERRE A. BRUNEAU, 0000  
 GARY W. BRUTON, 0000  
 KYLE A. BRYAN, 0000  
 WILLIAM D. BRYAN, 0000  
 PAUL D. BUNGE, 0000  
 BRADLEY L. BUNTEN, 0000  
 ANTHONY BUONCRISTIANI, 0000  
 THERESE J. BURATYNSKI, 0000  
 DIANE T. BURNELL, 0000  
 LARRY C. BURTON, 0000  
 EDWARD T. BUTZIRUS, 0000  
 DAVID A. BYMAN, 0000  
 GREGORY R. CADLE, 0000  
 ANN M. CAMPBELL, 0000  
 KAREN M. CARLSON, 0000  
 SAMUEL R. CARLTON, 0000  
 GREGORY R. CARSON, 0000  
 JOHN W. CARSON III, 0000  
 MICHAEL M. CARSON, 0000  
 RONALD CARSON, 0000  
 DIANA J. CARSTEN, 0000  
 LISA M. CARTWRIGHT, 0000  
 SHELBY J. CASH, 0000  
 JEFFREY C. CASL, 0000  
 JOHN D. CASSANI, 0000  
 JAMES R. CASSATA, 0000  
 DIANE CASSIN, 0000  
 ALDO J. CATTOL, 0000  
 LLRIS F. CEDENO, 0000  
 ALEXANDER B. CHAO, 0000  
 CHESTER E. CHAPMAN, 0000  
 PATRICIA G. CHAPPLE, 0000  
 ANTHONY S. CHAVEZ, 0000  
 JAMES T. CHAVIS, 0000  
 FENGTA A. CHIANG, 0000  
 LAMAR A. CHILDS, 0000  
 ANTHONY CHILURA, 0000  
 SHING K. CHIOU, 0000  
 KURT M. CHIVERS, 0000  
 ARRON A. CHVO, 0000  
 CIA CHIANG, 0000  
 GORDON E. CLARK, JR., 0000  
 LINDA CLARK, 0000  
 MATTHEW T. CLARK, 0000  
 PHILLIP E. CLARK, 0000  
 KRISTIN N. CLEARLEY, 0000  
 TIMOTHY A. COAKLEY, 0000  
 BARBARA A. COLEMAN, 0000  
 JOSEPH D. COLEMAN, 0000  
 CHRISTOPHER M. COLLINS, 0000  
 FRANK A. COLON, 0000  
 LAURA K. COMSTOCK, 0000  
 ALFONSO J. CONCHA, 0000  
 DAVID R. CONGDON, 0000  
 KATRINA L. CONRAD, 0000  
 CHRISTOPHER J. COOK, 0000  
 SCOT A. CORDRAY, 0000  
 WANDA A. CORNELIUS, 0000  
 WILLIAM D. COSGROVE, 0000  
 EDWARD G. COVERT, 0000  
 KIP L. COWELL, 0000  
 DONALD E. CRAWLES, 0000  
 JOHN A. CRADDOCK, 0000  
 TED L. CRANDALL, 0000  
 PAMELA M. CRIGHTON, 0000  
 NANCY F. CRUM, 0000  
 ROBERT CSORBA, 0000  
 SHAWN T. CULLEN, 0000  
 VALENTINE W. CURRAN, 0000  
 MARTHA A. CUTSHALL, 0000  
 THOMAS W. DALLEY, 0000  
 JAMES J. DALEY, 0000  
 TIMOTHY L. DANIELS, 0000  
 CHRISTOPHER A. DAVIS, 0000  
 DONNA L. DAVIS, 0000

FREDERICK C. DAVIS, 0000  
 ROBERT C. DAVIS, JR., 0000  
 THOMAS S. DAVIS, 0000  
 TOMMIE E. DAVIS, JR., 0000  
 GEORGE O. DECKER, 0000  
 CHARLES G. DECLERCK, 0000  
 PAULA K. DEKEYSER, 0000  
 N. F. DELACRUZ, 0000  
 MARC R. DELAO, 0000  
 VICTOR D. DELAOSSA, 0000  
 ALAIN DELGADO, 0000  
 DONALD R. DELOREY, 0000  
 SUSAN M. DEMCHAK, 0000  
 MARYANN C. DESPOSITO, 0000  
 DAVID L. DEVLIN, 0000  
 LINO S. DIAL, 0000  
 RICHARD F. DIBUCCI, 0000  
 JOHN V. DICKENS III, 0000  
 KURT A. DIEBOLD, 0000  
 ROSEMARIE DIEFFENBACH, 0000  
 DAVID A. DISANTO, 0000  
 STANLEY DOBBS, 0000  
 RAMONA M. DOMENHERBERT, 0000  
 TIMOTHY F. DONAHUE, 0000  
 STEPHEN J. DONLEY, 0000  
 CATHLEEN M. DONOHUE, 0000  
 THOMAS L. DORWIN, 0000  
 JOAN K. DOUGHTY, 0000  
 TRENT D. DOUGLAS, 0000  
 DAVID E. DOW, 0000  
 RITA W. DRIGGERS, 0000  
 MAURICIO G. DRUMMOND, 0000  
 RUTH H. DUDA, 0000  
 WILLIAM C. DUERDEN, 0000  
 JOSEPH E. DUFOUR, 0000  
 DAVID P. DULA, 0000  
 MARK R. DUNCAN, 0000  
 FRANKLIN T. DUVAL, 0000  
 EILEEN M. DWYER, 0000  
 GEORGE L. DYER III, 0000  
 ANGELA S. EARLEY, 0000  
 JOHN A. EASTON, 0000  
 SONYA I. EBRIGHT, 0000  
 DENNIS E. EDWARDS, 0000  
 TROY EHRHART, 0000  
 JENNIFER L. EICHENMULLER, 0000  
 DEAN S. ELÄTTRACHE, 0000  
 DANIEL E. ELDRIDGE, 0000  
 DEBRA J. ELLIOTT, 0000  
 JAMES W. ELLIOTT, 0000  
 ERIC A. ELSTER, 0000  
 MARK D. ERHARDT, 0000  
 RICHARD P. ERICKSON, 0000  
 SUSAN D. ERMISH, 0000  
 MICHAEL S. EUWEMA, 0000  
 SHARON L. EVANS, 0000  
 KREG R. EVERLETH, 0000  
 DANIEL M. EVES, 0000  
 KRISTEN B. FARRY, 0000  
 RONALD L. S. FAHIE, 0000  
 JASON B. FAUNCE, 0000  
 CLARE E. FEIGL, 0000  
 RENA K. FERGUSON, 0000  
 KIMBERLY A. FERLAND, 0000  
 ELEANOR M. FERNANDEZ, 0000  
 ELIZABETH FERRARA, 0000  
 STEPHEN L. FERRARA, 0000  
 DAMON S. FETTERS, 0000  
 MARTIN W. FIELDS, 0000  
 JAYSON FIELDS, 0000  
 JEFFREY K. FILBECK, 0000  
 WILLIAM S. FINLAYSON, 0000  
 JOSEPH C. FINLEY, 0000  
 CAMERON E. FISH, 0000  
 CARY N. D. FISHURNE, 0000  
 ELIZABETH A. FITZPATRICK, 0000  
 ETHAN A. FLYNN, 0000  
 MARC H. FOGELSON, 0000  
 FRANCIS P. FOLEY, 0000  
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 KAREN K. FREY, 0000  
 THOMAS G. FRIEDRICH, 0000  
 MARK A. FRIERMOOD, 0000  
 ROBERT S. FRY, 0000  
 ORLANDO J. FUGARO, 0000  
 EFRAM R. FULLER, 0000  
 FRANK W. FUTCHER, 0000  
 STUART J. GALL, 0000  
 ROBERT W. GANOWSKI, 0000  
 MICHAEL C. GARBACCO, 0000  
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 PATRICK A. GARIN, 0000  
 JAMES C. GAY, 0000  
 MARK T. GERONIME, 0000  
 SAMAN GHARAI, 0000  
 DEAN T. GLACOBBE, 0000  
 HEATHER K. GILCHRIST, 0000  
 JOHN E. GILLILAND, 0000  
 DAVID S. GILMORE, 0000  
 TYRONNE E. GILMORE, 0000  
 RONALD W. GIMBEL, 0000  
 STANLEY C. GIUDICI, 0000  
 RONALDO D. GIVENS, 0000  
 KATHRYN GLASS, 0000  
 DEXTER K. GLOSTER, 0000  
 JOSE R. GONZALEZ, 0000  
 GEORGE J. GOODREAU II, 0000  
 MARK R. GOODRICH, 0000  
 TERRY C. GORDON, 0000  
 STEPHEN E. GOTTLIEB, 0000  
 DIMITRY B. GOUFMAN, 0000  
 MARK T. GOULD, 0000  
 JOHN R. GOULDMAN JR., 0000  
 THOMAS E. GRAEBNER, 0000  
 RICHARD A. GRAHAM, 0000  
 PHILIPPE J. GRANDJEAN, 0000  
 TATIA R. GRANTLEVY, 0000  
 FRANKLIN C. GREEN, 0000  
 DIANE M. GRIGG, 0000  
 JAMES M. GRIMSON, 0000  
 WILLIAM GROFF, 0000  
 PATRICK N. GROVER, 0000  
 ULFUR T. GUDJONSSON, 0000  
 RICHARD A. GUSTAFSSON, 0000  
 THINH V. HA, 0000  
 DONALD C. HAAS, 0000  
 WADE A. HACHINSKY, 0000  
 RICHARD A. HACKIM, 0000  
 RICHARD G. HAGERTY, 0000  
 RONALD D. HAGGERTY, 0000  
 AMY L. HALL, 0000  
 KAREN I. HALL, 0000  
 MICHAEL E. HALL, 0000  
 SIDNEY E. HALL, 0000  
 STEVEN D. HALL, 0000  
 DAVID HALLEY, 0000  
 JOHN F. HALPIN, 0000  
 BRENDA R. HAMILTON, 0000  
 LAURA E. HAMILTON, 0000  
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 DAVID J. HANLEY, 0000  
 PETER E. HANLON, 0000  
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 MICHAEL C. HARDACRE, 0000  
 DIANE P. HARPER, 0000  
 NANCY S. HARPER, 0000  
 PAUL F. HARPER, 0000  
 JAMES M. HARRIS, 0000  
 DANA M. HARRISECHOLS, 0000  
 PAMELA C. HARVEY, 0000  
 THOMAS W. HASH, 0000  
 JENNIFER L. HAYASHI, 0000  
 ANTHONY B. HEADRICK, 0000  
 JASON O. HEATON, 0000  
 MATTHEW W. HEBERT, 0000  
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 JULIE A.W. HENDRICKSON, 0000  
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 LEONARD R. HENRY, 0000  
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 DAVID A. HOCK, 0000  
 DANIEL B. HODGSON, 0000  
 ERIC R. HOFFMAN, 0000  
 BERNARD H. HOFMANN, 0000  
 KATHLEEN M. HOGANBENTZ, 0000  
 DANIEL J. HOHMAN, 0000  
 ANDREW J. HOLLAND, 0000  
 RAYMOND J. HOJK, 0000  
 GARY B. HOYT, 0000  
 GLENN W. HUBBARD, 0000  
 MICHELE HUDDLESTON, 0000  
 LESLIE T. HUFFMAN, 0000  
 SALLY A. HUGHES, 0000  
 JOHN E. HUMISTON, 0000  
 ERIC HUNKELE, 0000  
 KENDRA W. HUSEMAN, 0000  
 DANIEL G. HUTCHINS, 0000  
 KEVIN L. HUTSELL, 0000  
 INZUNE K. HWANG, 0000  
 CONSTANCE E. HYMAS, 0000  
 ROMEO C. IGNACIO, 0000  
 CHRISTOPHER J. IRWIN, 0000  
 HAYDEN O. JACK, 0000  
 RONNY L. JACKSON, 0000  
 THOMAS J. JAGLOWSKI, 0000  
 KIMBERLY L. JAMES, 0000  
 DAVID A. JANCO, 0000  
 ALBERT S. JANIN IV, 0000  
 DONNA M. JEFCOAT, 0000  
 STEPHEN L. JENDRYSIK, 0000  
 DEBBIE R. JENKINS, 0000  
 BRIAN T. JENSEN, 0000  
 DALE A. JENSEN, 0000  
 TIMOTHY R. JETT, 0000  
 BRENT D. JOHNSON, 0000  
 JON D. JOHNSON, 0000  
 KENNETH D. JOHNSON, 0000  
 RAYMOND W. JOHNSON, 0000  
 SCOTT A. JOHNSON, 0000  
 VIVIANA V. JOHNSON, 0000  
 JEFFREY JONES, 0000  
 SHARI F. JONES, 0000  
 STACEY L. JONES, 0000  
 TIMOTHY R. JONES, 0000  
 KIMBERLY A. JORDAN, 0000  
 JAMES W. KAHR, 0000  
 SHERNAAZ B. KAPADIA, 0000  
 STEPHANIE A. KÄPFER, 0000  
 FRANK T. KATZ, 0000  
 KURTIS V. KAUFMAN, 0000  
 DOUGLAS M. KEEL, 0000  
 KRISTIN E. KEIDEL, 0000  
 RICHARD J. KEITER, 0000  
 BRENT M. KELLN, 0000  
 JULIAN T. KELLY, 0000  
 TONJIA L.H. KELSCH, 0000  
 BRYCE D. KIM, 0000  
 ANTHONY L. KINGSBERRY, 0000  
 SHARON W. KINGSBERRY, 0000  
 DANIEL P. KINSTLER, 0000  
 DANIEL E. KIRKWOOD, 0000  
 REX A. KITELEY, 0000  
 KEVIN KLEIN, 0000  
 MELISSA D. KLEIN, 0000  
 JOHN A. KLIEM, 0000  
 JON R. KNAPP, 0000  
 JAY L. KNIGHT, 0000  
 BERNARD D. KNOX, 0000  
 CHRISTOPHER M. KNUDSEN, 0000  
 DAVID R. KOCH, 0000  
 CHRISTOPHER KOCHER, 0000  
 MICHELLE M. KOELLERMEIER, 0000  
 MICHAEL F. KOZMA, 0000  
 RONALD F. KRAMPS, 0000  
 JAMES C. KRASKA, 0000  
 BARBARA M. KRAUZ, 0000  
 KEVIN M. KREIDE, 0000  
 SHYAM KRISHNAN, 0000  
 SUSAN M. KRIZEK, 0000  
 STEPHEN J. KRUSZKA, 0000  
 CYNTHIA A. KUEHNER, 0000  
 HEIDI A. KULBERG, 0000  
 PAMELA L. KULICH, 0000  
 ELLEN K. KUMLER, 0000  
 CHRISTOPHER M. KURGAN, 0000  
 JAYDE E. KURLAND, 0000  
 RICHARD A. LAING, 0000  
 LINDA M. LAKE, 0000  
 KENNETH S. LANE, 0000  
 JAMES A. LAPOINTE, 0000  
 ELIZABETH D. LASSEK, 0000  
 DONOVAN R. LAWRENCE, 0000  
 STACEY L. LAYLE, 0000  
 JONNA L. LEADFORD, 0000  
 JONATHAN W. LEBARON, 0000  
 CHAD A. LEE, 0000  
 CHAD H. LEE, 0000  
 GABRIEL LEE, 0000  
 JOHN T. LEE, 0000  
 NICHOL M. LEE, 0000  
 ROBERT K. LEE, 0000  
 JORGE P. LEGUIZAMO, 0000  
 ANDREA L. LEMON, 0000  
 WILLIAM D. LEONARD, 0000  
 DAVID P. LEVAN, 0000  
 ANDREW D. LEVITZ, 0000  
 FRED W. LINDSAY, 0000  
 DWAYNE LINDSEY, 0000  
 RANDEL E. LIVINGOOD, 0000  
 STEVEN L. LOBERG, 0000  
 KELLY J. LOOMIS, 0000  
 CHRISTOPHER C. LUCAS, 0000  
 BRUCE B. LUDWIG JR., 0000  
 MELINDA L. LUKEHART, 0000  
 KYLE P. LUKSOVSKY, 0000  
 CHRISTOPHER V. LUTMAN, 0000  
 JAMES R. MACARANAS, 0000  
 WAYNE A. MACRAE, 0000  
 KEVIN A. MAGIER, 0000  
 KIMBERLY L. MAINO, 0000  
 THOMAS J. MAINO, 0000  
 CHRISTINE W. MANKOWSKI, 0000  
 GRETA C. MANNING, 0000  
 KENDRA A.T. MANTING, 0000  
 JESSICA L. MANSFIELD, 0000  
 JOHN R. MANSUETI, 0000  
 MARK G. MARINO, 0000  
 BRIAN W. MARSHALL, 0000  
 KIMBERLEY A. MARSHALL, 0000  
 ROBERT MARTINAZZI II, 0000  
 LORE J. MARTINELLI, 0000  
 JEFFERY J. MASON, 0000  
 JOHN M. MATHIAS, 0000  
 STEVEN A. MATIS, 0000  
 MICHAEL J. MATTEUCCI, 0000  
 ANDREW M. MATTHEWS, 0000  
 KARLWIN J. MATTHEWS, 0000  
 CAREY L. MAY, 0000  
 GEORGE L. MAYO, 0000  
 AMY MCBRIDE, 0000  
 SCOTT T. MCCAIN, 0000  
 BILLY J. MCCARTHY, 0000  
 WHITNEY P. MCCLELLY, 0000  
 COLLEEN L. MCCORQUODALE, 0000  
 WILLIAM P. MCCULLOUGH, 0000  
 CAREN L. MCCURDY, 0000  
 KIMBERLY W. MCDONALD, 0000  
 EDWARD S. MCGINLEY, 0000  
 CHRISTOPHER MCGINN, 0000  
 JANET L. MCGLOIN, 0000  
 MEGGAN C. MCGRAW, 0000  
 FREDERICK A. MCGUFFIN, 0000  
 GARY A. MCINTOSH, 0000  
 STEPHEN E. MCINTYRE, 0000  
 PATRICK J. MCINTYRE, 0000  
 MARTIN W. MCMICHAEL, 0000  
 HUGH K. MCSWALD, 0000  
 JOSEPH P. MCVICKER, 0000  
 MAURICE F. MEAGHER, 0000  
 MICHAEL J. MEIER, 0000  
 CARMELO MELENDEZ, 0000  
 GABRIEL MENSAL, 0000  
 KYLE A. MENZEL, 0000  
 DAVID G. MERRITT, 0000  
 NICHOLAS L. MERRY, 0000  
 LAURA M. MEYER, 0000  
 DANIEL L. MEYERS, 0000  
 PHILIP A. MICELI, 0000  
 COLETTE A. MICHALETZ, 0000  
 GEORGE W. MIDDLETON, 0000

