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No. 5

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

January 31, 2000.

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

J. DENNIS HASTERT,

Speaker of the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MORNING HOUR DEBATES

The SPEAKER pro tempore (Mr. PETRI). 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 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

U.S.-CHINA TRADE AGREEMENT

Mr. STEARNS. Mr. Speaker, as we begin the next session of the 106th Congress, we are going to engage in another heated discussion regarding normal trade relations with China.

In exchange for attaining membership in the World Trade Organization,

China has made a number of commitments in regard to its trade policy. Among those commitments are improved market access, tariff reductions, elimination of nontariff quotas, open service sectors and elimination of export subsidies.

While many people are celebrating this alleged win for American businesses, I come this morning to question the actual benefit for the United States of America. China is the fourth largest supplier of U.S. imports and the thirteenth largest buyer of U.S. exports. In addition, the U.S. trade deficit with China has risen from \$6.2 billion in 1989 to \$57 billion in 1998.

Furthermore, China has a dismal record of complying with prior international agreements, and I think this is an important point. A blatant example concerns intellectual property rights.

The United States Trade Representative can specify under the 1974 Trade Act which countries are violators. They are the "Special 301 Priority Foreign Countries," sort of a designation and those countries that violate U.S. intellectual property rights are so designated. So let us look at the list when it comes to China.

In 1991, China was named a Special 301 violator for intellectual property rights. They sat down with them. They reached an agreement a year later and China said: We will agree to strengthen our intellectual property laws and improve protection for U.S. products in our country. But did they?

In 1994, the United States Trade Representative again identified China as a violator. At this time, many factories in China were pirating compact disks while China trade laws restricted U.S. market access. So an agreement was reached a year later again with China to stem this piracy and enforce the intellectual property rules.

But again in 1996, another year later, the USTR, the United States Trade

Representative, designated China as a violator again for not complying. And only when they were threatened with a \$2 billion sanction did China begin to comply.

So China has shown an ability to exploit loopholes in agreements regarding the transfer of military technology. In 1992, China agreed to abide by the rules of the Missile Technology Control Regime and then turned and sold ballistic missile components to Pakistan. Though no technical violation was made, the transfer, of course, was contrary to the spirit of the agreement. China has also aided Pakistan, Iran, and Algeria in the area of nuclear technology and equipment.

Another area of uneasiness is that China has made no attempt to conceal its aggressiveness dealing with military modernization. In addition to arms purchases, such as the Russian built SU-27 fighter, which holds near parity with our F-15 fighter, China has begun construction of two short-range missile bases which now can threaten Taiwan.

Mr. Speaker, we also need not forget the enormous damage called by China's espionage activities resulting in the theft of U.S. thermonuclear design information. The Cox report concluded that elements of this stolen information would help China in building its next generation of mobile ICBMs. In fact, the Washington Times reported on December 6 last year that China is working on a new strategic missile submarine containing smaller nuclear warheads similar to American weapons. Upon completion, China will have the ability to strike U.S. forces anywhere it chooses.

Mr. Speaker, I think the evidence is clear: this country is aggressively expanding its military complex, while at the same time blatantly disregarding international agreements and exploiting loopholes in others.

China has a history of torturing some of its religious leaders and arresting

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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peaceful opposition demonstrators. China has stolen U.S. nuclear secrets and attempted to influence the U.S. political process through what I believe to be illegal campaign contributions.

Mr. Speaker, these are just a few illustrations I've outlined in the brief 5 minutes that I have here. There is a longer list of China's predatory tactics. Do we have assurance that China will keep its words the next time. I doubt it.

I bring this to the attention of my colleagues now so that when we have the heated discussion regarding the normalization of trade relations with China they will remember.

PRESIDENTIAL CANDIDATES SHOULD SERIOUSLY ADDRESS NATIONAL DEBT

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

Mr. SMITH of Michigan. Mr. Speaker, all the Presidential Republican candidates and Democrats are campaigning today for the Nation's first elections tomorrow. I would like to talk, Mr. Speaker, about what is happening with our national debt. The public debt of the United States that technically every citizen now or our kids and our grandkids eventually are going to have to pay off.

Mr. Speaker, I hope every one of those candidates realizes that this talk about paying down the public debt is somewhat of an untruthful presentation of what is happening with the public debt of this country.

The way we do our bookkeeping here in Washington is sometimes confusing and unquestionably very complicated. But what we have right now is a public debt, as defined in law of \$5.72 trillion, \$5.72 trillion, approaching \$6 trillion.

We made some good decisions this past year to not spend any of the Social Security surplus for other government spending. Excellent start. Excellent beginning. But still, our total national debt continues to increase. Why is the total debt of this country continuing to increase as we brag, and that is Republicans, Democrats, the President, brag that we are balancing the budget and paying down the Federal debt? Here is why.

We have about 112 trust funds. The largest, of course, is the Social Security Trust Fund. But we are borrowing from all of these other trust funds also. The Civil Service Retirement Trust Fund, the Highway Trust Fund, the Airport Trust Fund, the Medicare Trust Fund. From all of these trust funds we are taking the extra money, because we have charged additional taxes more and above what is needed in any particular one year of spending. Now, we are using that money for other government spending.

I am introducing legislation that says let us lower the total debt subject

to the debt limit that Congress has to pass and the President has to sign. Let us lower that debt to where it will be at the end of this fiscal year next October 1, and then let us stick to it. Let us make sure that we have the kind of freeze that is going to take the burden off of our kids and our grandkids so that they are not going to end up having to pay for what we consider is very important spending this year.

Mr. Speaker, I am a senior member of the Committee on the Budget. This week we are holding what are called listening sessions, talking about what the Members are willing to do in terms of holding the line on spending.

I am a very strong advocate, and I will encourage at our meetings tomorrow, this week and next week, that we have spending caps for the kind of spending discipline that it allows us.

We have come a long ways. When I first came to Congress in 1993, the projected deficit, in addition to what we were borrowing from Social Security, was over \$200 billion a year. Now, at least, we have balanced the budget in terms of Social Security spending, and that is the largest amount. There will be approximately \$120 billion or \$130 billion more money coming in from Social Security taxes than we need in any one year, so somehow we should be starting to talk about how do we reduce that burden on working men and women of America; and how do we save Social Security in the long run?

It is a huge challenge. We talk about millions and billions and trillions. But, Mr. Speaker, if anybody can conceive what a trillion dollars is, let me just give what is going to be required to pay out Social Security benefits over the next 75 years over and above what we are going to collect in Social Security taxes.

Over and above what we are going to collect in Social Security taxes over the next 75 years, it is going to take \$120 trillion more money. That has got to either come from increased borrowing, increased taxes, because I suspect the way we have been going in Congress it is not going to be coming from reduced spending in other areas. There are huge challenges before us.

Mr. Speaker, I am a farmer. What we do on the farm is we try to pay off the farm so that our kids do not have to pay off that mortgage. In this country we are continuing to increase the debt to give a bigger mortgage to our kids and our grandkids. Let us turn that around. Let us have the presidential candidates start talking about the seriousness of saving Medicare and saving Social Security and paying down this huge public debt that is facing this country.

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 42 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Our hearts and hopes and prayers are with all those who face any uncertainty for the day or who must meet the predicaments that each day presents. Where there is this uncertainty, we pray, O gracious God, that You would grant faith and trust; where there are the dilemmas of decisions or the compromises that shade our views, we pray for wisdom. O God, our help in ages past and our hope for years to come, lead us all in the way of peace and understanding and grant us confidence in Your love to us and to all people. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GIBBONS 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.

MUCH WORK LIES AHEAD

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

Mr. GIBBONS. Mr. Speaker, today we face a new century in America and, as we begin the second session of the 106th Congress, much work lies ahead of us. Over the last few weeks I had the opportunity to tour my great State and meet many of the citizens of the State of Nevada, and during these meetings my constituents expressed what they expect from and need from their Federal Government.

They want a federal commitment to empower local communities to make decisions on school construction and modernization projects, not the Federal Government. They want a health care package which assures access to medically necessary treatments while not eroding the quality of our health care system. They want a real tax cut for hard working Americans that includes the elimination of the marriage penalty tax and the death tax, but

these are only a few of the concerns which we will need to address this session.

Mr. Speaker, I am confident that we will rise to the challenge and pass responsible legislation which will meet the very needs of not just Nevadans but all Americans.

So let us do as my friend Mills Lane says: let us get it on.

THE TORTURE IN SIERRA LEONE MUST STOP

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

Mr. WOLF. Mr. Speaker, today I rise to speak about what has happened in the African country of Sierra Leone. The gentleman from Ohio (Mr. HALL) and I visited Sierra Leone this past December. We were horrified at the atrocities that we saw; men and women with their arms and legs and ears cut off. Throughout Sierra Leone, rebel groups have tortured and killed and maimed thousands to gain control of the country's diamond industry, and these rebels have committed unbelievable acts that are hard to even look at.

The gentleman from Ohio (Mr. HALL) has introduced legislation to stop the trafficking of conflict diamonds that have fueled so much of the death and destruction.

H.R. 3188 will require that all diamonds bought and sold in the U.S. be identified as to their country of origin.

I believe that the bill of the gentleman from Ohio (Mr. HALL) will help end the maiming and the killing in Sierra Leone, and I urge all Members to please call the office of the gentleman from Ohio (Mr. HALL) and cosponsor this bill so we can bring an end to the maiming and cutting off of legs and arms and the killing of people.

REPORT ON STRATEGIC CONCEPT OF NATO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-81)

The SPEAKER pro tempore (Mr. PETRI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and ordered to be printed.

To the Congress of the United States:

Pursuant to the authority vested in me as President of the United States, including by section 1221(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), I hereby determine and certify that the new NATO Strategic Concept imposes no new commitment or obligation on the United States. Further, in accordance with section 1221(c) of the Act, I transmit herewith the attached unclassified report to the Congress on the potential threats facing the North Atlantic Treaty Organization.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 31, 2000.

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.

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

REAUTHORIZING PRINTING OF CERTAIN PUBLICATIONS

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the concurrent resolution (H. Con. Res. 221) entitled "Concurrent resolution authorizing printing of the brochures entitled 'How Our Laws Are Made' and 'Our American Government', the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution."

The Clerk read as follows:

Senate amendment:

Strike out all after the resolving clause and insert:

SECTION 1. OUR AMERICAN GOVERNMENT.

(a) IN GENERAL.—The 1999 revised edition of the brochure entitled "Our American Government" shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$412,873, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 1999 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$393,316, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled "How Our Laws Are Made", as revised

under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$200,722, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 20th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$115,208, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 5. CAPITOL BUILDER: THE SHORTHAND JOURNALS OF CAPTAIN MONTGOMERY C. MEIGS, 1853-1861.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853-1861", prepared under the direction of the Secretary of the Senate, in consultation with the Clerk of the House of Representatives and the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) a number of copies that does not have a total production and printing cost of more than \$31,500.

SEC. 6. THE UNITED STATES CAPITOL: A CHRONICLE OF CONSTRUCTION, DESIGN, AND POLITICS.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "The United States Capitol: A Chronicle of Construction, Design, and Politics", prepared by the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 6,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than \$143,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

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

Mr. Speaker, House Concurrent Resolution 221, as amended by the Senate, authorizes the printing of six publications, of "How Our Laws Are Made"; "Our American Government"; the U.S. Constitution, the pocket-sized version; the U.S. Constitution, a document-sized version; the "Capitol Builder," which is a shorthand journal of Captain Montgomery C. Meigs; and the publication of the "U.S. Capitol: A Chronicle of Construction, Design and Politics."

The Senate amendment to the House resolution added both "The Capitol Builder" and "The U.S. Capitol" to the printing resolution.

The total cost from the GPO, their estimate for these publications, is approximately \$1.3 million. I would ask my colleagues to join with me in approving this resolution.

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

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

Mr. Speaker, as the gentleman from Ohio (Mr. BOEHNER) has explained, the House originally proposed the printing of four documents about our government, all of which Members and their constituents find extraordinarily useful.

By its amendment, the Senate has proposed the printing of two additional documents. I believe those documents are appropriately added, and I certainly urge Members to support this resolution.

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

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Maryland (Mr. HOYER), and 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. BOEHNER) that the House suspend the rules and concur in the Senate amendment to the concurrent resolution, H. Con. Res. 221.

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

A motion to reconsider was laid on the table.

PERMITTING USE OF CAPITOL ROTUNDA FOR CEREMONY COMMEMORATING VICTIMS OF HOLOCAUST

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the

concurrent resolution (H. Con. Res. 244) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read as follows:

H. CON. RES. 244

Resolved by the House of Representatives (the Senate concurring). That the rotunda of the Capitol is authorized to be used on May 4, 2000, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

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

Mr. Speaker, this resolution authorizes the use of the Rotunda of the Capitol for the Holocaust Days of Remembrance ceremony. This ceremony will be on May 4, 2000.

The statute creating the U.S. Holocaust Memorial Council directs that the council shall provide for appropriate ways for the Nation to commemorate the Days of Remembrance as an annual, national, civic commemoration of the Holocaust, and shall encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States.

The purpose of the Days of Remembrance is to ask citizens to reflect on the Holocaust, to remember the victims, and to strengthen our sense of democracy and human rights.

The event in the Rotunda of the Capitol is the centerpiece of similar Holocaust remembrance ceremonies that take place throughout the United States.

The first Days of Remembrance ceremonies in the Rotunda occurred in 1979 and has been an annual event except during the period when the Rotunda was undergoing repairs.

The theme of this year's commemoration is, and I will quote, "The Holocaust and the New Century: The Imperative to Remember."

I urge my colleagues to support the resolution.

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

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

Mr. Speaker, I am once again pleased to cosponsor this resolution with the gentleman from California (Mr. THOMAS), the gentleman from Ohio (Mr. BOEHNER), and others.

This resolution, as the gentleman from Ohio (Mr. BOEHNER) has pointed out, provides for the annual commemoration of the Holocaust on May 4 of this year.

Mr. Speaker, there is no occasion more important for the international

community and for humanity than to remember the tragedy that occurred in the 1930s and 1940s, the massive loss of life and the reality of man's inhumanity to man. It is appropriate, I believe, that we use the Rotunda, the location of so many historic events, again to draw attention and focus on one of the greatest tragedies in human history.

It reminds us, Mr. Speaker, that such events must never again be permitted to occur and that only through our vigilance will that be ensured.

The ceremony will be a part of the annual Days of Remembrance sponsored by the United States Holocaust Memorial Council. It is intended to encourage citizens to reflect on the Holocaust, to remember its victims and to strengthen our sense of democracy and human rights.

Mr. Speaker, I would observe that it is particularly important that succeeding generations who have largely grown up in a relatively peaceful world be called upon to remember this event. We have seen all too recently events similar in character, if not in scope, as we saw in Kosovo and in Bosnia. The gentleman from Virginia (Mr. WOLF) just mentioned Africa. The Holocaust is an event, a time in history, that we ought to remember so that successor generations never repeat it.

The theme of this year's Days of Remembrance is "The Holocaust and the New Century: The Imperative to Remember."

Mr. Speaker, I rise in strong support of this resolution and urge its adoption.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman from California (Mr. THOMAS) for bringing this measure to the floor at this time.

The commemoration of the Holocaust is so important, and the fact that we do it here in the Capitol Building, in the Rotunda, is an extremely important reminder to the entire world of the importance that we place on the Holocaust.

Mr. Speaker, I am pleased to be able to support the House Concurrent Resolution, H. Con. Res. 244, authorizing the use of the Capitol Rotunda for a ceremony commemorating the victims of the Holocaust.

That important ceremony is scheduled to take place in the Capitol on April 13, 2000, from 8 a.m. to 3 p.m.

The passage of this resolution and the subsequent ceremony of the Days of Remembrance will provide the centerpiece of similar Holocaust remembrance ceremonies that take place throughout our Nation.

This day of remembrance will be a day of speeches, reading and musical presentation, and will provide the American people and those throughout the world an important day to study and to remember those who suffered and those who survived.

Mr. Speaker, it is important that we keep the memory of the Holocaust alive as part of our living history. As Americans, we can be proud of our efforts to liberate those who suffered and survived in the oppressive Nazi concentration camps. Let us never forget the harm that prejudice, oppression and hatred can cause.

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

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague, the gentleman from Maryland (Mr. HOYER), for his support, and 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. BOEHNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 244.

The question was taken.

Mr. BOEHNER. 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. BOEHNER. 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 the subject of the concurrent resolution just considered.

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

There was no objection.

PERMITTING OFFICIAL PHOTOGRAPHS OF HOUSE WHILE IN SESSION

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 407) permitting official photographs of the House of Representatives to be taken while the House is in actual session.

The Clerk read as follows:

H. RES. 407

Resolved, That at a time designated by the Speaker of the House of Representatives, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

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

Mr. Speaker, this resolution is very straightforward and simply authorizes the use of the Chamber for a photo while we are in session. The Speaker would set the date for such photo and payment as authorized from the applicable accounts of the House.

As Members know, in the last session of Congress there was a photo taken of all of the Members of the House, some-

thing that was rather routine in sessions past, but over a period of 3 or 4 sessions it did not occur. Several years ago when this was done the Members were very supportive of the effort, and the Committee on House Administration voted for it. The Members thereof have suggested that the House take another photograph in this session.

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

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

Mr. Speaker, my staff behind me has suggested that Members should not forget to smile. I think it is appropriate that we take a picture of the House of Representatives and its Members on an annual basis, or at least once during every Congress. I think this is not only a substantial memento for those who have the great honor and privilege of serving here, but as well, an historical record of those who are here, and of course I rise in strong support of the resolution.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that is House suspend the rules and agree to the resolution, H. Res. 407.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HILLORY J. FARIAS AND SAMANTHA REID DATE-RAPE DRUG PROHIBITION ACT OF 1999

Mr. UPTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2130) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) *Gamma hydroxybutyric acid (also called G, Liquid X, Liquid Ecstasy, Grievous Bodily Harm, Georgia Home Boy, Scoop) has become a significant and growing problem in law enforcement. At least 20 States have scheduled such drug in their drug laws and law enforcement officials have been experiencing an increased presence of the drug in driving under the influence, sexual assault, and overdose cases especially at night clubs and parties.*

(2) *A behavioral depressant and a hypnotic, gamma hydroxybutyric acid ("GHB") is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing*

number of cases. It is difficult to isolate the impact of such drug's ingestion since it is so typically taken with an ever-changing array of other drugs and especially alcohol which potentiates its impact.

(3) *GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms at high levels of intake and as impact builds are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use such drug.*

(4) *If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1.4-butanediol are swiftly converted by the body into GHB. Illicit use of these and other GHB analogues and precursor chemicals is a significant and growing law enforcement problem.*

(5) *A human pharmaceutical formulation of gamma hydroxybutyric acid is being developed as a treatment for cataplexy, a serious and debilitating disease. Cataplexy, which causes sudden and total loss of muscle control, affects about 65 percent of the estimated 180,000 Americans with narcolepsy, a sleep disorder. People with cataplexy often are unable to work, drive a car, hold their children or live a normal life.*

(6) *Abuse of illicit GHB is an imminent hazard to public safety that requires immediate regulatory action under the Controlled Substances Act (21 U.S.C. 801 et seq.).*

SEC. 3. EMERGENCY SCHEDULING OF GAMMA HYDROXYBUTYRIC ACID AND LISTING OF GAMMA BUTYROLACTONE AS LIST I CHEMICAL.

(a) *EMERGENCY SCHEDULING OF GHB.—*

(1) *IN GENERAL.—The Congress finds that the abuse of illicit gamma hydroxybutyric acid is an imminent hazard to the public safety. Accordingly, the Attorney General, notwithstanding sections 201(a), 201(b), 201(c), and 202 of the Controlled Substances Act, shall issue, not later than 60 days after the date of the enactment of this Act, a final order that schedules such drug (together with its salts, isomers, and salts of isomers) in the same schedule under section 202(c) of the Controlled Substances Act as would apply to a scheduling of a substance by the Attorney General under section 201(h)(1) of such Act (relating to imminent hazards to the public safety), except as follows:*

(A) *For purposes of any requirements that relate to the physical security of registered manufacturers and registered distributors, the final order shall treat such drug, when the drug is manufactured, distributed, or possessed in accordance with an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (whether the exemption involved is authorized before, on, or after the date of the enactment of this Act), as being in the same schedule as that recommended by the Secretary of Health and Human Services for the drug when the drug is the subject of an authorized investigational new drug application (relating to such section 505(i)). The recommendation referred to in the preceding sentence is contained in the first paragraph of the letter transmitted on May 19, 1999, by such Secretary (acting through the Assistant Secretary for Health) to the Attorney General (acting through the Deputy Administrator of the Drug Enforcement Administration), which letter was in response to the letter transmitted by the Attorney General (acting through such Deputy Administrator) on September 16, 1997. In publishing the final order in the Federal Register, the Attorney General shall publish a copy of the letter that was transmitted by the Secretary of Health and Human Services.*

(B) *In the case of gamma hydroxybutyric acid that is contained in a drug product for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (whether the application involved is approved before, on, or after the date of the enactment of this Act), the final order shall schedule such drug in the same schedule as that recommended by the Secretary of Health and Human Services*

for authorized formulations of the drug. The recommendation referred to in the preceding sentence is contained in the last sentence of the fourth paragraph of the letter referred to in subparagraph (A) with respect to May 19, 1999.