JULIE D. MILBURN, 0000  
 ANGELA S. MILLER, 0000  
 BRUCE M. MILLER, 0000  
 JULIE K. MILLER, 0000  
 MARK W. MILLER, 0000  
 STEVEN R. MILLER, 0000  
 SUE MILLER, 0000  
 LEONARD A. MILLIGAN, 0000  
 TIMOTHY L. MILLNER, 0000  
 MICHELE M. MINGRONE, 0000  
 THOMAS J. MITORAJ, 0000  
 VALERIE A. MOLINA, 0000  
 JOSEPH D. MOLINARO, 0000  
 THOMAS J. MOREAU, 0000  
 LISA M. MORRIS, 0000  
 JILLIAN L. MORRISON, 0000  
 PAMELA L. MORRISON, 0000  
 DEBRA A. MORTLAND, 0000  
 DARREN C. MORTON, 0000  
 STEPHANIE J. MOSER, 0000  
 GEORGE T. MOSES, 0000  
 DAVID A. MOSMAN, 0000  
 MARY E.B. MOSS, 0000  
 TIMOTHY F. MOTT, 0000  
 TERRY E. MOWATT, 0000  
 WILLIAM J. MUHM, 0000  
 SANJOYDEB MUKHERJEE, 0000  
 FRANCIS S. MULCAHY, 0000  
 SHELTON MURPHY, 0000  
 PHILIP A. MURPHYSWEET, 0000  
 ANN L. MURRAY, 0000  
 JASON P. MYERS, 0000  
 MICHAEL T. MYERS, 0000  
 SYLVIA I. NAGY, 0000  
 DONALD D. NAISER JR., 0000  
 EDWARD J. NASH, 0000  
 CHERYL A. NAVARRO, 0000  
 JOSE A. NEGRO, 0000  
 BRENDA L. NELSON, 0000  
 THOMAS J. NELSON, 0000  
 TIFFANY S. NELSON, 0000  
 STEVEN R. NESS, 0000  
 JOSEPH H. NEUHEISEL, 0000  
 GREGORY G. NEZAT, 0000  
 MINDA G. NIEBLAS, 0000  
 RACHAEL J. NIKKOLA, 0000  
 ALAN F. NORDHOLM, 0000  
 JOSEPH G. O'BRIEN, 0000  
 ELOY OCHOA, 0000  
 PATRICK J. O'CONNOR, 0000  
 JEFFREY D. ODELL, 0000  
 MICHAEL P. OBSTEREICH, 0000  
 STEVEN T. OLIVE, 0000  
 DAVID M. OLIVER, 0000  
 MARK D. OLSZYK, 0000  
 LYNN G. ONEILL, 0000  
 ROBERT E. O'NEIL III, 0000  
 ROBERT J. O'NEILL, 0000  
 MATTHEW M. ORME, 0000  
 MARIO J. ORSINI, 0000  
 LISA A. OSBORNE, 0000  
 LAURA E. OSTHAUS, 0000  
 SHAWN E. OSTROWSKI, 0000  
 MICHAEL J. OTT, 0000  
 RICHARD OTT, 0000  
 WENDY K. OTTE, 0000  
 TRENT L. OUTHOUSE, 0000  
 KRISTEN A. OVERSTREET, 0000  
 TIMOTHY P. PADELFORD, 0000  
 KENNETH A. PAGE, 0000  
 JACQUELINE R. PALAISA, 0000  
 CHRISTOPHER D. PARKER, 0000  
 CHRISTOPHER L. PARMAN, 0000  
 MENA N. PARRILLA, 0000  
 TIMOTHY D. PARTRIDGE, 0000  
 JAMES L. PATTERSON, III, 0000  
 PATRICK W. PAUL, 0000  
 KERRY L. PEARSON, 0000  
 EDWARD S. PEASE, 0000  
 JAMES PECOS, 0000  
 RENARD PEEPLES, 0000  
 PHILIP J. PELLIKAN, 0000  
 PIERRE A. PELLETIER, 0000  
 JAMES R. PELTIER, 0000  
 MARY E. PENN, 0000  
 ORLANDO PEREZ, 0000  
 LEONARD F. PERUSKI, 0000  
 LYNN E. PETERSON, 0000  
 GINGER K. PETERSONMITCHELL, 0000  
 SETH D. PHILLIPS, 0000  
 DAVID J. PICKEN, 0000  
 PERRY J. PICKHARDT, 0000  
 JAMES C. PIERCE, 0000  
 STEVEN D. PIGMAN, 0000  
 JONATHAN C. POFA, 0000  
 TIMOTHY J. POWER, 0000  
 WILLIAM K. PREVO, 0000  
 CURTIS PRICE, 0000  
 BERNARD R. PROUTY, 0000  
 DAVID PRUETT, 0000  
 SCOTT J. PUSATERI, 0000  
 EVELYN M. QUATTRO, 0000  
 PAUL F. RABANAL, 0000  
 GERALD F. RALA, 0000  
 CHERYL E. RAY, 0000  
 PRASHANT M. REDDY, 0000  
 AMY L. REDMER, 0000  
 STEPHEN S. REDMOND, 0000  
 DAVID P. REICIS, 0000  
 CARYL S. REINSCH, 0000  
 MARK C. RESCHKE, 0000  
 DONALD R. RHODES, 0000  
 PAUL W. RICHTER, 0000  
 NEAL P. RIDGE, 0000  
 REBECCA A. RIGNEY, 0000  
 WESLEY RIGOT, 0000  
 RONALD R. RINGO, JR., 0000