(2) **FAILURE TO ISSUE ORDER.**—If the final order is not issued within the period specified in paragraph (1), gamma hydroxybutyric acid (together with its salts, isomers, and salts of isomers) is deemed to be scheduled under section 202(c) of the Controlled Substances Act in accordance with the policies described in paragraph (1), as if the Attorney General had issued a final order in accordance with such paragraph.

(b) **ADDITIONAL PENALTIES RELATING TO GHB.**—

(1) **CONTROLLED SUBSTANCES ACT.**—

(A) **IN GENERAL.**—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended in the first sentence by inserting after “schedule I or II,” the following: “gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999),”.

(B) **CONFORMING AMENDMENT.**—Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by striking “, or 30” and inserting “(other than gamma hydroxybutyric acid), or 30”.

(2) **CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.**—

(A) **IN GENERAL.**—Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended in the first sentence by inserting after “I or II,” the following: “gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999),”.

(B) **CONFORMING AMENDMENT.**—Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking “flunitrazepam” and inserting the following: “flunitrazepam and except a violation involving gamma hydroxybutyric acid”.

(c) **GAMMA BUTYROLACTONE AS ADDITIONAL LIST I CHEMICAL.**—Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by redesignating subparagraph (X) as subparagraph (Y); and

(2) by inserting after subparagraph (W) the following subparagraph:

“(X) Gamma butyrolactone.”.

SEC. 4. AUTHORITY FOR ADDITIONAL REPORTING REQUIREMENTS FOR GAMMA HYDROXYBUTYRIC PRODUCTS IN SCHEDULE III.

Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended by adding at the end the following:

“(h) In the case of a drug product containing gamma hydroxybutyric acid for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act, the Attorney General may, in addition to any other requirements that apply under this section with respect to such a drug product, establish any of the following as reporting requirements:

“(1) That every person who is registered as a manufacturer of bulk or dosage form, as a packager, repackager, labeler, relabeler, or distributor shall report acquisition and distribution transactions quarterly, not later than the 15th day of the month succeeding the quarter for which the report is submitted, and annually report end-of-year inventories.

“(2) That all annual inventory reports shall be filed no later than January 15 of the year following that for which the report is submitted and include data on the stocks of the drug product, drug substance, bulk drug, and dosage forms on hand as of the close of business December 31, indicating whether materials reported are in storage or in process of manufacturing.

“(3) That every person who is registered as a manufacturer of bulk or dosage form shall report all manufacturing transactions both inventory increases, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

“(4) That all reports under this section must include the registered person’s registration number as well as the registration numbers, names, and other identifying information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

“(5) That each dispensing practitioner shall maintain for each prescription the name of the prescribing practitioner, the prescribing practitioner’s Federal and State registration numbers, with the expiration dates of these registrations, verification that the prescribing practitioner possesses the appropriate registration to prescribe this controlled substance, the patient’s name and address, the name of the patient’s insurance provider and documentation by a medical practitioner licensed and registered to prescribe the drug of the patient’s medical need for the drug. Such information shall be available for inspection and copying by the Attorney General.

“(6) That section 310(b)(3) (relating to mail order reporting) applies with respect to gamma hydroxybutyric acid to the same extent and in the same manner as such section applies with respect to the chemicals and drug products specified in subparagraph (A)(i) of such section.”.

SEC. 5. CONTROLLED SUBSTANCES ANALOGUES.

(a) **RULE OF CONSTRUCTION REGARDING CONTROLLED SUBSTANCE ANALOGUES.**—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraph (C)”;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) The designation of gamma butyrolactone or any other chemical as a listed chemical pursuant to paragraph (34) or (35) does not preclude a finding pursuant to subparagraph (A) of this paragraph that the chemical is a controlled substance analogue.”.

(b) **DISTRIBUTION WITH INTENT TO COMMIT CRIME OF VIOLENCE.**—Section 401(b)(7)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by inserting “or controlled substance analogue” after “distributing a controlled substance”.

SEC. 6. DEVELOPMENT OF MODEL PROTOCOLS, TRAINING MATERIALS, FORENSIC FIELD TESTS, AND COORDINATION MECHANISM FOR INVESTIGATIONS AND PROSECUTIONS RELATING TO GAMMA HYDROXYBUTYRIC ACID, OTHER CONTROLLED SUBSTANCES, AND DESIGNER DRUGS.

(a) **IN GENERAL.**—The Attorney General, in consultation with the Administrator of the Drug Enforcement Administration and the Director of the Federal Bureau of Investigation, shall—

(1) develop—

(A) model protocols for the collection of toxicology specimens and the taking of victim statements in connection with investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving abuse of gamma hydroxybutyric acid, other controlled substances, or so-called “designer drugs”; and

(B) model training materials for law enforcement personnel involved in such investigations; and

(2) make such protocols and training materials available to Federal, State, and local personnel responsible for such investigations.

(b) **GRANT.**—

(1) **IN GENERAL.**—The Attorney General shall make a grant, in such amount and to such public or private person or entity as the Attorney General considers appropriate, for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on current mechanisms for coordinating Federal, State, and local investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving the abuse of gamma hydroxybutyric acid, other controlled substances, or so-called “designer drugs”. The report shall also include recommendations for the improvement of such mechanisms.

SEC. 7. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN.

(a) **ANNUAL REPORT.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall periodically submit to Congress reports each of which provides an estimate of the number of incidents of the abuse of date-rape drugs (as defined in subsection (c)) that occurred during the most recent one-year period for which data are available. The first such report shall be submitted not later than January 15, 2000, and subsequent reports shall be submitted annually thereafter.

(b) **NATIONAL AWARENESS CAMPAIGN.**—

(1) **DEVELOPMENT OF PLAN; RECOMMENDATIONS OF ADVISORY COMMITTEE.**—

(A) **IN GENERAL.**—The Secretary, in consultation with the Attorney General, shall develop a plan for carrying out a national campaign to educate individuals described in subparagraph (B) on the following:

(i) The dangers of date-rape drugs.

(ii) The applicability of the Controlled Substances Act to such drugs, including penalties under such Act.

(iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.

(iv) Appropriately responding when an individual has such symptoms.

(B) **INTENDED POPULATION.**—The individuals referred to in subparagraph (A) are young adults, youths, law enforcement personnel, educators, school nurses, counselors of rape victims, and emergency room personnel in hospitals.

(C) **ADVISORY COMMITTEE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to make recommendations to the Secretary regarding the plan under subparagraph (A). The committee shall be composed of individuals who collectively possess expertise on the effects of date-rape drugs and on detecting and controlling the drugs.

(2) **IMPLEMENTATION OF PLAN.**—Not later than 180 days after the date on which the advisory committee under paragraph (1) is established, the Secretary, in consultation with the Attorney General, shall commence carrying out the national campaign under such paragraph in accordance with the plan developed under such paragraph. The campaign may be carried out directly by the Secretary and through grants and contracts.

(3) **EVALUATION BY GENERAL ACCOUNTING OFFICE.**—Not later than two years after the date

on which the national campaign under paragraph (1) is commenced, the Comptroller General of the United States shall submit to Congress an evaluation of the effects with respect to date-rape drugs of the national campaign.

(c) DEFINITION.—For purposes of this section, the term “date-rape drugs” means gamma hydroxybutyric acid and its salts, isomers, and salts of isomers and such other drugs or substances as the Secretary, after consultation with the Attorney General, determines to be appropriate.

SEC. 8. SPECIAL UNIT IN DRUG ENFORCEMENT ADMINISTRATION FOR ASSESSMENT OF ABUSE AND TRAFFICKING OF GHB AND OTHER CONTROLLED SUBSTANCES AND DRUGS.

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall establish within the Operations Division of the Drug Enforcement Administration a special unit which shall assess the abuse of and trafficking in gamma hydroxybutyric acid, flunitrazepam, ketamine, other controlled substances, and other so-called “designer drugs” whose use has been associated with sexual assault.

(b) PARTICULAR DUTIES.—In carrying out the assessment under subsection (a), the special unit shall—

(1) examine the threat posed by the substances and drugs referred to in that subsection on a national basis and regional basis; and

(2) make recommendations to the Attorney General regarding allocations and reallocations of resources in order to address the threat.

(c) REPORT ON RECOMMENDATIONS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report which shall—

(A) set forth the recommendations of the special unit under subsection (b)(2); and

(B) specify the allocations and reallocations of resources that the Attorney General proposes to make in response to the recommendations.

(2) TREATMENT OF REPORT.—Nothing in paragraph (1) may be construed to prohibit the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator, as the case may be, considers appropriate.

SEC. 9. TECHNICAL AMENDMENT.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

Amend the title so as to read: “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.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on this legislation.

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

There was no objection.

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

Mr. Speaker, I rise today to ask my colleagues to join me in supporting the passage of H.R. 2130, the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act.

As you may recall, the House initially approved this legislation last October on a vote of 423 to 1. This evening we will vote on this legislation as amended by the Senate, and if the legislation is approved, it will go straight to the President to be signed into law.

The legislation we are considering today will amend the Controlled Substances Act to put GHB, a dangerous and sometimes fatal drug used to facilitate sexual assaults, in schedule 1 of the Controlled Substances Act, the most tightly regulated category of drugs with the strongest penalties for misuse.

It will also clamp tight controls on GBL, a precursor to GHB that is itself being used to facilitate sexual assaults.

This legislation is desperately needed. The abuse, trafficking, and diversion of GHB is rapidly increasing. The Drug Enforcement Administration has documented nearly 6,000 encounters of GHB. Deaths from the drug are escalating rapidly, from one in 1990 to 17 last year, for a total of 58 deaths. Emergency room episodes resulting from the use of the drug are also escalating rapidly, from 20 in 1992 to 762 in 1997, the last year for which data is available, for a total of more than 1,600 episodes.

Sadly, these numbers are reflecting only the tip of an iceberg. GHB is difficult to detect, almost impossible, in the body, within a few hours of its being ingested. Many law enforcement officers and emergency room personnel are not trained to look for it.

As an example, I heard from one source in Kansas City that they suspected thousands of date rape and drug abuse cases in the greater Kansas City region since 1993. The legislation before us was sparked by the death of two young, wonderful women, one in Texas and one in Michigan, whose drinks were spiked with GHB. Since then, five more women have died in Texas and another two in Michigan. We must act now before this tragic toll rises any further.