DANIEL RIPLEY, 0000  
 GORDON D. RITCHEY, 0000  
 TIMOTHY A. ROBERTS, 0000  
 MARGARET A. ROBERTSON, 0000  
 TED E. ROBERTSON, 0000  
 TIMOTHY J. ROGERS, 0000  
 CHARLES E. ROLLINSON, 0000  
 SHAY D. ROSECRANS, 0000  
 DOUGLAS J. ROWLES, 0000  
 RICHARD C. RUCK, 0000  
 JOEL T. RUFF, 0000  
 ALBERTO A. RULLAN, 0000  
 BRIAN E. RUSAK, 0000  
 DONALD H. RUTH II, 0000  
 KIMBERLY J. SALENE, 0000  
 EDILBERTO M. SALENGA, 0000  
 EDWARD J. SALOPEK, 0000  
 RICHARD SAMS, 0000  
 TODD C. SANDER, 0000  
 COLLEEN L. SANDIE, 0000  
 ERIC S. SAWYERS, 0000  
 COLETTE K. SCHEURER, 0000  
 JEFFREY A. SCHMIDT, 0000  
 LAWRENCE E. SCHMITZ, 0000  
 ERIC J. SCHOCH, 0000  
 SCOTT O. SCHULZ, 0000  
 CHRISTOPHER D. SCIBELLI, 0000  
 RICHARD N. SCINICO, 0000  
 CALVIN D. SCOTT, 0000  
 HUGH B. SCOTT, 0000  
 WILLIAM W. SCOTT JR., 0000  
 WILLIAM T. SCOUTEN, 0000  
 MERYL A. SEVERSON, III, 0000  
 MARY S. SEYMOUR, 0000  
 PAUL J. SHAUGHNESSY, 0000  
 ALAN G. SHELHAMER, 0000  
 DELARUE S. SHELTON, 0000  
 DAVID A. SHEPPARD, 0000  
 RYAN J. SHERER, 0000  
 ERIC S. SHERMAN, 0000  
 JOHN M. SHIMOTSU, 0000  
 DARCY M. SHIRLEY, 0000  
 GINA M. SIEGWORTH, 0000  
 ADRIENNE J. SIMMONS, 0000  
 CANDY M. SIMMONS, 0000  
 VICKI L. SIMMONS, 0000  
 GARRY H. SIMONS, 0000  
 DAVID D. SIMPKINS, 0000  
 EDWARD E. SIMPSON, 0000  
 DERIC J. SIMS, 0000  
 BILLY W. SLOAN, 0000  
 SHELTON K. SLOAN, 0000  
 BLAIR M. SMITH, 0000  
 BLADFORD L. SMITH, 0000  
 DAVID E. SMITH, 0000  
 SCOTT C. SMITH, 0000  
 BRIAN A. SMOLEY, 0000  
 FAWN R. SNOW, 0000  
 SUNG W. SONG, 0000  
 WILLIAM R. SORENSEN, II, 0000  
 CATHERINE E. SOUTH, 0000  
 MATTHEW W. SOUTHWICK, 0000  
 JEFFREY L. SPERRING, 0000  
 GREGORY R. SPURLING, 0000  
 BRETT T. STADLER, 0000  
 SARAH S. STADLER, 0000  
 MARK A. STAUDACHER, 0000  
 JULIE B. STEELE, 0000  
 ALEXANDER E. STEWART, 0000  
 CHRISTOPHER M. STILLIE, 0000  
 ALEX D. STITES, 0000  
 GEORGE A. STOBBER, 0000  
 CHARLES B. STONE, 0000  
 JEFFREY A. STONE, 0000  
 TIMOTHY D. STONE, 0000  
 WANDA J. STONE, 0000  
 JAMES A. STUDEBAKER, 0000  
 ROBERT A. STUDEBAKER, 0000  
 ERIC S. STUMP, 0000  
 PATRICIA M. STURM, 0000  
 CALVIN B. SUFFRIDGE, 0000  
 STACEY A. SULLIVAN, 0000  
 GARRY M. SUMMER, JR., 0000  
 ALVIN L. SWAIN, JR., 0000  
 DEBORAH M. SWEETMAN, 0000  
 CHARLES D. SWIFT, 0000  
 DANIEL E. SZUMLAS, 0000  
 JANOS TALLER, 0000  
 JOHN E. TALLMAN, 0000  
 EDWARD L. TALLNER, 0000  
 AARON M. TAYLOR, 0000  
 EDWIN E. TAYLOR, 0000  
 KIM M. TAYLOR, 0000  
 RUBY M. TENNYSON, 0000  
 SANDOR R. TERNER, 0000  
 DEBORAH M. TERRIS, 0000  
 MESFIN TESFAYE, 0000  
 JEFFREY M. TESSIER, 0000  
 JOHN B. THERIAULT, 0000  
 JOHN THOMAS, 0000  
 SCOTT F. THOMPSON, 0000  
 SHAWN L. THOMPSON, 0000  
 STEVEN H. THOMPSON, 0000  
 SUSAN M. THUL, 0000  
 WILLIAM T. TIMBERLAKE, 0000  
 SUZANNE J. TIMMER, 0000  
 VU H. TINH, 0000  
 GLEN L. TODD, 0000  
 LUTHER K. TOWNSEND, JR., 0000  
 GINA F. TROTTER, 0000  
 SCOTT L. TRULOVIC, 0000  
 WILLIAM P. TURNER, 0000  
 SUSAN R. TUSSEY, 0000  
 EUGENE G. TUTKO, 0000  
 SUSAN E. ULLOA, 0000  
 PHILIP S. VALENT, 0000  
 STEVEN J. VANDENBOOGARD, 0000

DEAN A. VANDERLEY, 0000  
 ALAN J. VANDERWEELE, JR., 0000  
 DARREL G. VAUGHN, 0000  
 FRANCISCO X. VERAY, 0000  
 JAMES F. VERREES, 0000  
 THOMAS J. VERRY, 0000  
 JAMES C. VESTEVICH, 0000  
 JOSEPH VICE, 0000  
 ANNETTE M. VONTHUN, 0000  
 AMY E. WAGAR, 0000  
 ROGER F. WAKEMAN, 0000  
 RUSSELL L. WALES, JR., 0000  
 JEFFREY B. WALKER, 0000  
 SCOTTY W. WALTERMIRE, 0000  
 MICHAEL D. WALTZ, 0000  
 JAMES T. WARMOWSKI, 0000  
 DONALD O. WATSON, 0000  
 THOMAS B. WEBBER, 0000  
 CARL G. WEBBER, 0000  
 DWIGHT WEBSTER, 0000  
 LLOYD D. WEDDINGTON, 0000  
 JEFFREY S. WEISS, 0000  
 BRIAN P. WELLS, 0000  
 THOMAS J. WELSH, 0000  
 KURT J. WENDELKEN, 0000  
 SAM J. WESTOCK, 0000  
 CHRISTOPHER WHERTHEY, 0000  
 JOHN J. WHITCOMB, 0000  
 MARY P. WHITE, 0000  
 RICHARD D. WHITE, 0000  
 YOLANDA M. WHITFIELD, 0000  
 CLAYTON B. WHITING, 0000  
 KENNETH J. WHITWELL, 0000  
 BRUCE E. WIETHARN, 0000  
 STANLEY L. WIGGINS, 0000  
 JONATHAN P. WILCOX, 0000  
 JULIE M. WILCOX, 0000  
 STANLEY W. WILES, 0000  
 BARNEY S. WILLIAMS, 0000  
 DAN A. WILLIAMS, 0000  
 FRANCIS T. WILLIAMS, 0000  
 MARTY T. WILLIAMS, 0000  
 NECIA L. WILLIAMS, 0000  
 ROBERT L. WILLIAMS, JR., 0000  
 YVONNE R. WILLIAMS, 0000  
 CHARLES S. WILLMORE, 0000  
 ROLAND C. WILLOCK, 0000  
 ALAN K. WILMOT, 0000  
 RAYMOND P. WILSON, 0000  
 NOEL WISCOVITCH, 0000  
 MICHAEL D. WITTENBERGER, 0000  
 ALBERT Y. WONG, 0000  
 JASON D. WONG, 0000  
 ERNEST W. WORMAN, III, 0000  
 GEOFFREY A. WRIGHT, 0000  
 KENNETH J. WYDAJEWSKI, 0000  
 JOHN WYLAND, 0000  
 THOMAS D. YANCOCKIE, 0000  
 CATHERINE M. YATES, 0000  
 MICHAEL R. YOCHESON, 0000  
 HENRY X. YOUNG, 0000  
 MARIA A. YOUNG, 0000  
 SCOT A. YOUNGBLOOD, 0000  
 YOUNG H. YU, 0000  
 BARBARA H. ZELIFF, 0000  
 BRACKEN M. A. ZEPEDA, 0000  
 ANTHONY E. ZERANGUE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

WILLIAM S. ABRAMS II, 0000  
 JOHN C. ABSETZ, 0000  
 SINTHI H. ACEY, 0000  
 LYNN ACHESON, 0000  
 ROBERT A. ADAMCIK, 0000  
 DARRYL C. ADAMS, 0000  
 DAVID A. ADAMS, 0000  
 GLENN C. AJERO, 0000  
 JOSEPH M. ALDRIDGE, 0000  
 ANTHONY J. ALLEMAN II, 0000  
 ERIC N. ALLEN, 0000  
 GEORGE ALLMON, 0000  
 CHRISTOPHER D. AMADEN, 0000  
 MICHAEL R. AMIS, 0000  
 ONOFRO A. ANASTASIO, 0000  
 ALFRED A. ANDERSON, 0000  
 CLIFFORD A. ANDERSON, 0000  
 ERIC J. ANDERSON, 0000  
 JEFFREY T. ANDERSON, 0000  
 JONATHAN D. ANDERSON, 0000  
 RANDALL E. ANDERSON, 0000  
 THOMAS J. ANDERSON, 0000  
 WILLIAM S. ANDERSON, 0000  
 KARL A. ANDINA, 0000  
 DARRIN E. ANDING, 0000  
 MICHAEL J. ANGELOPOULOS, 0000  
 TODD E. ANGERHOFER, 0000  
 GEORGE A. APOLLONIO, 0000  
 DAVID J. APPEZZATO, 0000  
 RICARDO ARIAS, 0000  
 ROBERT M. ARIAS, 0000  
 SCOTT M. ARMANDO, 0000  
 ALAN D. ARMSTRONG, 0000  
 ERIN F. ARMSTRONG, 0000  
 KEVIN F. ARNETT, 0000  
 ROBERT ARNETT, 0000  
 JESS W. ARRINGTON, 0000  
 STEPHEN E. ARZOLA, 0000  
 CLINTON P. ASHBY, 0000  
 MARK G. ASTRELLA, 0000  
 JOHN A. ATELA, 0000  
 RICHARD B. AUGENSTEIN, 0000  
 STEVEN J. AVERETT, 0000  
 JAMES B. BACA, 0000



PAUL E. BACHMANN, 0000  
 TODD A. BAHLAU, 0000  
 PAUL J. BAHRIS, 0000  
 SEAN R. BAILEY, 0000  
 EDWARD P. BALATON, 0000  
 DOUGLAS E. BALDWIN, 0000  
 STERLING D. BALDWIN, 0000  
 MATTHEW H. BANKS, 0000  
 CARROLL W. BANNISTER, 0000  
 STEPHEN E. BANTA, 0000  
 HARRY C. BARBER, 0000  
 MICHAEL J. BARETELA, 0000  
 CHRISTOPHER C. BARNETT, 0000  
 ROBERT S. BARON, 0000  
 BRADY J. BARTOSH, 0000  
 RUTH A. BATES, 0000  
 DAVID L. BAUDOIN, 0000  
 ROBERT A. BAUGHMAN, 0000  
 JUDITH M. BAUMGARTNER, 0000  
 CHRISTOPHER J. BAUMSTARK, 0000  
 CHARLES E. BAXTER III, 0000  
 MICHAEL W. BAZE, 0000  
 CLIFFORD W. BEAN III, 0000  
 WILLIAM E. BEARD, JR., 0000  
 CAROLYN M. BEATTY, 0000  
 DUANE A. BEAUDOIN, 0000  
 JAMES S. BEAUDRY, 0000  
 DOUGLAS J. BEAVER, 0000  
 RAUL BECERRA, 0000  
 PAUL A. BECKLEY, 0000  
 ROY G. BEJSOVEC, 0000  
 JOHN T. BELL, 0000  
 CHARLES T. BENFIELD, 0000  
 CRAIG M. BENNETT, 0000  
 RANDAL D. BENNETT, 0000  
 ROBERT C. BENNETT, 0000  
 HEIDI K. BERG, 0000  
 DAVID A. BERMINGHAM, 0000  
 PETER M. BERNSTEIN, 0000  
 ERIC R. BERTSON, 0000  
 NICHOLAS C. BERRA, 0000  
 CHARLES S. BEST, 0000  
 ERIC P. BETHKE, 0000  
 SCOTT A. BEWLEY, 0000  
 MICHAEL K. BICE, 0000  
 STEVEN A. BIENKOWSKI, 0000  
 KELLY W. BIGGS, 0000  
 RANDALL J. BIGGS, 0000  
 JERRY W. BILLINGS, 0000  
 WILLIAM E. BINDEL, 0000  
 THOMAS B. BINNER, 0000  
 TERRY D. BISARD, 0000  
 RONALD M. BISHOP, JR., 0000  
 BRADFORD P. BITTLE, JR., 0000  
 BRUCE J. BLACK, 0000  
 DANIEL S. BLACKBURN, 0000  
 WILLIAM L. BLACKER, 0000  
 CARLA C. BLAIR, 0000  
 MARY D. BLANKENSHIP, 0000  
 STEPHEN R. BLASCH, 0000  
 KEVIN F. BLENKHORN, 0000  
 MICHAEL H. BLUM, 0000  
 DANIEL L. BLUMENSCHNEIN, 0000  
 JAMES H. BOGUE, 0000  
 STEPHEN J. BOEN, 0000  
 SAMUEL H. BOIT, 0000  
 JENNIFER A. BOLIN, 0000  
 CHRISTIAN M. BONAT, 0000  
 JOSEPH D. BOGREN, 0000  
 MATTHEW I. BORBASH, 0000  
 JEFFREY L. BOSCHERT, 0000  
 JERRY R. BOSTER, 0000  
 GARY E. BOSTRON, 0000  
 BARTON J. BOTT, 0000  
 CRAIG T. BOWDEN, 0000  
 BRIAN E. BOWLES, 0000  
 MARK E. BOYDELL, 0000  
 THOMAS A. BRADEN, 0000  
 ALAN R. BRADFORD, JR., 0000  
 CARL M. BRADLEY, 0000  
 DAVID R. BRADLEY, 0000  
 FRANK M. BRADLEY, 0000  
 HOWARD S. BRANDON, 0000  
 LISA C. BRAUN, 0000  
 BOBBY J. BRAY, JR., 0000  
 MARK D. BRAZELTON, 0000  
 MICHAEL S. BREARLEY, 0000  
 STEVEN A. BRICK, 0000  
 MICHAEL P. BRICKER, 0000  
 JODY G. BRIDGES, 0000  
 SCOTT H. BRIGHAM, 0000  
 DANIEL A. BRITTON, 0000  
 HILLARY A. BROOKS, 0000  
 ROBERT L. BROOKSHIER, 0000  
 RICHARD T. BROPHY, JR., 0000  
 DARIN J. BROWN, 0000  
 DAVID B. BROWN, 0000  
 ERIC BROWN, 0000  
 GLENN A. BROWN, JR., 0000  
 LEKEEN BROWN, 0000  
 MICHAEL J. BROWN, 0000  
 SCOTT A. BROWN, 0000  
 JOHN F. BROWNE III, 0000  
 LIAM M. BRUEN, 0000  
 CORY E. BRUMFIELD, 0000  
 CLIFFORD D. BRUNER, 0000  
 MICHAEL O. BRUNNER, 0000  
 DANIEL H. BRYAN, 0000  
 DAVID R. BUCHHOLZ, 0000  
 MARK C. BUCKMASTER, 0000  
 DANIEL K. BUCKON, 0000  
 RAYMOND R. BUETTNER, 0000  
 WILLIAM A. BULLARD III, 0000  
 WARREN R. BULLER II, 0000  
 SCOTT A. BUNNAY, 0000  
 DAVID BUONERBA, JR., 0000  
 BARBARA A. BURFEIND, 0000  
 JUDE T. BURKE, 0000  
 WILLARD C. BURNEY, 0000  
 QUENTIN W. BURNS, 0000  
 STEVIE L. BURNS, 0000  
 PAUL S. BURROWES, 0000  
 KARLIS I. BURTON, 0000  
 DANNY K. BUSCH, 0000  
 JACQUELINE R. BUTLER, 0000  
 GEORGE J. BYFORD, 0000  
 KEVIN A. BYRNE, 0000  
 CRISTAL B. CALER, 0000  
 MICHAEL D. CALLAHAN, 0000  
 RICHARD O. CALLESEN, 0000  
 DANA A. CALVIN, 0000  
 JOHN R. CAMP, 0000  
 HANNELORE CAMPBELL, 0000  
 KENNETH B. CANETE, 0000  
 PAUL A. CANNON, 0000  
 TEDDY D. CANTERBURY, 0000  
 EDWARD CARDEN, 0000  
 MICHAEL J. CARLAN, 0000  
 IVAN G. CARLSON, 0000  
 JAMES R. CARLSON II, 0000  
 HERBERT E. CARMEN, 0000  
 JOHN L. CAROZZA, 0000  
 DOUGLAS W. CARPENTER, 0000  
 ALEXANDER E. CARR, 0000  
 MAURICE H. CARR, 0000  
 MORRIS D. CARR, 0000  
 JON R. CARRIGLITTO, 0000  
 THOMAS W. CARROLL, 0000  
 DANIEL L. CARSCALLEN, 0000  
 CHRISTOPHER J. CARTER, 0000  
 JASON W. CARTER, 0000  
 JAMES P. CARTWRIGHT II, 0000  
 ARTHUR D. CASTLEBERRY, 0000  
 JEFFREY V. CAULK, 0000  
 TIMOTHY A. CAUTHER, 0000  
 PATRICK J. CAVANAGH, 0000  
 CHRISTIAN G. CENICEROS, 0000  
 ALAN J. CHACE, 0000  
 ROBERT B. CHADWICK II, 0000  
 PAUL A. CHAN, 0000  
 FRANK L. CHANDLER, 0000  
 JEFFREY L. CHANEY, 0000  
 DAVID S. CHAPMAN, 0000  
 ROBERT L. CHATHAM, 0000  
 TERYL E. CHANCEY, 0000  
 ROSS B. CHEAIRS III, 0000  
 DON E. CHERAMIE, 0000  
 SCOTT V. CHESBROUGH, 0000  
 WYATT N. CHIDESTER, 0000  
 STANFIELD L. CHIEF, 0000  
 JOHN A. CHILSON, 0000  
 JOHN A. CHRISTENSEN, 0000  
 BEVERLY R. CHILL, 0000  
 GREGORY CLAIBOURN, 0000  
 VINCENT T. CLARK, 0000  
 JAMES P. CLINTON, 0000  
 MEGAN E. CLOSE, 0000  
 TODD J. CLOUTIER, 0000  
 ROBERT E. CLIQUER, III, 0000  
 RICHARD J. COBB, 0000  
 WILLIAM E. COBB, 0000  
 PATRICK B. COCHRAN, 0000  
 WILLIAM F. CODY, 0000  
 MARK D. COFFMAN, 0000  
 JEFFREY S. COLE, 0000  
 KENNETH M. COLEMAN, 0000  
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 MICHAEL C. COLLINS, 0000  
 MARK J. COLOMBO, 0000  
 STEPHEN J. COMSTOCK, 0000  
 ROBERT A. CONAWAY, 0000  
 LORELEI A. CONRAD, 0000  
 WILLIAM T. CONWAY, 0000  
 JAMES J. V. COOGAN, 0000  
 ROBERT N. COOPER II, 0000  
 STEVEN J. COOPER, 0000  
 BERNETTE A. CORBIN, 0000  
 JAMES M. COREY, 0000  
 CHARLES W. CORRIELL, 0000  
 JERRY D. CORNETT JR., 0000  
 CHERYL J. COTTON, 0000  
 SHANNON E. COULTER, 0000  
 DEBORAH W. COURTNEY, 0000  
 WILLIAM D. COUSINS, 0000  
 ERIC W. COVINGTON, 0000  
 ANTHONY W. COX, 0000  
 AMY D. COXE, 0000  
 KEVIN L. CRABBE, 0000  
 CARL E. CRAFTRE III, 0000  
 LINDA E. CRAUGH, 0000  
 JAMES H. CRAWFORD, 0000  
 JOHN S. CRAWMER, 0000  
 ANTHONY R. CREEDE, 0000  
 BETH A. CREIGHTON, 0000  
 MICHAEL L. CRISS, 0000  
 JESSIE D. CROCKETT, 0000  
 JEFFREY R. CROININ, 0000  
 JAMES E. CROSLER, 0000  
 GORDON A. CROSS, 0000  
 JOSHUA A. CROWDER, 0000  
 ANDREW D. CROWE, 0000  
 JON D. CROWE, 0000  
 PAUL R. CROWLEY, 0000  
 FRANK CRUMP III, 0000  
 CHRISTOPHER A. CRUZ, 0000  
 DARIN C. CURTIS, 0000  
 BARNEY B. DAILEY, 0000  
 PAUL C. D'ALMAGNE, 0000  
 JOE W. DALTON, 0000  
 KENNETH W. DALTON, 0000  
 MARK J. DAMBRA, 0000  
 LESLIE A. DANIEL, 0000  
 JAMES H. DARENKAMP, 0000  
 KERSAS J. DASTUR, 0000  
 BRIAN T. DAU, 0000  
 BRIAN L. DAVIES, 0000  
 DALE L. DAVIS, 0000  
 GEORGE A. DAVIS III, 0000  
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 THOMAS J. DAVIS, 0000  
 STERLING W. DAWLEY, 0000  
 JOHN M. DAZIENS, 0000  
 JOHN J. DEBELLEIS, 0000  
 MICHAEL R. DEBENEDETTI, 0000  
 CHRISTOPHER D. DECLERCO, 0000  
 MICHAEL P. DEGANUTTI, 0000  
 JAMES G. DEGRUCCIO, 0000  
 ROSA C.N. DELA, 0000  
 ARTHUR M. DELACRUZ, 0000  
 JOHN R. DELAERE, 0000  
 ERNESTO DELARIVAHERRERA, 0000  
 GARY L. DELONG, 0000  
 JAMES R. DEMERS, 0000  
 DAVID DEMILLE, 0000  
 TRENT R. DEMOSS, 0000  
 MICHAEL R. DERESPINIS, 0000  
 FRED A. DEROSA, 0000  
 BRIAN K. DEVANY, 0000  
 ELIZABETH L. DEVANY, 0000  
 CHRISTOPHER R. DEWILDE, 0000  
 ERIC T. DEWITT, 0000  
 MARY L. DIAZ, 0000  
 BRYAN J. DIDIER, 0000  
 MARK DIETTER, 0000  
 JAMES C. DIFFELL, 0000  
 ANTHONY R. DILL, 0000  
 WILLIAM S. DILLOM, 0000  
 ROBERT G. DILLOW JR., 0000  
 JOSEPH W. DIVAR, 0000  
 BRETT A. DIXON, 0000  
 JAMES R. DIXON, 0000  
 TRACY A. DOBEL, 0000  
 JEFFREY S. DOGE, 0000  
 ORIE R. DOFFIN, 0000  
 HOPE E. DOLAN, 0000  
 LISA H. DOLAN, 0000  
 ANTHONY R. DOMINO, 0000  
 ROBIN E. DONALDSON, 0000  
 BENJAMIN B. DORMAN, 0000  
 CRAIG M. DORRANS, 0000  
 MARK W. DOVER, 0000  
 MICHAEL G. DOWLING, 0000  
 TIMOTHY A. DOWNING, 0000  
 SHANNON D. DOYLE, 0000  
 DAN B. DRAKE, 0000  
 GEORGE J. E. DRAKE JR., 0000  
 JOSEPH A. DRAKE, 0000  
 CRAIG W. DRESCHER, 0000  
 MICHAEL J. DUFEK, 0000  
 TIMOTHY W. DUFFY, 0000  
 CONRAD G. DUNGA JR., 0000  
 CURTIS R. DUNN, 0000  
 DAVID L. DUNN, 0000  
 ROBERT C. DUNN, 0000  
 ALAN R. DUNSTON, 0000  
 PHILIP E. DURBIN, 0000  
 THEODORE DUTCHER, 0000  
 MARK DWINELLS, 0000  
 KIMBERLY A. DYSON, 0000  
 JAMES T.S. EARL, 0000  
 CLEVELAND O. EASON, 0000  
 MARC C. ECKARDT, 0000  
 WILLIAM B. ECKERDT, 0000  
 REGINALD D. EDGE, 0000  
 ALLEN L. EDMISTON, 0000  
 JAMES K. EDWARDS, 0000  
 JEFFREY S. EISEL, 0000  
 CHARLES H. ELLIS, 0000  
 MITZI A. ELLIS, 0000  
 WILLIAM J. ELLIS, 0000  
 JOHN L. ENFIELD, 0000  
 CHRISTOPHER M. ENGDAHL, 0000  
 SOTERO ENRIQUEZ, 0000  
 SEAN H. ENSIGN, 0000  
 DANIEL J. ENSMINGER, 0000  
 RANDAL L. ERICKSON, 0000  
 CHRISTOPHER J. ERICSON, 0000  
 MICHAEL L. ERNST, 0000  
 ERIK E. ERVIN, 0000  
 RICHARD J. ESSENMACHER, 0000  
 LANCE C. ESSWEIN, 0000  
 ANDREW C. EST, 0000  
 BETH A. EVANS, 0000  
 JOHN D. EVANS, 0000  
 SPENCER L. EVANS, 0000  
 JOHN C. EVARTS, 0000  
 HUGH P. EVERLY, 0000  
 DALE A. EYMANN, 0000  
 JOHN P. EZELLE, 0000  
 CHRISTOPHER P. FAILLA, 0000  
 RANDALL S. FAIRMAN, 0000  
 DILLARD H. FAMBRO, 0000  
 JOHN W. FANCHER, 0000  
 ROBERT B. FARMER, 0000  
 EDWARD D. FAY III, 0000  
 DANIEL J. FEE, 0000  
 MATTHEW J. FEEHAN, 0000  
 GLENN D. FELDHUHN, 0000  
 PATRICK W. FERINDEN, 0000  
 EDUARDO R. FERNANDEZ, 0000  
 DAVID FERREIRA, 0000  
 RICHARD D. FEUSTEL, 0000  
 DARRYL D. FIELDER, 0000  
 DAVID P. FIELDS, 0000  
 PAUL A. FIELDS, 0000  
 RICHARD L. FIELDS JR., 0000  
 WILLIAM E. FIERY, 0000