The FDA has issued consumer warnings about products containing GBL, which converts to GHB, when ingested in dietary supplements, and has asked companies marketing products containing GBL to recall them.

In August of last year the FDA sent a message to help professionals across the country, asking them to report adverse events associated with the consumption of these products. Since then, the agency has received 122 reports of serious adverse reactions, such as dangerously low respiration rates which may require intubation, unconsciousness, coma, seizures, irregular heart-beat, and yes, death.

Just this last month, as you may have read, Phoenix Suns player Tom Gugliotta suffered a seizure that

caused him to stop breathing after taking an over-the-counter herbal supplement containing GBL. Similarly, a 16-year-old Peoria, Illinois high school student collapsed during a school gym class after taking a product containing GBL. He lost consciousness, stopped breathing, and had to be resuscitated by paramedics.

The Senate amended H.R. 2130 to further develop and strengthen the Department of Justice's focus on GHB and to provide for the development of forensic field tests for the detection of this substance. In all other respects, the Senate amendments have had the same effect as the legislation that we passed here in the House in October.

I wish to express my appreciation for the help of so many of my colleagues, the gentleman from Michigan (Mr. STUPAK), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Virginia (Chairman BLILEY), the help that they have given in getting us to this point, and for the leadership of the Senate, particularly Senator ABRAHAM and Senator HATCH, in steering this legislation for Senate approval. This has been a bipartisan effort from day number one.

With all my heart, as the father of a daughter and son, I ask that the House approve this legislation tonight and send it to the President. Let us do this for all of our sons and daughters, who are at grave risk so long as these substances are so readily available.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the Committee on the Judiciary, the Subcommittee on Crime, I am delighted to join my colleague, the gentleman from Michigan (Mr. UPTON), a member of the Committee on Commerce, and thank him for his leadership.

In fact, his leadership was so strong that he was making sure that as I came in and landed at Reagan National, that I would hurry on, and I got here timely. I thank him very much for that.

This has been a very long journey, and the one thing that we can applaud, Mr. Speaker, is that we have worked together, the Committee on Commerce, the Committee on the Judiciary, and we have answered the call of so many victims, now I am told almost between 40 to 50 who have died.

There was an anecdotal story of a Texas young woman who begged for help, explaining that her whole body hurt so much that the only way to stop it is to take more GHB but she wanted desperately to quit. She had actually died two times on GHB and was brought back by paramedics. She was raped while on GHB. She had not reported it because she felt it was her fault for getting high.

I am gratified that Members of the Committee on Commerce, the gentlemen from Michigan, Mr. UPTON and Mr.

STUPAK, and the gentleman from Virginia (Mr. BLILEY) and I introduced this bipartisan bill, the Hillory J. Farias Samantha Reid Date Rape Prevention Act of 1999.

Mr. Speaker, I am also grateful to the ranking member, the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), the gentleman from Florida (Mr. BILIRAKIS); members of my committee, the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Virginia (Mr. SCOTT), the gentleman from Illinois (Mr. HYDE), and the gentleman from Michigan (Mr. CONYERS). This was a bipartisan effort.

I am looking forward for this bill to be supported by my colleagues, and, as well, to go quickly to the desk of the President of the United States.

This is a victory for those of us who are concerned about date rape drugs. This drug, GHB, has been used in innumerable rapes around the country and has been implicated, as I have said, in at least 40 to 50 deaths. In addition to date rape, this drug is very popular on the party scene in many cities, and it is widely abused.

I was prompted to act to control the illicit use of GHB 3 years ago because of the death of Hillory J. Farias of LaPorte, Texas, on August 5, 1996. Our community was dumbfounded, baffled. I introduced a GHB bill in 1997, and have continued to advocate for its passage to prevent more women from being victimized by date rape drugs.

Hillory Farias was a 17-year-old high school senior, a model student and varsity volleyball player who died as a result of GHB being slipped into her soft drink. She was not a drug user.

Hillory and two other girlfriends went out to a club where they consumed only soft drinks. At some point during the evening GHB was slipped into Hillory's drink. Soon afterwards she complained of feeling sick with a severe headache. She went home to bed, but the next morning Hillory was found by her grandmother unconscious and unresponsive. She was rushed to the hospital where she later died, never resuming consciousness.

Unfortunately, Hillory's death was not the only tragedy of this drug. My office has been contacted by the families of several victims of the drug since March of last year. In January, 1999, 15-year-old Samantha, a young lady from Michigan, died as a result of this drug being put in her soda while out with friends. Another 14-year-old girl was also poisoned with GHB and went into a coma. Four young men will go on trial for Samantha's murder this year. On January 2, Samantha would have been 16 years old.

Her death prompted other Members from the Michigan delegation to become interested in this issue, and thus this legislation is named for both of these young women whose lives were cut short by this drug. There is also another incident in Michigan where 14 teenagers at a party ingested GHB and

lapsed into comas during the Fourth of July holiday last year.

In addition to the tragic stories of Hillory and Samantha, my office was contacted by the office of the gentleman from New York (Mr. LAFALCE) with the story of Kerri Breton from Syracuse, New York, who also died from this drug being slipped into her drink. Ms. Breton was away on a business trip and was having a drink in a hotel bar with a colleague. She was found next day dead on the bathroom floor of her hotel room. Her stepfather shared this painful story in the hope it would alert others to the dangers of this drug.

Mr. Speaker, this drug is not a respecter of any age. You do not have to be very smart, you do not have to be unsmart, if you will; you do not have to be educated or uneducated; you do not have to be rich or poor. This is a drug that respects no one and causes the loss of life of wonderful human beings.

A young man from the Chicago area overdosed and almost died last September. He was using the drug because he wanted to be a bodybuilder. Just recently I received more information about young people who are addicted to this drug. In Texas there is a young woman who was addicted to GHB and clinically died twice.

In addition, these tragedies underscore the importance of this legislation. All of these incidents among young people are stronger evidence that this drug has a high potential for abuse and must be placed on the schedule for the Controlled Substances Act.

A few months ago during the summer there was a rave party in California up in the mountains. Those who attended were alleged to have taken GHB, as has been noted by these rave parties that have gone on. A car loaded with young people went over the side of the mountain. Of course, they lost their lives leaving the rave party.

Without this bill, illicit use of GHB would increase dramatically. There are undoubtedly other deaths that may not have been classified as GHB-related because the drug is not part of the standard toxicology screen. That is why we are very grateful for this bill, that includes part of the responsibilities of FDA and the Justice Department, so that we will have those kinds of tools for law enforcement to utilize.

In addition, GHB has been used to render victims helpless to defend against an attack, and it even erases any memory of the attack. That is why it has been so difficult to prove rape.

As a drug of abuse, GHB is ingested orally after being mixed in a liquid. The onset of action is rapid and unconsciousness can occur in as little as 15 minutes. Profound coma can occur within 30 to 40 minutes after ingestion. GHB has also been used by drug abusers for its alleged hallucinogenic effects, and by bodybuilders.

I believe by classifying this drug now, we send a strong message to those

who would use this drug and its analogs to commit crimes against women and others. In addition to being used for date rape, this drug is being used at alarming rates among young people.

However, my position does not mean I am insensitive to the concerns of patients who might be helped by this drug. This drug has shown some benefits to patients with a specific form of narcolepsy in clinical trials, those who suffer from sleeping sickness, and for those uses during trials to try to cure that disease.

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There is a possibility that GHB can be used for the treatment of such diseases. We want that to occur, because it is a rare disorder. We believe that this bill matches the medicinal needs along with the needs to protect our citizens from the devastation of illegal use of GHB, known to be made in bathtubs in large amounts.

The distribution of this drug would be strictly controlled to ensure that only patients in need of this drug would have access. This bill also provides for a grant by the Department of Justice to research a forensic test to assist law enforcement in detecting GHB on the street, one of our major problems in making the cases. This would improve the ability to prosecute date rape and other crimes involving this substance.

Mr. Speaker, this bill reaches a compromise; and I am glad. And as I stated earlier, we have been working a long time to pass this bill and to schedule this drug, because I do not want to see any more lives cut short by GHB.

I thank all the people who were involved in this. One of my sources for information was Trinka Porrata, a retired member of the Los Angeles Police Department. She has been a steady voice explaining to all of us that GHB is dangerous and can be devastating and causes the loss of lives. I thank Trinka for working with my staff for the past 3 years and coming to Washington, D.C. to testify twice in this journey that we have made.

Mr. Speaker, I would also like to thank the Farias family, her uncles and grandparents, for sharing their story to help us inform others about this drug. They did not need to come forward, but they did. I thank them for their courage.

I thank as well, Harris County Medical Examiner, Dr. Joy Carter, who was the one who discovered what was the cause of, of course, Hillory's death. And I would like to thank Samantha Reid's mother for support of our efforts.

Of course, I want to take note of the Senate's leadership as well; the families of other victims who have shared this devastation; and my colleagues, the gentleman from Michigan (Mr. UPTON), the gentleman from Michigan (Mr. STUPAK), the gentleman from Michigan (Mr. DINGELL), and Senator

ABRAHAM and the other members of the Michigan delegation, and the gentlewoman from Michigan (Ms. STABENOW) for showing interest in this issue as well.

I would like to take time to thank the staff members of the Committee on Commerce for their hard work, especially John Ford with the minority staff and John Manthei with the majority staff. I would also like to thank Members of the Committee on the Judiciary for their work on this issue last year and this year, as I mentioned the gentleman from Virginia (Mr. SCOTT), the gentleman from Michigan (Mr. CONYERS), the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Illinois (Chairman HYDE). In 1998, we had a hearing on this issue in the Subcommittee on Crime and it shed a lot of light on date rape and the illicit use of GHB.

Often, they say that our two committees find it difficult to find compromise. I am very pleased to stand here today and acknowledge that they have. I also thank the staff members who worked on this as well in my office, Deena Maerowitz, Ayanna Hawkins, and Leon Buck. Finally, I thank all of those who are victims but yet still living. And let me promise the young people and others of the future that with the passage of this GHB legislation, we look to save more lives and I ask the President to sign this bill as quickly as possible.

I am pleased to stand here today in strong support of the Hillory J. Farias and Samantha Reid Date Rape Prevention Act of 1999. Last summer, I joined my Colleagues on the Commerce Committee, Representatives UPTON, STUPAK, and BLILEY, to introduce this bipartisan bill. I have waited a long time for this day, and I look forward to the next step for this legislation, which is getting President Clinton to sign this into law.

This day has been a long time coming, but it is a victory for those of us who are concerned about date rape drugs. This drug, GHB (Gamma Hydroxy-butyrate) has been used in innumerable rapes around the country and has been implicated in at least 40 deaths. In addition to date rape, this drug is very popular on the party scene in many cities and it is widely abused.

I was prompted to act to control the illicit use of GHB three years ago because of the death of Hillory J. Farias, of Laporte, Texas on August 5, 1996. I introduced a GHB bill in 1997 and I have continued to advocate for its passage to prevent more women from being victimized by date rape drugs.

Hillory Farias was a 17-year-old high school senior, model student and varsity volleyball player who died as a result of GHB slipped into her soft drink.

Hillory and two of her girlfriends went out to a club where they consumed only soft drinks. At some point during the evening, GHB was slipped into Hillory's drink and soon afterwards, Hillory complained of feeling sick with a severe headache.

She went home to bed, but the next morning, Hillory was found by her grandmother unconscious and unresponsive. Hillory was rushed to the hospital where she later died.

Unfortunately, Hillory's death was not the only tragedy of this drug. My office has been contacted by the families of several victims of this drug since March of last year.

In January 1999, 15 year old Samantha Reid, a young lady from Michigan, died as a result of this drug being put in her soda while out with friends. Another 14 year old girl who was also poisoned with GHB went into a coma.

Four young men will go on trial for Samantha's murder this year. On January 2, Samantha would have been 16 years old.

Samantha's death prompted other Members from the Michigan delegation to become interested in this issue and thus, this legislation is named for both of these young women whose lives were cut short by this drug. There was also another incident in Michigan where four teenagers at a party ingested GHB and lapsed into comas during the Fourth of July holiday last year.

In addition to the tragic stories of Hillory and Samantha, my office was contacted by Representative LAFALCE's office with the story of Kerri Breton, from Syracuse, New York who also died from this drug being slipped into her drink.

Ms. Breton was away on a business trip and was having a drink in the hotel bar with a colleague. She was found the next day dead on the bathroom floor of her hotel room. Her stepfather shared this painful story in hope that it would alert others to the dangers of this drug.

A young man from the Chicago area overdosed and almost died last September. He was a bodybuilder who had abused drugs for years. The doctors and law enforcement officials in the Chicago area did not know anything about GHB. If his sister had not been around when he lost consciousness, he would have surely died. She called my office to share the painful account of how her family almost had to prepare for her brother's death.

Just recently, I received more information about young people who are addicted to this drug. In Texas, there was a young woman who was addicted to GHB and clinically died twice.

She was also raped while on GHB, but she did not report it to the police because she felt that it was her fault for getting high. She is now in the process of rebuilding her life through a drug detox program.

These tragedies underscore the importance of this legislation. All of these incidents among young people are strong evidence that this drug has a high potential for abuse and must be placed on the schedule for the Controlled Substances Act.

Without this bill, illicit use of GHB would increase dramatically. There are undoubtedly other deaths that may not have been classified as GHB-related because the drug is not a part of a standard toxicology screen. So far, there have been close to 50 confirmed deaths.

GHB has been used to render victims helpless to defend against attack and it even erases any memory of the attack. The recipe for this drug and its analogs can be accessed on the Internet. Currently, GHB is not legally produced in the United States. It is being smuggled across our borders or it is being illegally created here by "bathtub" chemists.

As a drug of abuse, GHB is generally ingested orally after being mixed in a liquid. The onset of action is rapid, and unconsciousness

can occur in as little as 15 minutes. Profound coma can occur within 30 to 40 minutes after ingestion.

GHB has also been used by drug abusers for its alleged hallucinogenic effects and by bodybuilders who abuse GHB for an anabolic agent or as a sleep aid.

I believe that by classifying this drug now, we send a strong message to those who would use this drug and its analogs to commit crimes against women. In addition to being used for date rape, this drug is being abused at alarming rates among young people.

However, my position on the illicit use of GHB does not mean that I am insensitive to the concerns of patients that might be helped with this drug. This drug has shown some benefits to patients with a specific form of narcolepsy in clinical trials.

There is a possibility that GHB can be developed for the treatment of cataplexy, a rare form of narcolepsy. Cataplexy is a rare disorder that causes sudden and total loss of muscle control. People with cataplexy are unable to work, drive or lead a normal life. Like my colleagues, I understand the situation that affects these patients and I am sensitive to their need for treatment of that disorder.

This bill reflects a compromise that takes into account the needs of the patient group and the needs of law enforcement. This bill enables law enforcement to prosecute anyone who abuses GHB to the full extent of the law by placing the drug on Schedule I of the Controlled Substances Act.

Scheduling GHB on the Federal Controlled Substances Act allows prosecutors to punish anyone who uses a scheduled drug in any sexual assault crime to suffer penalties under the Drug Induced Rape Prevention and Punishment Act. This bill would increase the sentence for someone using GHB to commit a sex crime to 20 years imprisonment.

However, this bill protects people with cataplexy by providing an exemption for those enrolled in clinical trials now, and later it re-schedules the drug once it has been approved by the FDA.

The distribution of the drug would be strictly controlled to ensure that only patients in need of this drug would have access to it. Any illicit use of GHB would result in the enhanced sentence penalties.

This bill also provides for a grant by the Department of Justice to research a forensic test to assist law enforcement in detecting GHB on the street. This would improve the ability to prosecute date rape and other crimes involving this substance. This provision provides law enforcement with a crucial tool in fighting this drug on the street.

This bill reaches a compromise that will benefit the patients who desperately need this drug for treatment and law enforcement agencies that need the tools to fight the use of this drug among young people.

As I stated earlier, I have been working to pass legislation to schedule this drug for a long time now because I do not want to see any more young lives cut short by GHB. There are many people who have been resources to my staff these years and I would like to thank them publicly for their work.

I would like to thank all of the people who have been involved with this process from the beginning and who provided me with information about this drug. One of my sources for information was Trinkia Porrata, a retired member of the Los Angeles police department. She has been a strong advocate for this legislation.

Trinka has worked with my staff for the past three years on this legislation. She has come to Washington to testify twice and she has been a valuable resource of information on how this drug has become popular on the street.

I would like to thank the Farias family for sharing their story to help us inform others about this drug. Their tragedy and loss cannot be overlooked and I appreciate their patience with us. We have worked closely with Hillory's family and the Harris County medical examiner, Dr. Joy Carter, since I first introduced this bill.

I would also like to thank Samantha Reid's mother for her support of our efforts as well. Last year when this bill came to the floor, she vowed to call everyone she could to see it pass, and I thank her for her willingness to turn her tragedy into action to help save other lives.

I would also like to thank the families of the other victims who have shared their stories with us as well. With the passage of this bill today, I hope that there will be some comfort brought to those families that their loved ones did not die or suffer in vain.

I thank my colleagues from Michigan—Representatives UPTON, STUPAK, and DINGELL—as well as Senator ABRAHAM who were instrumental in moving this legislation in memory of these young women. I would also like to thank my other colleagues on the Commerce Committee for helping to move this legislation through that Committee—Representatives BLILEY and BILIRAKIS.

I would also like to thank the staff members at the Commerce Committee for their hard work, especially John Ford with the Minority staff and John Manthei with the Majority staff.

I would also like to thank the Members of the Judiciary Committee for their work on this issue last year and this year—especially Representatives SCOTT, CONYERS, MCCOLLUM, and Chairman HYDE. In 1998 we had a hearing on this issue in the Crime Subcommittee and it shed a lot of light on the issue of date rape and illicit drug abuse of GHB.

Finally, I would like to thank my staff for their hard work on this issue. Again, I thank my colleagues for their support of this legislation.

Mr. Speaker, I was expecting another speaker, but I believe the travel difficulties have delayed this person's arrival, so I yield back the balance of my time.

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

Mr. Speaker, I would like to say with the passage of this bill tonight, we will certainly end a nightmare that no family ever wants to experience, whether it be in Texas, Michigan, California, or any of the other 50 States.

I want to particularly commend the hard work and diligence of all Members on this legislation. It was about a year ago that our subcommittee first became involved in this, moving from the good work that had been done in the Committee on the Judiciary from a previous Congress. We quickly discovered that, in fact, the laws were too loose, the loopholes ought to be closed. Sadly, we still saw deaths even when that information became public.

Mr. Speaker, these drugs are available on the Internet. It has to stop.

This bill does that. I look forward to working with all Members tonight to make sure that this is passed and, obviously, with the administration as they have indicated that they are going to support this legislation as well.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 1230, "The Hillory J. Farias Date Rape Prevention Drug Act of 1999." This important, bipartisan legislation was unanimously approved by my Health and Environment Subcommittee in July of last year, and the House passed the bill in October. Today, the House will consider the Senate-passed version of this legislation, and I urge my colleagues to support this measure.

H.R. 2130 was introduced by Representative FRED UPTON, joined by Representatives TOM BLILEY, BART STUPAK and SHEILA JACKSON-LEE. The bill amends the Controlled Substances Act to make GHB a Schedule I drug, the DEA's most intensively regulated category of drugs. GHB is a central nervous system depressant that has been abused to assist in the commission of sexual assaults.

As a further protection, H.R. 2130 lists GBL, the primary precursor used in the production of GHB, as a List I chemical. These compounds—GHB and GBL—are more commonly known as "date-rape" drugs.

The bill before us includes language designed to protect very important and promising research on an orphan drug that contains GHB and is used in the treatment of narcolepsy patients. These provisions were adopted as an amendment when the bill was considered by my Health and Environment Subcommittee.

I urge my colleagues to join me in supporting passage of H.R. 2130.

Mr. STUPAK. Mr. Speaker, I rise in strong support of passage of H.R. 2130, the Hillory J. Farias Date Rape Prevention Act. In October, this House overwhelmingly passed this legislation and I urge my colleagues to do so again today.

As many of my colleagues know, I have long been concerned with the problem of drug abuse and date rape. In addition to other efforts, I am an original co-sponsor of H.R. 2130, the legislation we are considering here today. H.R. 2130, as amended, is the product of a compromise worked out by numerous parties in the Commerce Committee, Judiciary Committee and the Senate to address the concerns and needs of both law enforcement and patients.

I am sure that all the members of this body have heard or read about the terrible incidents surrounding GHB. GHB has been widely used by nefarious individuals to help commit date rapes. It has been widely abused by teenagers seeking an easily available illicit substance. GHB is one of the first drugs in which the recipe for manufacture at home was widely available over the Internet. People were literally cooking up the drug in their house by obtaining the ingredients and instructions over the Internet. H.R. 2130 addressed this issue by requiring tracking and reporting of possible misuse of GBL and other precursor chemicals. By requiring the Drug Enforcement Agency to schedule GHB, we will be giving the DEA strong controls over the drug and allowing them to combat the rampant abuse of this drug which we are currently seeing.