BRETT E. FILLMORE, 0000  
JOSEPH F. FINN, 0000  
SHAREE E. FISH, 0000  
KENNETH O. FISHER, 0000  
MICHAEL A. FISHER, 0000  
MICHAEL D. FISHER, 0000  
DOUGLAS J. FITZGERALD, 0000  
ERIC L. FITZPATRICK, 0000  
SEAN M. FITZPATRICK, 0000  
SHAWN D. FITZPATRICK, 0000  
TIMOTHY F. FITZPATRICK, 0000  
WILLIAM J. FLAGGE, 0000  
PETER G. FLECK, 0000  
QUINCY A. FLEMING, 0000  
DOMINIC A. FLIS, 0000  
ROGER D. FLODIN II, 0000  
REUBEN M. FLOYD, 0000  
JOHN M. FLYNN III, 0000  
DAVID R. FOSTER, 0000  
JOHN B. FOY, 0000  
TIMOTHY M. FRANCIS, 0000  
COREY B. FRANKLIN, 0000  
ERIK L. FRANZEN, 0000  
WILLIAM G. FREDERICK, 0000  
JOHN P. FREDERIKSEN, 0000  
WILLIAM G. FREEHAFER, 0000  
JOHN D. FREEMAN, 0000  
THOMAS L. FRERICH, 0000  
WILLIAM H. FREY III, 0000  
DAVID R. FRITZ, 0000  
DANIEL L. FROST, 0000  
MATHEW R. FROST, 0000  
JEFFREY W. FUJISAKA, 0000  
JOSEPH R. GADWILL, 0000  
MICHAEL B. GAGE, 0000  
JOHN B. GAILEY, 0000  
GIL D. GAJARDO JR., 0000  
BRIAN P. GALLAGHER, 0000  
WILLIAM M. GALLAGHER, 0000  
JULIANE J. GALLINA, 0000  
JAMES T. GANLEY, 0000  
RAUL O. GANDARA, 0000  
GREGORY A. GARCIA, 0000  
JOANA C. GARCIA, 0000  
JAMES R. GARNER, 0000  
WILLIAM A. GARREN, 0000  
JANET S. GARRINGTON, 0000  
ROBERT M. GAUCHER, 0000  
STEPHEN L. GAZZ, 0000  
JOSEPH A. GENTILE, 0000  
TEDMAN E. GETSCHMAN, 0000  
BRIDGET A. GIES, 0000  
ANTHONY L. GILBERT, 0000  
TIMOTHY L. GILBRETH, 0000  
JERRY A. GILLEY, 0000  
BERT A. GILLMAN, 0000  
DENNIS G. GILMAN, 0000  
CHARLES A. GILMORE, 0000  
DAVID A. GLEESON, 0000  
ROBERT O. GLENN III, 0000  
THOMAS O. GLENN JR., 0000  
JANET F. GLOVER, 0000  
MARK V. GLOVER, 0000  
STEVEEN A. GLOVER, 0000  
EMIL A. GOCONG, 0000  
STEFANNIE L. GODFREY, 0000  
JAMES O. GODWIN, 0000  
GREGORY W. GOMBERT, 0000  
DAVID GOMEZ, 0000  
JOHN P. GOMINIAC, 0000  
MORRIS G. GONZALES, 0000  
JEFFREY D. GORDON, 0000  
MARIE T. GORDON, 0000  
TIMOTHY GOURDINE, 0000  
MICHAEL C. GRABAN, 0000  
DEREK B. GRANGER, 0000  
RONALD C. GRANT, 0000  
DARLENE K. GRASDOCK, 0000  
TIFFANY M. GRAVEDEPERALTA, 0000  
JOHN R. GRAY, 0000  
DALE F. GREEN, 0000  
MICHAEL K. GREENE, 0000  
ROBERT L. GRESON, 0000  
ANTHONY J. GREGG, 0000  
CHARLES D. GRIFFIN III, 0000  
ALLEN M. GRIFFITH, 0000  
GREGORY L. GRIFFITT, 0000  
BONNIE R. GRIGGS, 0000  
MICHAEL J. GRIMM, 0000  
BRUCE W. GRISSOM, 0000  
SUSAN E. GROENING, 0000  
SCOTT E. GROESCHNER, 0000  
BRIAN A. GROFF, 0000  
WILLIAM R. GROTEWOLD, 0000  
LINDLEY W. GRUBBS, 0000  
PATRICK W. GRZELAK, 0000  
MARKUS J. GUDMUNDSSON, 0000  
JEFFREY D. GUERRERO, 0000  
DARRIN S. GUILLORY, 0000  
MARK A. GUILLORY JR., 0000  
DAVID K. GULUZIAN, 0000  
SCOTT C. GUSTAFSON, 0000  
JASON R. HAHN, 0000  
GILBERT L. HAGEMAN, 0000  
RICHARD S. HAGER, 0000  
CHRISTOPHER D. HAGOOD, 0000  
DANIEL A. HAIGHT JR., 0000  
WILLIAM S. HALL JR., 0000  
MATTHEW N. HAMMOND, 0000  
THOMAS A. HAMRICK, 0000  
SAM R. HANCOCK JR., 0000  
PATRICK J. HANNIFIN, 0000  
CAM R. HANSEN, 0000  
SCOTT A. HANSEN, 0000  
PHILLIP W. HARDEN, 0000  
SEAN O. HARDING, 0000  
MARTIN H. HARDY, 0000  
MICHAEL J. HARMAN, 0000  
CHRISTOPHER L. HARMER, 0000  
M. K. HARPER, 0000  
NICHOLAS P. HARRIGAN, 0000  
THOMAS V. HARRILL, 0000  
DENNIS R. HARRINGTON, 0000  
KEITH G. HARRIS, 0000  
ROBERT B. HARRIS, 0000  
SAMUEL W. HARRIS, 0000  
STEVEN M. HARRISON, 0000  
TIMOTHY L. HARRISON, 0000  
ANTON J. HARTMAN, 0000  
FREDERICK B. HARTZELL, 0000  
JAMES D. HARVEY, 0000  
LAURA R. HATCHER, 0000  
RICHARD W. HAUPT, 0000  
DAVID J. HAUTH, 0000  
ANITA M. HAWKINS, 0000  
JAMES D. HAWKINS, 0000  
NATHAN J. HAWKINS, 0000  
RICHARD F. HAYES, 0000  
DEMETRIUS J. HAYNIE, 0000  
EDWARD G. HAZLETT, 0000  
RAYMOND D. HEAD, 0000  
CHRISTOPHER H. HEANEY, 0000  
RODNEY HEARNS, 0000  
DAVID A. HEATHORN, 0000  
LEE A. HEATON, 0000  
MATTHEW D. HECK, 0000  
DOUGLAS H. HEDRICK, 0000  
JEFFREY G. HEIGES, 0000  
SCOTT A. HELBERG, 0000  
ROBERT E. HELMS JR., 0000  
SCOTT W. HEMELSTRAND, 0000  
RICHARD B. HENCKE, 0000  
THOMAS M. HENDERSCHIEDT, 0000  
GEOFFREY M. HENDRICK, 0000  
KEITH M. HENRY, 0000  
GEOFFREY G. HERB, 0000  
SEAN R. HERITAGE, 0000  
GERALD D. HERMAN, 0000  
DANIEL J. HERNANDEZ, 0000  
DIEGO HERNANDEZ, 0000  
WILLIS E. HERWEYER, 0000  
RAYMOND J. HESSER, 0000  
RANDY F. HETH, 0000  
CHRIS A. HIGGINBOTHAM, 0000  
KYLE H. HIGGINS, 0000  
CHARLES A. HILL, 0000  
MATTHEW T. HILL, 0000  
MICHELLE R. HILLMAYER, 0000  
THOMAS G. HIMSTREET, 0000  
KEVIN S. HINTON, 0000  
WILLIAM H. HOBBS, 0000  
TERENCE A. HOEFT, 0000  
STEPHEN L. HOFFMAN, 0000  
EDWARD F. HOGAN, 0000  
MONA E. HOGAN, 0000  
PAUL H. HOGUE JR., 0000  
WALTER A. HOKETT, 0000  
MICHAEL J. HOLDER, 0000  
TIMOTHY M. HOLLIDAY, 0000  
THOMAS P. HOLLINGSHEAD, 0000  
CREIGHTON D. HOLT, 0000  
NICHOLAS M. HOMAN, 0000  
WILLIAM K. HOMMERBOCKER, 0000  
MARC A. HONE, 0000  
GARY HOYMAN, 0000  
ERIC R. HORNING, 0000  
DANNIE J. HOSSETTER, 0000  
BRIAN A. HOUSER, 0000  
JAMES R. HOUSTON, 0000  
BRETT E. HOWE, 0000  
DOUGLAS P. HOWELL, 0000  
HEATH M. HOWELL, 0000  
MICHAEL W. HOWELL, 0000  
SCOTT B. HOWELL, 0000  
JEFFREY T. HUBERT, 0000  
HUGH J. HUCK III, 0000  
MICHAEL P. HUCK, 0000  
STEPHEN R. HUDGINS, 0000  
JAMES W. HUDSON, 0000  
STEVEN T. HUDSON, 0000  
CHARLES K. HUENEFELD, 0000  
STEPHEN C. HUGGS, 0000  
TIMOTHY A. HUGHES, 0000  
JEFFREY D. HUTCHINSON, 0000  
JOE W. HYDE, 0000  
VICTOR D. HYDER, 0000  
JEFFREY P. HYINK, 0000  
ROLANDO C. IMPERIAL, 0000  
RANDALL W. INGELS, 0000  
DANIEL E. IRMAN, 0000  
STACY K. IRWIN, 0000  
HARUNA R. ISA, 0000  
STEVEN T. IVORY, 0000  
RUSSELL J. JACK, 0000  
BURCHARD C. JACKSON, 0000  
JANET L. JACKSON, 0000  
MARION W. D. JACOBS, 0000  
CHRISTOPHER J. JACOBSEN, 0000  
KRISTIN E. JACOBSEN, 0000  
ROBERT C. JAGUSCH, 0000  
GLENN R. JAMISON, 0000  
JOSEPH H. JAMISON JR., 0000  
CHRIS D. JANKE, 0000  
JEFFREY T. JATCZAK, 0000  
THOMAS E. JEAN, 0000  
DANNY J. JENSEN, 0000  
PAUL C. JENSEN, 0000  
AARON L. JOHNSON, 0000  
ALFRED D. JOHNSON, 0000  
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JOEY J. JOHNSON, 0000  
RONI S. JOHNSON, 0000  
SCOTT E. JOHNSON, 0000  
SLATE L. JOHNSON, 0000  
TED C. JOHNSON, 0000  
THOMAS E. JOHNSON, 0000  
TROY M. JOHNSON, 0000  
JAMES M. JOLLY, 0000  
CHARLES D. JONES, 0000  
CRAIG A. JONES, 0000  
HAROLD W. JONES JR., 0000  
JUSTIN A. JONES, 0000  
STEPHEN P. JONES, 0000  
WILLIAM JONES, 0000  
KARL J. JORDAN, 0000  
JASON T. JORGENSEN, 0000  
CHAD M. JUNGBLUTH, 0000  
ROBERT E. KALIN JR., 0000  
TIMOTHY E. KALLEY, 0000  
JAMES K. KALOWSKY, 0000  
KEITH W. KANE, 0000  
JOHN J. KAPP III, 0000  
ANTHONY S. KAPUSCHANSKY, 0000  
THOMAS C. KARNY, 0000  
MICHAEL I. KATAHARA, 0000  
DANIEL C. KAUFFMAN, 0000  
TIMOTHY R. KAUNIKE, 0000  
STEPHEN M. KAY, 0000  
PATRICK E. KEATING, 0000  
HALSEY D. KEATS, 0000  
SEAN P. KELLEY, 0000  
BRIAN G. KELLY, 0000  
DAVID J. KELLY, 0000  
JOHN L. KELSEY, 0000  
CHRISTOPHER K. KENEFFICK, 0000  
VINCENT J. KENNEDY, 0000  
BRENNAN C. KESSNER, 0000  
WILLIAM A. KETCHAM, 0000  
JEFFREY J. KIM, 0000  
JOHANN S. KIM, 0000  
PETER J. KIMBALL, 0000  
PATRICK J. KIMMEL, 0000  
WILLIAM K. KIMMEL II, 0000  
DAVID D. KINDLEY, 0000  
BOBBY A. KING, 0000  
JOHN S. KING III, 0000  
ROBERT T. KING, 0000  
TERRY L. KING, 0000  
ANDREW M. KIRKLAND, 0000  
SHERRY L. KIRSCH, 0000  
BRIAN R. KLEVEN, 0000  
GARY M. KLUTTZ, 0000  
SCOTT L. KNAPP, 0000  
MARK J. KNOLLMUELLER, 0000  
BRYANT W. KOX, 0000  
ANTHONY S. KOLLMANSBERGER, 0000  
PAUL A. KOPPLIN, 0000  
DAVID E. KOSS, 0000  
TIMOTHY J. KOTT, 0000  
ANDREW I. KRASNY, 0000  
ANA I. KREIENSIRCK, 0000  
FRANK E. KREVETSKI JR., 0000  
MICHAEL P. KRIEGER, 0000  
ROBERT A. KRIVACS, 0000  
GLENN T. LABARGE, 0000  
PATRICK A. LACORE, 0000  
DOUGLAS R. LAMB, 0000  
VIRGINIA T. LAMB, 0000  
FREDERICK W. LANDAU, 0000  
DANIEL R. LANE, 0000  
MATTHEW R. LANE, 0000  
JAMES P. LANGHAM, 0000  
DANIEL J. LANGLAIS, 0000  
SHIRLEYANN D. S. LAROCHE, 0000  
PAUL A. LARSON, 0000  
TIMOTHY J. LARSON, 0000  
DAVID A. LATOSKY, 0000  
JAMES M. LATSKO, 0000  
PAUL A. LAUBE, 0000  
DAVID P. LAUDERBAUGH, 0000  
JAMES R. LAVIN, 0000  
CALVIN C. LAW, 0000  
BRIAN K. LAX, 0000  
KEVIN D. LAYE, 0000  
MATTHEW L. LEAHEY, 0000  
MARK A. LEARY, 0000  
EZRA J. LEDEBETTER, 0000  
CRAIG E. LEE, 0000  
LEMUEL D. LEE, 0000  
THOMAS B. LEE JR., 0000  
ALLAN F. LEEDY, 0000  
RUSSELL E. LEGEAR, 0000  
KRISTY D. LEGOFF, 0000  
LAWRENCE F. LEGREE, 0000  
KEITH W. LEHNHARDT, 0000  
KEVIN M. LEMIRE, 0000  
TRENTON S. LENNARD, 0000  
PAUL M. LENTIS, 0000  
BRIAN M. LEVINE, 0000  
ANTHONY J. LESPERANCE, 0000  
BRYAN J. LETHCOE, 0000  
JOHN J. LEWIN, 0000  
OLIVER T. LEWIS, 0000  
CURTIS R. LEYSHON, 0000  
SEAN R. LIEDMAN, 0000  
ANNA LIM, 0000  
DAVID M. LINCH, 0000  
WILLIAM A. LIND, 0000  
ROBERT F. LINDLEY III, 0000  
WILLIAM A. LINTZ, 0000  
DARIN M. LISTON, 0000  
DAVID P. LITTLE, 0000  
JEFFREY B. LITTLE, 0000  
JOHN A. LOBONO, 0000  
JOSEPH W. LOCKWOOD, 0000  
MICHAEL R. LOCKWOOD, 0000