Finally, the bill requires the Department of Justice to develop a forensic test to aid law

enforcement officials in determining when GHB or a GHB-related compound is involved in a criminal activity. This will be helpful to law enforcement officials who currently have no way of determining GHB's involvement in a crime or situation without laboratory testing.

However, this bill recognizes that well-designed legislative efforts should not throw the baby out with the bathwater, so to speak. By this, I mean that the abusive use of GHB we have been focusing on should not prevent possible legitimate or beneficial uses of the drug.

For example, GHB has shown considerable promise for the treatment of narcolepsy. Specifically, this drug could benefit the approximately 30,000 people who suffer with a form of cataplexy, or the sudden loss of muscle control. Good public policy recognizes these patients and the important research which is being done attempting to address their serious medical concerns.

The bill we are considering today, as passed by the Senate, is different from the legislation we passed in October in a significant respect. Since the Senate-passed version does not specifically schedule GHB on the list of controlled substances, but rather instructs the DEA about how the scheduling should occur. I want to make clear that Congress clearly intends that once GHB is approved by the FDA, the DEA should place the drug into Schedule III. We intend that this drug product be treated in every respect as a Schedule III controlled substance. Only in this way can we ensure that patients who need this drug will have access to it.

Mr. Speaker, a lot of work has gone into reaching this bipartisan legislation. I want to thank the gentlewoman from Texas, Ms. JACKSON-LEE, for working with me so diligently on this issue. I want to thank the Chairman of the Commerce Committee Mr. BLILEY, as well as Mr. UPTON and Mr. BILIRAKIS who were crucial in moving this bill through the Commerce Committee. Finally I would like to thank Mr. DINGELL, as well as Mr. BROWN and Mr. KLING for working with us on our side to move this bill. I urge the House to pass this bill so we can prevent more deaths from the misuse of this dangerous substance.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 2130, as amended by the Senate, "the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999." As you know, along with Mr. UPTON, Mr. STUPAK, and Ms. JACKSON-LEE, I am one of the original sponsors of this important legislation to address the growing national problem of the abuse of date rape drugs to facilitate sexual assaults on unsuspecting victims. By passing this legislation today and sending it to the President to be signed into law, we will give the DEA and law enforcement organizations the tools they need to take a significant step forward in getting date rape drugs off of the streets and out of the hands of criminals to protect our Nation's youth.

Although H.R. 2130, as amended by the Senate, uses different language, the intent with respect to the scheduling of GHB under the Controlled Substances Act (CSA) and listing GBL as a List I chemical remains exactly the same as the bill that passed the full House last year. H.R. 2130, as amended, would

place GHB into schedule I of the CSA. Schedule I gives the Drug Enforcement Administration its strongest control over the drug, and allows prosecutors to impose the harshest penalties for those who abuse GHB. Additionally, as in the bill passed in October, registered manufacturers and registered distributors possessing the drug pursuant to an FDA approved Investigation New Drug exemption (IND) would be subject to schedule III security requirements under the CSA and implementing regulations. This will protect patients with cataplexy—a severe and debilitating form of narcolepsy—by allowing years of promising research to continue.

Also, under H.R. 2130, as amended, if a drug product that contains GHB receives FDA approval, the approved GHB drug product will be placed in Schedule III of the CSA. However, given the dangers involving this drug, H.R. 2130 adds additional reporting and accountability requirements to conform with the requirements for schedule I substances, schedule II drugs, and schedule III narcotics, and, significantly would maintain the strict schedule I criminal penalties for the unlawful abuse of the approved drug product. Simply put, these additional requirements and penalties in my opinion are needed to provide greater protection to our nation's youth, and to give our law enforcement agencies the ability to penalize those who abuse this product to the fullest extent under the law.

These drugs are powerful sedatives, which in certain dosages can induce unconsciousness or even death. In addition to the risk that is posed by the misuse of these drugs by sexual predators, misuse of these drugs for recreational abuse is also a growing danger. The numbers of emergency room admissions for overdoses, drunk driving accidents, and other injuries which are related to these drugs are all increasing with no end in sight. Certainly, it seems like almost every week that we read a new report involving the abuse of GHB and GBL. As many of you know, H.R. 2130, as amended, is named after a young Texas woman, Hillory Farias, and a young woman from Michigan, Samatha Reid, who died after unknowingly ingesting GHB. We must do all that we can to ensure that similar tragic events do not occur again. By passing H.R. 2130 today, we will take a significant step forward in that direction. Once again, I would like to thank Mr. Upton for his leadership and tireless efforts on this issue, and I look forward to seeing H.R. 2130 signed into law.

Mr. HAYWORTH. Mr. Speaker, I commend and thank my colleague, Congressman FRED UPTON, for introducing H.R. 2130, the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act.

On December 17, 1999, Tom Gugliotta, who plays for the Phoenix Suns, suffered a seizure and was nearly killed after taking a form of furanone di-hydrone, a generic chemical name for gamma butyrolactone (GBL). In the United States, products containing GBL have been marketed as dietary supplements and the sale of GBL is not regulated in most states.

GBL is the primary precursor used in the production of gamma-hydroxybutyric acid (GHB). GHB has predominantly been abused by America's youth to produce euphoric and hallucinatory states, and for its alleged role as a growth hormone releasing agent to stimulate muscle. Additionally, GHB has been used to assist in the commission of sexual assaults.

The Drug Enforcement Administration (DEA) has documented over 5,700 overdoses and law enforcement encounters with GHB and 58 GHB-related deaths. GBL, once absorbed orally, is rapidly converted into GHB in the body and produces the same profile of physiological and behavioral effects as GHB. In 1999, the FDA issued several warnings about products that contain GBL and asked manufacturers to voluntarily recall all products. Unfortunately, products containing GBL remain available for sale over the Internet.

H.R. 2130 directs the Attorney General to schedule GHB (together with its salts, isomers, and salts of isomers) as a "Schedule I drug", the DEA's most regulated drug category, under the Controlled Substances Act (CSA). In addition, H.R. 2130 specifically names GBL as a "List I chemical", the DEA's most regulated chemical category.

Illicit use of many GHB analogues and precursor chemicals is a significant and growing law enforcement problem. Importantly, H.R. 2130 will help DEA not only control GHB, but the full range of CSA drug control measures would also apply to GBL.

It is imperative that the DEA has necessary tools to control these dangerous substances to further prevent incidents such as Tom Gugliotta's seizure. Therefore, I urge an aye vote on H.R. 2130.

Mr. PAUL. Mr. Speaker, today the Congress will collectively move our nation yet another step closer to a national police state by further expanding a federal crime to include amongst the list of controlled substances that of GHB, a nutrient used for 25 years with beneficial effects for those suffering from cataplexy, insomnia, narcolepsy, depression, alcoholism, opiate addiction and numerous other conditions. Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural limitation by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, and especially in an election year, wants to be amongst those members of Congress who are portrayed as being soft on drugs or rape, irrespective of the procedural transgressions and individual or civil liberties one tramples in their overzealous approach.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In his first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said "the trend to federalize crimes that have traditionally been handled in state courts * * * threatens to change entirely the nature of our federal system." Rehnquist further criticized Congress for yielding to the political pressure to "appear responsive to every highly publicized societal ill or sensational crime."

Even if GHB is as potentially dangerous as the bill's advocates suggest, punishing pos-

session of a useful substance because it potentially could be used in a harmful manner is as inconsistent with liberty as criminalizing the possession of handguns and cars.

Moreover, this bill empowers Health and Human Services to engage in a national propaganda campaign on the dangers of GHB, creates a special unit with the Drug Enforcement Agency to assess abuse and trafficking in GHB, and authorizes the Justice Department to issue taxpayer-funded grants for the development of police officer field-test equipment. Aside from being further abuses of enumerated powers doctrine, the substantive questions raised by this legislation make these usurpations of state government authority even more reprehensible.

Additionally, this Act undermines the recently enacted Dietary Supplement Health & Education Act (DSHEA) at the expense of thousands of consumers who have safely used these natural metabolites of the amino acid GABA. According to practicing physician Ward Dean, West Point graduate and former Delta Force flight surgeon, HR 2130 appears to be a case of pharmaceutical-company-protectionism. Because the substances restricted under this act are natural, and hence, non-patentable, the pharmaceutical concerns lose market-share in areas for which GHB is a safer and less expensive means of treating numerous ailments. In a recent letter from Dr. Dean, he states:

I have extensive experience in the clinical use of gamma hydroxy butyric acid (GHB) . . . I have used these substances for over ten years on hundreds of patients (and have advised thousands through my books and articles on the subject). I have not had one instance reported to me of adverse effects in my patients. GHB is the safest, most non-toxic sleep inducing substance known. It has a wide range of other therapeutic uses. The therapeutic threshold for GHB is greater than almost any known pharmaceutical substance (the LD50 is 40-100 times greater than the sleep-inducing therapeutic dose of 3-6 grams!).

It is incongruous, to me, that a substance with such a wide range of documented benefits that is so overwhelmingly safe, can simultaneously be both a Schedule I and a Schedule III substance. GHB is a naturally occurring substance, present in all mammalian tissue as well as many foods. Consequently, everyone is in "possession" of this "controlled substance"—and every grocery store that sells meat is in "possession with intent to distribute." These are not frivolous statements. In states where GHB is a Schedule I substance, there have been several instances where the charges have been dropped by the prosecution upon receipt of documentation that GHB is in beef from the state in question. I believe alleged violations of this proposed federal law will be equally difficult to successfully prosecute.

Although GHB has been claimed to have been responsible for a small number of deaths, many of these cases are questionable. This is due to the fact that GHB is produced in significant quantities by the body post mortem, and is readily detectable in 96 out of 100 deceased persons even when no GHB has been consumed.

For each of the aforementioned procedural and substantive reasons, I must again oppose H.R. 2130, the Hillory J. Farias Date-Rape Prevention Drug Act.

Ms. STABENOW. Mr. Speaker, I rise today in support of H.R. 2130, and I commend the gentlemen from Michigan, Mr. UPTON, Mr. DINGELL, and Mr. STUPAK, as well as our other

colleagues mentioned here today, for their work on this legislation. I am a cosponsor of this bill and I am glad we are making this one of our first priorities this session. I look forward to it becoming law very soon.

H.R. 2130 will classify gamma hydroxybutyric, or GHB, as a schedule I drug under the Controlled Substances Act, as it is in my home state of Michigan. This action is necessary due to the increased and pernicious use of this drug. According to the U.S. Drug Enforcement Agency (DEA), at least 32 deaths have been associated with GHB since 1990, while over 3,500 overdoses have occurred. Emergency room visits due to GHB increased nationally from 26 in 1992 to 629 in 1996.

Samantha Reid, one of the young women this bill is named after, was from Michigan. She died one year ago after unknowingly ingesting GHB at a party. She was 15 years old. It is this type of senseless tragedy that H.R. 2130 is meant to address. GHB is odorless and colorless and is easily slipped into a drink without the knowledge of the intended victim. It is generally used as a date-rape drug, a crime that affects women between the ages of 16 and 24 more than any other age group. It is estimated that one in four college women have been the victim of date-rape.

H.R. 2130 directs the Department of Justice to develop model protocols for taking toxicology specimens and victim's statements in association with drugs used to commit date-rape. This is important because this crime too often goes unreported. A recent study indicates that 84 percent of rape victims knew their attacker, and 57 percent of those were raped on a date. Moreover, GHB is hard to trace, often leaving the body within 24 hours. The DEA will also create a special unit to analyze the growing use of date-rape drugs and make recommendations to the Attorney General on how federal funds can best be used to combat this problem.

Mr. Speaker, I would again like to commend the work of my colleagues on this important legislation. I urge my colleagues to support its passage.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2130.

The question was taken.

Mr. UPTON. 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.

ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1733) 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.

The Clerk read as follows:

S. 1733

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 "Electronic Benefit Transfer Interoperability and Portability Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program.

SEC. 3. INTEROPERABILITY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

"(k) INTEROPERABILITY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

"(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

"(C) INTEROPERABILITY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

"(D) INTERSTATE TRANSACTION.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

"(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

"(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

"(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

"(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

"(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in

the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

"(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

"(4) STANDARDS.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

"(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

"(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

"(5) EXEMPTIONS—

"(A) CONTRACTS.—The requirements of paragraph (2) shall not apply to the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

"(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

"(ii) expires after October 1, 2002.

"(B) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

"(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

"(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

"(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

"(C) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

"(6) FUNDING.—

"(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

"(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

"(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

"(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed \$500,000."

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

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

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

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

Mr. Speaker, I rise in support of the bill, S. 1733, the Food Stamp Electronic Benefit Transfer Interoperability and Portability Act. This bill was passed unanimously by the Senate last November, and today the House will act on that bill.

The bill provides for a national standard of interoperability and portability for the food stamp program. The bill requires the U.S. Department of Agriculture to set specific standards for States with electronic benefit transfer systems so that food stamp participants can redeem their benefits in neighboring States. Under the food stamp coupon system, participants can redeem benefits in any retail food store. States want to apply this same principle to the EBT system of delivery of food assistance benefits.

The gentleman from Virginia (Mr. GOODLATTE), chairman of the subcommittee with jurisdiction over the food stamp program, introduced a similar bill last year. I commend the chairman of the subcommittee for his attention to this matter and his work ensuring proper oversight of the food stamp program.

The Food Stamp Act already requires that all States issue food stamp benefits under an EBT system by the year 2002. The EBT is a more efficient and effective manner in which to provide food benefits for needy families. S. 1733 requires the USDA, within 7 months of enactment, adopt a uniform national standard of interoperability and portability so that State-issued EBT cards can be used in other States. The standards are to be based on the standards used by the majority of States, thereby enabling USDA to use flexibility in writing the standards.

The bill also provides for exemptions for States if they have entered into EBT contracts using other standards. Also, waivers are provided for States operating smart card food stamp systems rather than debit card systems, as most States do.

S. 1733 requires USDA to pay 1 percent of the costs of adopting these

standards up to a maximum of \$500,000 per year.

Mr. Speaker, I urge my colleagues to support S. 1733.

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

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

Mr. Speaker, I rise in support of S. 1733, the Electronic Benefit Transfer Interoperability and Portability Act. This legislation is designed to ease the current burdens on interstate transactions in the food stamp program.

In 1996, Congress amended the Food Stamp Act by requiring the Secretary of Agriculture to consider a cost-effective alternative to the use of food stamp coupons in order to reduce the cost of coupon redemption. The EBT system was developed.

The switch to EBT cards is clearly a practical policy objective. Unfortunately, there is a lack of uniformity among State EBT systems and this negatively affects the delivery of assistance to food stamp recipients, many of whom lose benefits when they travel from State to State. For example, the different EBT designs of Texas and Oklahoma limit a Texas food stamp participants' choice by preventing shopping in other States where the EBT system designs and procedures are not uniform. This was not the case under the previous inefficient coupon system.

S. 1733 addresses the uniformity issue in a practical and accountable manner. Specifically, it requires the Secretary of Agriculture to adopt a uniform national standard of interoperability and portability that is used by a majority of State agencies. At the present time a majority of States are using a standard referred to as "QUEST." This was developed by the National Automated Clearing House Association EBT Council which includes State food stamp program administrators, retailers, and food and nutrition officials.

Mr. Speaker, under S. 1733, the Secretary of Agriculture will be allowed to modify the QUEST rules in order to solve future problems. This discretionary authority is important to my State of Texas for a couple of reasons.

Texas operates the Nation's largest EBT system for food stamps, benefiting 1.5 million Texas recipients or 635,000 households per month. The real challenge for Texas is the search for a replacement of its full service EBT contract in a market with limited competition and increased pricing, lower levels of service and less State customization.

In order to remedy the lack of competition in the EBT market, Texas will serve as its own prime EBT contractor while issuing various subcontracts for specific EBT services, including the interoperability and portability components. This method will give Texas and other States a better chance of delivering uninterrupted, timely, and accurate food stamp benefits in a cost-effective manner.

The bill's language in section 4(a) accommodates these concerns by requiring the Secretary to use the QUEST rules as a starting point and permitting necessary changes to those rules as the dictates of the food stamp program require.

Finally, Mr. Speaker, this legislation sets an annual cap of \$500,000 to pay for the switching and settling charges associated with interstate food stamp purchases. This cost issue has been the cause of some disagreement. The States were correct in their belief that the Food and Nutrition Service should pay for all of the costs associated with interstate transactions. We should not, however, set a precedent suggesting that the Federal Government will pay for every new technology advancement used by retailers who participate in the food stamp program.

National uniformity among State food stamp systems will mean that program participants will no longer encounter problems with the use of their EBT cards beyond the borders of the issuing State. I urge my colleagues to support the passage of this legislation.

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

Mr. COMBEST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas (Mr. COMBEST), my chairman, for yielding me this time and for his support of this important legislation.

Mr. Speaker, on August 4, 1999, I introduced H.R. 2709, the Electronic Benefit Transfer Interoperability and Portability Act of 1999. The Senator from Illinois, Senator FITZGERALD, introduced an almost identical bill, S. 1733, which passed the Senate at the end of the first session of the 106th Congress; and it is that bill that we consider today.

The sole focus of my bill was to allow food stamp beneficiaries the ability to redeem their benefits in any general store, regardless of location. Beneficiaries had this ability under the old food stamp system, but lost it as States migrated to an electronic benefits transfer system.

Under the old paper food stamp system, recipients could redeem their food coupons in any authorized food store anywhere in the country. For example, a food stamp recipient living in Bath County, Virginia, could use their food stamps in their favorite grocery store, even if that happened to be in West Virginia. Similarly, a recipient living in Tennessee could visit their mother in Virginia and purchase food for their children while away from home.

Unfortunately, as we move to electronic delivery of benefits, this is currently not the case. My bill provides for the portability of food assistance benefits and allows food stamp recipients the flexibility of shopping at locations that they choose. Across the country we are finding that people live in one State and shop in another. This

cross-border shopping is conducted for a variety of reasons. One of them is convenience. Another is the cost of goods.

The supermarket industry is very competitive. Every week, stores advertise specials in newspaper ads across the country. People not only shop at locations convenient to them but also shop around for the best prices. Customers paying with every type of tender except EBT have the flexibility to shop where they choose.

1445

Why should recipients of food assistance benefits not be allowed to stretch their dollars in the same way that other consumers do without regard to State borders?

EBT portability is simply allowing recipients of benefits under the food stamp program to redeem those benefits without regard to State borders at the stores they choose. In addition to portability, my legislation allows for the interoperability of EBT transactions. Interoperability can be simply defined as the ability of various computers involved in authorizing, routing, and selling an EBT transaction to talk to each other.

I offered a Sense of the Congress amendment to the Welfare Reform bill that Congress passed in 1996. My amendment urged States to work together to achieve a seamless system of food stamp benefit redemption. States did a decent job considering the circumstances. They are now asking for an extra nudge to realize the goal of my earlier amendment.

My legislation requires States to conform their EBT standards to a national uniform operating system that the States themselves choose. The clear choice, the Quest operating system, has already been adopted by 33 States.

Pilot studies have been conducted to determine the cost and other efficiencies that might be realized by EBT interoperability. The pilot program determined my bill would only cost the food stamp program \$500,000. That is not a lot of money for an \$18 billion program.

Also, the State of Missouri found around \$32 million in abuse of the program that they never would have found if their EBT system could not talk with neighboring State systems or they found people were getting dual food stamps, applying for and receiving food stamps in more than one State.

Mr. Speaker, the bill we consider today is simple. It returns the national redemption convenience to the beneficiaries of the program, gives the States the guidance they are looking for, and provides another tool in the fight against fraud, waste, and abuse in the food stamp program.

I thank my colleagues for this time, and I urge support from the membership for the Electronic Benefit Transfer Interoperability and Portability Act.

Mr. COMBEST. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I wish to congratulate the gentleman from Texas (Mr. COMBEST), the chairman of the committee, and the gentleman from Texas (Mr. STENHOLM), the ranking member, for the job that they have done.

Specifically, I want to congratulate the gentleman from Virginia (Chairman GOODLATTE) and commend him on his efforts here today regarding the EBT bill.

This common sense piece of legislation will achieve portability for the delivery of food stamp benefits in every State across the Nation. The legislation that my colleague has introduced is very important as the States make the transition from paper coupons or food stamps to a more efficient electronic system.

As my colleagues know, the State of Ohio has been an innovator in this area, having developed an extremely successful Smart Card program for the delivery of food stamp benefits to more than 300,000 recipients in my home State.

In this regard, I wish to engage my colleague from Virginia in a colloquy to receive assurances that his bill will in no way harm the innovative technology that Ohio has adopted for delivering benefits.

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

Mr. BOEHNER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Ohio for yielding to me and for his interest and support of this legislation. I very much appreciate his kind remarks and for bringing this particular concern to my attention.

In the legislation that the House is now considering, there are provisions that have been included to ensure that the two existing Smart Card programs that are currently in place, those being Ohio and Wyoming, will not be forced to make any changes that would result in either new or additional expenses for the States.