JAMES C. LOGSDON, 0000  
 KENNETH R. LOKER, 0000  
 ERIC L. LONBORG, 0000  
 BRYAN S. LOPEZ, 0000  
 JASON K. LOPEZ, 0000  
 VICTOR J. LOSCHINKOHL, 0000  
 DAVID A. LOTT, 0000  
 ADRIAN R. LOZANO, 0000  
 STEVEN M. LUBBERSTEDT, 0000  
 CORD H. LUBY, 0000  
 JEFFREY N. LUCAS, 0000  
 MARXIMILLIAN J. LUCAS, 0000  
 MICHELLE E. LUCERO, 0000  
 BRIAN L. LUKE, 0000  
 JOHN J. LUND, 0000  
 MINH T. LY, 0000  
 MATTHEW V. LYDICK, 0000  
 MICHAEL P. LYNCH, 0000  
 ROBERT J. LYNCH, 0000  
 ROBERT W. LYONNAIS, 0000  
 STEPHEN A. MACAULAY, 0000  
 DAVID J. MACDONALD, 0000  
 MICHAEL F. MACDONALD, 0000  
 DEREK L. MACINNIS, 0000  
 GERALD W. MACKAMAN, 0000  
 ALEXANDER R. MACKENZIE, 0000  
 WILLIAM C. MACKIN, 0000  
 LYNN T. MACKOVICK, 0000  
 PATRICK E. MACLEAN, 0000  
 SCOTT M. MACPHERSON, 0000  
 TODD D. MADDOX, 0000  
 DOUGLAS M. MAGEDMAN, 0000  
 MAUREEN M. MAGNANSMITH, 0000  
 ROBERT E. MAGUIRE, 0000  
 BRENDA K. MALONE, 0000  
 EUGENE J. MALVEAUX JR., 0000  
 STEVEN MANCINI, 0000  
 JOHN J. MANN IV, 0000  
 ERIC F. MANNING, 0000  
 STEPHEN J. MANNING, 0000  
 CARLIUS A. MAREP, 0000  
 ALAN M. MARBLESTONE, 0000  
 STEPHEN A. MARINO, 0000  
 DAVID B. MARQUAND, 0000  
 PAUL W. MARQUIS, 0000  
 ALPHONSE MARSH JR., 0000  
 MARGARET L. MARSHALL, 0000  
 BRETT S. MARTIN, 0000  
 JEFFREY A. MARTIN, 0000  
 SHERYL A. MARTIN, 0000  
 EMILIO MARTINEZ, 0000  
 CHRISTOPHER R. MASON, 0000  
 KEVIN B. MASON, 0000  
 NIELS F. MATEO, 0000  
 JEFFREY G. MATHES, 0000  
 DENNIS R. MATHEWS, 0000  
 CHRISTOPHER J. MATUSZEK, 0000  
 KEVIN A. MAUNE, 0000  
 JOHN M. MAXWELL, 0000  
 CHRISTINA M. MA, 0000  
 TIMOTHY M. MAY, 0000  
 THOMAS B. MAYNE, 0000  
 CLYDE F. MAYS JR., 0000  
 MICHAEL C. MC AVENNY JR., 0000  
 WILLIAM S. MCCAIN, 0000  
 WESLEY R. MCCALL, 0000  
 THOMAS F. MCCANN JR., 0000  
 DARYL J. MCCLELAND, 0000  
 MICHAEL J. MCCLINTOCK, 0000  
 MICHAEL C. MCCLOSKEY, 0000  
 PAUL D. MCCLURE, 0000  
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### Chamber Action

*Routine Proceedings, pages S8353–S8438*

**Measures Introduced:** Fourteen bills and three resolutions were introduced, as follows: S. 3026–3039, and S. Res. 353–355. **Pages S8412–13**

#### Measures Reported:

S. 1066, to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, with an amendment in the nature of a substitute. (S. Rept. No. 106–407)

S. 1762, to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws. (S. Rept. No. 106–408)

#### Measures Passed:

**Committee Membership Appointments:** Senate agreed to S. Res. 354, providing for certain appointments to the Agriculture, Nutrition and Forestry Committee, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Small Business, and the Committee on Veterans' Affairs. **Pages S8425–26**

**PNTR (Permanent Normal Trade Relations) for China:** Senate continued consideration of H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China, taking action on the following amendments proposed thereto:

**Pages S8353–57, S8360–70, S8375–S8406**

#### Rejected:

Byrd Amendment No. 4117, to require disclosure by the People's Republic of China of certain information relating to future compliance with World Trade Organization subsidy obligations. **Page S8354**

By 29 yeas to 68 nays (Vote No. 238), Wellstone Amendment No. 4119, to require that the President

certify to Congress that the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products.

**Pages S8353–54, S8360–66**

By 32 yeas to 63 nays (Vote No. 239), Helms/Wellstone Amendment No. 4125, to require the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

**Pages S8369–70, S8375–82**

#### Pending:

Wellstone Amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

**Page S8353**

Wellstone Amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions.

**Page S8354**

Wellstone Amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

**Page S8354**

Smith (of N.H.) Amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting.

**Page S8354**

Byrd Amendment No. 4131, to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products.

**Pages S8354, S8382–84**

Thompson Amendment No. 4132, to provide for the application of certain measures to covered countries in response to the contribution to the design, production, development, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles.

**Pages S8354–57, S8366–69, S8384–96, S8399–S8406**

Hollings Amendment No. 4134, to direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10-K reports. **Pages S8396-98**

Hollings Amendment No. 4135, to authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit. **Pages S8396-98**

Hollings Amendment No. 4136, to authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit. **Pages S8396-98**

Hollings Amendment No. 4137, to condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications. **Pages S8396-98**

A unanimous-consent-time agreement was reached providing for consideration of certain amendments on Wednesday, September 13, 2000, with votes on Byrd Amendment No. 4131 and division 6 of Smith (N.H.) No. 4129 to occur at 11 a.m. **Page S8406**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaties:

Protocol Amending Investment Treaty with Panama (Treaty Doc. No. 106-46); and

Investment Treaty with Azerbaijan (Treaty Doc. No. 106-47).

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 was ordered to be printed. **Page S8426**

#### Appointments:

**Mexico-U.S. Interparliamentary Union:** The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appointed Senator Hutchison as Chair of the Senate Delegation to the Mexico-U.S. Interparliamentary Union during the 106th Congress. **Page S8426**

**Nominations Received:** Senate received the following nominations:

Joel Gerber, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office. (Reappointment)

Stephen J. Swift, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office. (Reappointment)

Steven E. Achelpohl, of Nebraska, to be United States District Judge for the District of Nebraska vice William G. Cambridge, retired.

Routine lists in the Air Force, Army, Coast Guard, Navy. **Pages S8426-38**

**Messages From the House:** **Page S8411**

**Communications:** **Pages S8411-12**

**Statements on Introduced Bills:** **Pages S8413-21**

**Additional Cosponsors:** **Pages S8421-22**

**Amendments Submitted:** **Page S8424**

**Notices of Hearings:** **Page S8425**

**Authority for Committees:** **Page S8425**

**Additional Statements:** **Pages S8410-11**

**Privileges of the Floor:** **Page S8425**

**Record Votes:** Two record votes were taken today. (Total—239) **Pages S8366, S8381**

**Adjournment:** Senate convened at 9:31 a.m., and adjourned at 8:28 p.m., until 9:30 a.m., on Wednesday, September 13, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8426.)

## Committee Meetings

(Committees not listed did not meet)

### USDA'S PROCESSING OF COMPLAINTS OF DISCRIMINATION

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded hearings to examine the Department of Agriculture's processing of civil rights complaints, and recommendations to improve the efficiency of the process, after receiving testimony from Roger C. Viadero, Inspector General, Paul W. Fiddick, Assistant Secretary for Administration, and Charles R. Rawls, General Counsel, all of the Department of Agriculture; Robert E. Robertson, Associate Director, Food and Agriculture Issues, Resources, Community, and Economic Development Division, General Accounting Office; John W. Boyd, Jr., National Black Farmers Association, Baskerville, Virginia; John Zippert, Epes, Alabama, on behalf of the Federation of Southern Cooperatives/Land Assistance Fund and the Rural Coalition/Coalicion Rural; Lawrence Lucas, USDA Coalition of Minority Employees, and Alexander Pires, Conlon, Frantz, Phelan, and Pires, both of Washington, D.C.; Harold Conner, Upper Marlboro, Maryland; and Juanita Carranza, Lambert, Montana.

### RAIL COMPETITION

*Committee on Appropriations:* Subcommittee on Transportation concluded oversight hearings on freight rail competition issues, after receiving testimony from Linda J. Morgan, Chairman, Surface Transportation Board, Department of Transportation; Bobby

Tom Crowe, Walter Industries, Inc., Birmingham, Alabama, on behalf of the American Chemistry Council; Eric Aasmundstad, North Dakota Farm Bureau, Fargo, on behalf of the American Farm Bureau Federation; and Diane C. Duff, Alliance for Rail Competition, Edward R. Hamberger, Association of American Railroads, and Frank K. Turner, American Short Line and Regional Railroad Association, all of Washington, D.C.

### FHA RESERVES

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Housing and Transportation concluded hearings on S. 2914, to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages, S. 2997, to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and to examine issues relating to the current perceived surplus in the Federal Housing Administration (FHA) Mutual Mortgage Insurance Fund and establishing a safe and adequate level of FHA reserves, after receiving testimony from Stanley J. Czerwinski, Associate Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, General Accounting Office; William Apgar, Assistant Secretary for Housing/ Federal Housing Commissioner, Department of Housing and Urban Development; John C. Weicher, Hudson Institute, Jordan Clark, United Homeowners Association, and Thomas A. Schatz, Citizens Against Government Waste, all of Washington, D.C.; Joe Flatley, Massachusetts Housing Investment Corporation, Boston; and Mariana Luz, Anti-Displacement Project, Inc., Springfield, Massachusetts.

### FIRESTONE TIRE RECALL

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings to examine issues surrounding the investigation and recall of Firestone ATX, ATX II, and Wilderness AT tires and Ford Explorer rollovers, after receiving testimony from Rodney E. Slater, Secretary, and Sue Bailey, Administrator, National Highway Traffic Safety Administration, both of the Department of Transportation; Masatoshi Ono, Tokyo, Japan, and John Lampe and Robert Wyant, both of Nashville, Tennessee, all of Bridgestone/Firestone, Inc.; Jacques A. Nasser, Ford Motor Company, Dearborn, Michigan; and Joan Claybrook, Public Citizen, and Clarence Ditlow, Center for Auto Safety, both of Washington, D.C.

### COLUMBIA RIVER HYDROPOWER

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power concluded oversight hearings on the status of the biological opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River, after receiving testimony from Derek B Stewart, Associate Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, General Accounting Office; George T. Frampton, Jr., Chairman, Council on Environmental Quality; William Stelle, Jr., Northwest Regional Administrator, National Marine Fisheries Service, Department of Commerce; Judith A. Johansen, Administrator/ Chief Executive Officer, Bonneville Power Administration, Department of Energy; Col. Eric T. Mogren, Deputy Division Engineer, Northwestern Division, U.S. Army Corps of Engineers; and David Cottingham, Special Assistant to the Director, U.S. Fish and Wildlife Service, Department of the Interior.

### DEPARTMENT OF TRANSPORTATION'S PROPOSED RULE ON ENVIRONMENTAL REVIEW

*Committee on Environment and Public Works:* Committee concluded hearings to examine Department of Transportation proposed regulations for metropolitan and statewide transportation planning rules, implementation of the National Environmental Policy Act (NEPA), and related procedures for transportation decisionmaking, protection of public parks, wildlife and waterfowl, refugees, and historic sites, focusing on the proposed NEPA regulations and how they relate to the environmental streamlining provisions of the Transportation Equity Act for the 21st Century (TEA-21), P.L. 105-178, after receiving testimony from George T. Frampton, Jr., Chairman, Council on Environmental Quality; Kenneth R. Wykle, Administrator, Federal Highway Administration, Department of Transportation; Lois J. Schiffer, Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; Carol A. Murray, New Hampshire Department of Transportation, Concord; Jim Currie, Montana Department of Transportation, Helena, on behalf of the Montana, Wyoming, Nevada, Idaho, North Dakota, South Dakota, Arizona, and Michigan Transportation Departments; Gordon D. Proctor, Ohio Department of Transportation, Columbus; and Thomas R. Warne, Utah Department of Transportation, Salt Lake City, on behalf of the American Association of State Highway and Transportation Officials.



**TREATIES**

*Committee on Foreign Relations:* Committee concluded hearings on the Treaty with Nigeria on mutual legal assistance in criminal matters (Treaty Doc. 102–26), Inter-American Convention on Mutual Legal Assistance in Criminal Matters with related optional protocol (Treaty Doc. 105–25), Treaty with Ukraine on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 106–16), Treaty with France on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 106–17), Treaty with Greece on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 106–18), Treaty With Egypt on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 106–19), Treaty with Romania on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 106–20), Treaty with Russia on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 106–22), Treaty with Cyprus on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 106–35), Treaty with South Africa on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 106–36), Extra-

dition Treaty with Paraguay (Treaty Doc. 106–4), Extradition Treaty With South Africa (Treaty Doc. 106–24), Extradition Treaty with Sri Lanka (Treaty Doc. 106–34), Extradition Treaty with Belize (Treaty Doc. 106–38), Treaty with Belize for Return of Stolen Vehicles (Treaty Doc. 105–54), Treaty with Guatemala for Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft (Treaty Doc. 105–58), Treaty with Dominican Republic for Return of Stolen or Embezzled Vehicles (Treaty Doc. 106–7), Treaty with Costa Rica on Return of Vehicles and Aircraft (Treaty Doc. 106–40), Treaty with Panama on Return of Vehicles and Aircraft (Treaty Doc. 106–44), Inter-American Convention of Serving Criminal Sentences Abroad (Treaty Doc. 104–35), and Protocol Amending the 1950 Consular Convention with Ireland (Treaty Doc. 106–43), after receiving testimony from Bruce C. Swartz, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and Samuel M. Witten, Assistant Legal Adviser for Law Enforcement and Intelligence, Department of State.

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## House of Representatives

***Chamber Action***

**Bills Introduced:** 17 public bills, H.R. 5146–5162; and 9 resolutions, H.J. Res. 107; H. Con. Res. 394–397; and H. Res. 572, 573, 575, 576, were introduced. **Pages H7501–02**

**Reports Filed:** Reports were filed today as follows.

H.R. 3595, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, amended (H. Rept. 106–836);

H.R. 4148, to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, amended (H. Rept. 106–837);

H.R. 4790, to recognize hunting heritage and provide opportunities for continued hunting on public lands, amended (H. Rept. 106–838);

H. Con. Res. 345, expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces (H. Rept. 106–839);

H.R. 4104, to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and barrier island restoration projects

for the Mississippi Sound, amended (H. Rept. 106–840);

H.R. 3661, to help ensure general aviation aircraft access to Federal land and to the airspace over that land, amended (H. Rept. 106–841 Pt. 1);

H.R. 3378, to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region, amended (H. Rept. 106–842 Pt. 1);

Conference report on H.R. 1654, to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002 (H. Rept. 106–843); and

H. Res. 574, waiving points of order against the conference report to accompany H.R. 1654, to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002 (H. Rept. 106–844).

**Pages H7404–13, H7501**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designated Representative Isakson to act as Speaker pro tempore for today.

**Page H7375**

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Sister Catherine Moran, Order of Preachers, of Newark, New Jersey. **Page H7378**

**Recess:** The House recessed at 12:59 p.m. and reconvened at 2 p.m. **Page H7378**

**Profound Sorrow on the Death of the Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia:** The House agreed to H. Res. 573, expressing the condolences of the House of Representatives on the death of the Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia. **Pages H7431–40**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**School Safety Hotlines:** H.R. 5123, to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines; **Pages H7380–84**

**Atlantic Coastal Fisheries Program:** H.R. 4840, amended, to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act; **Pages H7384–85**

**Exploration of the Seas:** H.R. 2090, amended, to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program (passed by a ye and nay vote of 390 yeas to 8 nays, Roll No. 460); **Pages H7385–88, H7440–41**

**Red River National Wildlife Refuge:** H.R. 4318, amended, to establish the Red River National Wildlife Refuge; **Pages H7388–89**

**Corinth Battlefield Preservation Act:** S. 1117, to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi and in the State of Tennessee—clearing the measure for the President; **Pages H7389–91**

**Black Patriots Memorial North of the Reflecting Pool on the Mall.** H.R. 4957, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work (passed by a ye and nay vote of 398 yeas with none voting “nay”, Roll No. 461); **Pages H7391–93, H7441–42**

**Golden Gate National Recreation Area Boundary Adjustment:** H.R. 3632, amended, to revise the boundaries of the Golden Gate National Recreation Area (passed by a ye and nay vote of 333 yeas to 68 nays, Roll No. 462); **Pages H7393–94, H7442**

**Air Force Memorial in the District of Columbia Metropolitan Area:** H.R. 4583, to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia

or its environs (passed by a ye and nay vote of 398 yeas with none voting “nay”, Roll No. 463); **Pages H7394–95, H7442–43**

**Jackson Multi-Agency Campus Act:** S. 1374, to authorize the development and maintenance of a multiagency campus project in the town of Jackson, Wyoming clearing the measure for the President (passed by a ye and nay vote of 400 yeas with none voting “nay”, Roll No. 464). Earlier, the House agreed to H. Con. Res. 394, directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374; **Pages H7396–97, H7398, H7443–44**

**Sales of Electricity by the Bonneville Power Administration:** S. 1937, to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities—clearing the measure for the President; **Pages H7398–99**

**Deschutes Resources Conservancy Reauthorization:** S. 1027, to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy—clearing the measure for the President, **Page H7399**

**San Bernardino National Forest Land Conveyance:** H.R. 3657, amended, to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California; **Pages H7399–S7401**

**Fort Peck Reservation Rural Water System Act:** S. 624, amended, to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana; **Pages H7401–03**

**Virgin Islands Organic Act Revision:** H.R. 2296, to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands; **Pages H7403–04**

**Membership in the Ysleta del Sur Pueblo Tribe:** H.R. 1460, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo Tribe; **Pages H7413–14**

**Guam War Restitution Act:** H.R. 755, amended, to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II. Agreed to amend the title; **Pages H7414–16**

**Recognizing Slave Laborers Who Worked on the Construction of the Capitol:** H. Con. Res. 368, establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol; **Pages H7444–47**

**Significant Contributions of the Birmingham Pledge:** H.J. Res. 102, recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world; **Pages H7455–57**

**Literacy Involves Families Together Act:** H.R. 3222, amended, to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects. Agreed to amend the title; **Pages H7459–70**

**Tijuana River Valley Estuary and Beach Sewage Cleanup Act:** H.R. 3378, amended, to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region; **Pages H7470–75**

**Estuary Restoration Act:** H.R. 1775, amended, to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs; **Pages H7475–80**

**Mississippi Sound Restoration Act:** H.R. 4104, amended, to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and barrier island restoration projects for the Mississippi Sound. Agreed to amend the title; and **Pages H7480–82**

**Estuary Habitat and Chesapeake Bay Restoration Act:** S. 835, amended, to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs. Subsequently, the House insisted on its amendment and asked for a conference. **Pages H7482–91**

**Suspensions—Debated:** The House completed debate on the following motions to suspend the rules. Further proceedings were postponed until Wednesday, September 13:

**Foreign Sales Corporation Repeal and Extraterritorial Income Exclusion:** H.R. 4986, amended, to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income; **Pages H7416–31**

**Scouting for all Act:** H.R. 4892, to repeal the Federal charter of the Boy Scouts of America;

**Pages H7448–55**

**Honoring the Service and Sacrifice by the United States Merchant Marine.** H. Con. Res. 327, honoring the service and sacrifice during periods of war by members of the United States merchant marine; and **Pages H7457–59**

**Strengthening United States-India Relations:** H. Res. 572, expressing the sense of the House of Representatives that it is in the interest of both the United States and the Republic of India to expand and strengthen United States-India relations, intensify bilateral cooperation in the fight against terrorism, and broaden the ongoing dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step. **Pages H7491–93**

**DOD Authorization—Motion to Instruct:** Representative Conyers announced his intention to offer a motion to instruct conferees on the Senate amendment to H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, to agree to the provisions contained in title XV of the Senate amendment. **Page H7444**

**DOD Authorization—Motion to Instruct:** Representative Graham announced his intention to offer motions to instruct conferees on the Senate amendment to H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001: First, to agree to the provisions contained in section 1068 of the Senate amendment; and second, not to agree to provisions which (1) fail to recognize that the 14th amendment to the Constitution guarantees all persons equal protection under the law; (2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and (3) preclude a person convicted of murder from being sentenced to death. **Page H7470**

**Senate Messages:** Message received from the Senate today appears on page H7375.

**Referral:** S. 2386 was referred to the Committees on Government Reform and Rules. **Page H7498**

**Quorum Calls—Votes:** Five ye and nay votes developed during the proceedings of the House today and appear on pages H7440–41, H7441–42,

H7442, H7442–43, and H7443–44. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and pursuant to the provisions of H. Res. 573, adjourned at 11:37 p.m. as a further mark of respect to the memory of the late Honorable Herbert H. Bateman, a Representative from the Commonwealth of Virginia.

## Committee Meetings

### GOVERNMENT SPONSORED ENTERPRISES

*Committee on Banking and Financial Services:* Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held a hearing on Government Sponsored Enterprises. Testimony was heard from the following officials of the Department of Housing and Urban Development: William Apgar, Assistant Secretary, Housing, and Chairman, Federal Housing Finance Board; and Armando Falcon, Director, Office of Federal Housing Enterprise Oversight; Tom McCool, Director, Financial Institutions and Market Issues, GAO; Barbara Miles, Specialist in Financial Institutions, Government and Finance Division, Congressional Research Service, Library of Congress; and public witnesses.

### FEDERAL DISABILITY BENEFITS—DRUG ADDICTS AND ALCOHOLICS

*Committee on the Budget:* Task Force on Welfare held a hearing on Federal Disability Benefits Still Being Paid to Drug Addicts and Alcoholics. Testimony was heard from the following officials of the SSA: James G. Huse, Jr., Inspector General; Steven L. Schaeffer, Assistant Inspector General, Audit; and Ken Nibali, Associate Commissioner, Disability.

### ESTABLISHING A FEDERAL CIO

*Committee on Government Reform:* Subcommittee on Government Management, Information, and Technology held a hearing entitled: “Establishing a Federal CIO: Information Technology Management and Assurance Within the Federal Government.” Testimony was heard from Sally Katzen, Deputy Director, Management, OMB; David McClure, Associate Director, Governmentwide and Defense Information Systems, GAO; Jim Flyzik, Deputy Assistant Secretary (Information Systems), Chief Information Officer, Department of the Treasury; and public witnesses.

### ANTITRUST ENFORCEMENT IMPROVEMENT ACT

*Committee on the Judiciary:* Held a hearing on H.R. 4321, Antitrust Enforcement Improvement Act of 2000. Testimony was heard from Representative Minge; and public witnesses.

### CONFERENCE REPORT—NASA AUTHORIZATION

*Committee on Rules:* Granted by voice vote a rule waiving points of order against the conference report to accompany H.R. 1654, National Aeronautics and Space Administration Authorization Act for Fiscal Years 2000, 2001 and 2002, and against its consideration. Testimony was heard from Chairman Sensenbrenner and Representative Ralph Hall of Texas.

### BEYOND SILICON-BASED COMPUTING

*Committee on Science:* Subcommittee on Basic Research held a hearing on Beyond Silicon-Based Computing: Quantum and Molecular Computing. Testimony was heard from Ruzena Bajcsy, Assistant Director, Computer, Information Science, and Engineering Directorate, NSF; and public witnesses.

### CHILE DECLASSIFICATION BRIEFING

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Chile Declassification. The Committee was briefed by departmental witnesses.

## COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 3, 2000

(Committee meetings are open unless otherwise indicated)

### House

*Committee on Agriculture,* hearing on H.R. 1275, to amend the Animal Welfare Act to prohibit the interstate movement of live birds for the purpose of having the birds participate in animal fighting, 10 a.m., 1300 Longworth.

Subcommittee on General Farm Commodities, Resource Conservation, and Credit, hearing on H.R. 4013, Upper Mississippi River Basin Conservation Act of 2000, 2 p.m., 1300 Longworth.

*Committee on Banking and Financial Services,* hearing on H.R. 4311, Identity Theft Prevention Act of 2000, and related financial fraud issues, 10 a.m., 2128 Rayburn.

*Committee on the Budget,* Task Force on Natural Resources and the Environment, hearing on Controlling Wildfires In the Future: What Strategies and Resources Are Needed? 2 p.m., 210 Cannon.

*Committee on Commerce,* Subcommittee on Finance and Hazardous Materials, hearing entitled: “Organized Crime on Wall Street,” 10 a.m., 2322 Rayburn.

Subcommittee on Health and Environment, hearing on Securing the Health of the American People: focusing on the following measures: H.R. 2399, National Commission for the New National Goal: The Advancement of Global Health Act; H.R. 4242, Orphan Drug Innovation Act; H.R. 762, Lupus Research and Care Amendments of 1999; H.R. 3677, Thomas Navarro FDA Patient Rights Act; H.R. 1795, National Institute of Biomedical Imaging and Engineering Establishment Act; and a resolution

recognizing the importance of researching childhood cancers, 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to mark up the following bills: H.R. 3011, Truth in Telephone Billing Act of 1999; and H.R. 4445, Reciprocal Compensation Adjustment Act of 2000, 3 p.m., 2123 Rayburn.

*Committee on Education and the Workforce*, Subcommittee on Postsecondary Education, Training, and Life-Long Learning, hearing on Recruitment and Retention of Quality Teachers, 10:30 a.m., 2175 Rayburn.

*Committee on Government Reform*, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on Lessons From the Laboratories of Democracy: Environmental Innovation in the States, 2:30 p.m., 2247 Rayburn.

Subcommittee on National Security, Veterans' Affairs, and International Relations, hearing on Biological Weapons Convention: Status and Implications, 10 a.m., 2154 Rayburn.

*Committee on International Relations*, Subcommittee on Africa, hearing on U.N. Referendum for Western Sahara: 9 Years and Counting, 2 p.m., 2255 Rayburn.

Subcommittee on Asia and the Pacific, to mark up the following measures: H.Con.Res. 328, expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma; and a resolution voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections, 1:30 p.m., 2172 Rayburn.

Subcommittee on International Economic Policy and Trade, hearing on Cooperate and Industrial Espionage and Their Effects on American Competitiveness, 2 p.m., 2200 Rayburn.

*Committee on the Judiciary*, to mark up the following bills: H.R. 3575, Student Athlete Protection Act; H.R. 534, Fairness and Voluntary Arbitration Act; H.R. 4548, Agricultural Opportunities Act; H.R. 5106, Copyright Technical Corrections Act of 2000; and H.R. 5107, Work Made for Hire and Copyright Corrections Act of 2000, 10:30 a.m., 2141 Rayburn.

Subcommittee on Immigration and Claims, to mark up the following: H.R. 4068, Religious Workers Act of 2000; and a private relief bill, 3 p.m., 2226 Rayburn.

*Committee on Resources*, to consider the following measures: S. 426, Huna Totem Corporation Public Interest Land Exchange Act; S. 964, Cheyenne River Sioux Tribe Equitable Compensation Act; S. 1117, Corinth Battlefield Preservation Act of 1999, H.R. 1500, America's Wilderness Protection Act; S. 1653, National Fish and Wildlife

Foundation Establishment Act Amendments of 1999; S. 1778, to provide for equal exchanges of land around the Cascade Reservoir; H.R. 2941, Las Cienegas National Conservation Area Establishment Act of 1999; H.R. 3067, Nampa and Meridian Conveyance Act; H.R. 3118, to direct the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act that authorize States to establish hunting seasons for double-crested cormorants; H.R. 3986, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; H.R. 4020, Dillonwood Giant Sequoia Grove Park Expansion Act; H.R. 4503, Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act; H.R. 4613, National Historic Lighthouse Preservation Act of 2000; H.R. 4656, to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site; H.R. 4721, to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; H.R. 4800, Ronald Reagan Recognition Act of 2000; H.R. 4828, Steens Mountain Wilderness Act of 2000; H.R. 5130, to authorize the Secretary of the Interior to provide cost sharing for the CALFED water enhancement programs in California; and a measure to provide incentives for Indian tribes to collect and pay lawfully imposed State sales taxes on goods sold on tribal lands and to provide for penalties against Indian tribes that do not collect and pay such State sales taxes, 11 a.m., 1324 Longworth.

*Committee on Rules*, hearing to receive Member testimony on proposed changes to House Rules, 10 a.m., H-313 Capitol.

*Committee on Science*, Subcommittee on Space and Technology, hearing on the State of NASA's Space Science Enterprise, 2 p.m., 2318 Rayburn.

Subcommittee on Technology, hearing on the Role of Technical Standards in Today's Society and in the Future, 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Ground Transportation, hearing on the Department of Transportation's Proposed NEPA and Planning Rules, 10 a.m., 2167 Rayburn.

Subcommittee on Oversight, Investigations, and Emergency Management, hearing on Federal Agency Shuttles, 3 p.m., 2167 Rayburn.

*Committee on Veterans' Affairs*, to mark up H.R. 5109, Department of Veterans Affairs Health Care Personnel Act of 2000, 10:30 a.m., 334 Cannon.

*Committee on Ways and Means*, to mark up H.R. 4857, Privacy and Identity Protection Act of 2000, 2 p.m., 1100 Longworth.

Subcommittee on Trade, hearing on trade in African diamonds, 9:30 a.m., 1100 Longworth.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, September 13

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of H.R. 4444, PNTR for China, with votes on Byrd Amendment No. 4131 and division 6 of Smith (N.H.) Amendment No. 4129 to occur at 11:00 a.m.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, September 13

## House Chamber

**Program for Wednesday:** Consideration of H.R. 4810, Marriage Tax Penalty Relief Reconciliation Act of 2000 (veto override);

Conference report on H.R. 4205, National Defense Authorization Act for Fiscal Year 2001; (possible motions to instruct conferees); and

Consideration of conference report on H.R. 4516, Legislative Branch Appropriations Act for Fiscal Year 2001.



## Congressional Record

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