Ohio and Wyoming can continue using their Smart Cards until the Secretary determines that a practicable technological method is available for interoperability between electronic benefit transfer Smart Card systems and the magnetic stripe card systems that most other States are using.

Furthermore, the legislation provides safeguards so that these off-line programs are not jeopardized in any way.

It is my understanding that both Ohio and Wyoming chose to embrace this Smart Card technology for the delivery of benefits with the blessing and approval of the United States Department of Agriculture. Therefore, Ohio and Wyoming should not be required to change their systems until they are interested in doing so.

I wish to ensure my good friend and colleague from Ohio (Mr. BOEHNER) that the legislation's waiver section and the provision for specific exemp-

tions for Smart Card systems were incorporated into these initiatives with Ohio and Wyoming's interest in mind.

As a footnote, I should mention that the technology is not currently available in the marketplace for on- and off-line systems to be compatible and interoperable. However, that day is rapidly approaching.

In the short term, it is my hope that the Congress will have the opportunity to work toward a national standard for Smart Cards as other States like Ohio and Wyoming begin to consider their own Smart Card projects for domestic feeding programs, unemployment compensation, health care, and other benefits. It is my view that there is much to learn from Ohio's leadership and experience in this area.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, I want to thank the chairman for his comments.

As I understand his comments, Ohio would not, then, be required to change its off-line system to an on-line system under this proposal?

Mr. GOODLATTE. Mr. Speaker, if the gentleman will continue to yield, he is correct; Ohio, as well as Wyoming, would not be required to make any changes. And for that matter, those States currently using an on-line system that does not achieve the national interoperability standard would not be required to meet this standard until their current contracts expire.

Finally, I should point out that in the case of Ohio and Wyoming's Smart Card programs, the bill's waiver language and Smart Card provisions provide a clear exemption with no time limit imposed as to when changes would have to be made.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, I appreciate these very important clarifications with regard to how legislation relates to Smart Card changes, especially my home State of Ohio.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time on this side. I would just conclude by thanking the gentleman from Virginia (Chairman GOODLATTE) and the gentleman from Texas (Chairman COMBEST) for their work on this piece of legislation, and I urge our colleagues to support it.

Ms. JACKSON-LEE of Texas. I rise to support this important bill that amends the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

This measure ensures that our citizens can use their food stamp cards in any state. Currently, citizens in my home State of Texas cannot use their cards in any other states—a situation that hinders their ability to obtain vital necessities while traveling to other states. Clearly, we do not want our citizens burdened when they cross state lines to visit friends and families.

By amending the Food Stamp Act of 1977 with this bill, we can provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions enhance food stamp interstate commerce. This measure would bring the food

stamp process into a new age of technology by requiring systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards to be interoperable, and food stamp benefits to be made portable, among all States not later than October 1, 2002.

I appreciate that this bill works in conjunction with the Secretary of Agriculture. The measure appropriately directs the Secretary of Agriculture to promulgate regulations that adopt a national standard based upon a standard used by the majority of States and require any electronic benefit transfer contract (as defined by this Act) entered into 30 days or more after promulgation of such regulations be in accordance with the national standard.

The bill also includes language to rectify potential technological difficulties. This piece of legislation authorizes the Secretary to provide a requesting State with a temporary deadline waiver based upon unusual technological barriers.

It is also vitally important that we provide for an interim system until the electronic standard is completed. This bill directs the Secretary to allow a State using a smart card food stamp delivery system to continue such system until a technological method is available for electronic benefit transfer card interoperability. Sets forth the conditions for full Federal payment of State switching costs, including annual fiscal year caps.

In an effort to provide a thorough analysis of this undertaking, this measure directs the Secretary of Agriculture to conduct a study of alternatives for handling food stamp benefit electronic transactions, including use of a single switching hub.

I am aware that this measure passed the Senate, and I appreciate the bipartisan effort to enact this bill. I support this fine piece of legislation.

Mrs. EMERSON. Mr. Speaker, I rise today in support of S. 1733, the Electronic Benefit Transfer (EBT) Interoperability and Portability Act. I'd like to thank Chairman LARRY COMBEST and Chairman BOB GOODLATTE for bringing this bill to the floor today and for their strong leadership on this important issue.

Interoperability of food stamp EBT systems makes sense both for recipients and retailers. As USDA moves from paper food coupons to EBT cards, interoperability ensures that recipients will retain the same portability as before. Recipients will be able to access stores nearest to their homes and retailers will be able to serve their customers regardless of state boundaries. In areas of the country near state lines, such as in my Congressional District in Southern Missouri, incompatible EBT systems have been a significant problem for both groups. I am very pleased that the bill before us today will resolve this problem and bring the best technology to the food stamp program.

The government and the taxpayer, too, are well served by S. 1733, because it establishes a new mechanism for tracking and policing fraud and abuse in the food stamp program. In my home state of Missouri, the Department of Social Services estimates that an interoperable EBT system would save the federal government as much as \$1 million annually in reduced fraud in Missouri alone.

One aspect of S. 1733 that I would like to highlight is that it provides 100% federal funding of the costs associated with switching and

settling interstate transactions. These costs will not be imposed on other entities, such as retail food stores, states, and food stamp households. This is entirely appropriate because these costs are directly related to administering the program on a nationwide basis, not within a particular state.

Again, I would like to reiterate to my colleagues that this is a very sensible piece of legislation that deserves the support of this House. I urge a strong "Yes" vote.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Texas (Mr. COMBEST) that the House suspend the rules and pass the Senate bill, S. 1733.

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.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1733.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 2 o'clock and 52 minutes p.m.), the House stood in recess until approximately 6 p.m.

1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 244, by the yeas and nays;

H.R. 2130, concurring in Senate amendment, 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.

PERMITTING USE OF CAPITOL ROTUNDA FOR CEREMONY COMMEMORATING VICTIMS OF HOLOCAUST

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 244.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 244, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 339, nays 0, not voting 95, as follows:

[Roll No. 2]

YEAS—339

Ackerman	Cummings	Hinchey
Aderholt	Cunningham	Hobson
Allen	Danner	Hoefel
Archer	Davis (FL)	Hoekstra
Armey	Davis (VA)	Holden
Baca	DeFazio	Holt
Bachus	DeLauro	Hooley
Baird	DeLay	Horn
Baker	Deutsch	Hostettler
Baldacci	Dickey	Houghton
Baldwin	Dicks	Hoyer
Ballenger	Dixon	Hutchinson
Barr	Doggett	Hyde
Barrett (WI)	Dooley	Inslee
Bartlett	Doolittle	Jackson (IL)
Barton	Doyle	Jackson-Lee
Bentsen	Dreier	(TX)
Bereuter	Duncan	Jenkins
Berkley	Junn	John
Berry	Edwards	Johnson, E. B.
Biggert	Ehlers	Johnson, Sam
Bilbray	Emerson	Jones (NC)
Bilirakis	Engel	Jones (OH)
Bishop	English	Kanjorski
Blagojevich	Eshoo	Kasich
Bliley	Etheridge	Kelly
Blumenauer	Evans	Kildee
Blunt	Ewing	Kind (WI)
Boehlert	Farr	King (NY)
Boehner	Filner	Kleczka
Bonilla	Fletcher	Klink
Bonior	Foley	Knollenberg
Bono	Forbes	Kolbe
Borski	Ford	Kucinich
Boswell	Fossella	Kuykendall
Boyd	Frank (MA)	LaFalce
Brady (PA)	Frelinghuysen	LaHood
Brady (TX)	Frost	Lampson
Burr	Galleghy	Lantos
Buyer	Ganske	Latham
Callahan	Gekas	LaTourette
Calvert	Gibbons	Lazio
Camp	Gilchrest	Leach
Canady	Gillmor	Lee
Cannon	Gilman	Levin
Capps	Gonzalez	Lewis (GA)
Capuano	Goode	Lewis (KY)
Cardin	Goodlatte	Linder
Castle	Gordon	Lipinski
Chabot	Goss	LoBiondo
Chenoweth-Hage	Granger	Lofgren
Clay	Green (TX)	Lucas (KY)
Clayton	Green (WI)	Luther
Clement	Greenwood	Maloney (CT)
Clyburn	Gutierrez	Maloney (NY)
Coble	Gutknecht	Manzullo
Collins	Hall (OH)	Martinez
Combest	Hall (TX)	Mascara
Condit	Hastings (FL)	McCarthy (MO)
Conyers	Hastings (WA)	McCarthy (NY)
Cook	Hayes	McDermott
Costello	Hayworth	McGovern
Coyne	Herger	McHugh
Cramer	Hill (IN)	McInnis
Crane	Hill (MT)	McIntyre
Crowley	Hilleary	McKeon
Cubin	Hilliard	McKinney

McNulty	Radanovich	Stearns
Meek (FL)	Rahall	Stenholm
Meeks (NY)	Ramstad	Strickland
Menendez	Rangel	Stump
Metcalf	Regula	Stupak
Mica	Reyes	Sununu
Millender-	Reynolds	Talent
McDonald	Riley	Tancredo
Miller, Gary	Roemer	Tanner
Minge	Rogan	Tauscher
Moakley	Rogers	Tauzin
Mollohan	Rohrabacher	Taylor (MS)
Moore	Ros-Lehtinen	Terry
Moran (KS)	Rothman	Thomas
Moran (VA)	Roybal-Allard	Thompson (CA)
Morella	Royce	Thompson (MS)
Murtha	Rush	Thornberry
Nadler	Ryan (WI)	Thune
Napolitano	Ryan (KS)	Thurman
Ney	Sabo	Tierney
Northup	Salmon	Toomey
Norwood	Sandlin	Towns
Nussle	Sawyer	Traficant
Oberstar	Saxton	Udall (CO)
Obey	Schakowsky	Udall (NM)
Olver	Sensenbrenner	Upton
Ortiz	Serrano	Velazquez
Ose	Sessions	Visclosky
Oxley	Shaw	Vitter
Packard	Shays	Walden
Pallone	Sherman	Walsh
Pascrell	Sherwood	Wamp
Pastor	Shimkus	Waters
Paul	Shows	Watt (NC)
Pease	Simpson	Waxman
Pelosi	Sisisky	Weiner
Peterson (MN)	Skeen	Weldon (PA)
Petri	Skelton	Weller
Phelps	Smith (MI)	Weygand
Pickering	Smith (NJ)	Whitfield
Pickett	Smith (TX)	Wicker
Pitts	Smith (WA)	Wise
Pomeroy	Snyder	Wolf
Porter	Souder	Woolsey
Portman	Spratt	Wu
Pryce (OH)	Stabenow	Wynn
Quinn	Stark	

NOT VOTING—95

Abercrombie	Gephardt	Nethercutt
Andrews	Goodling	Owens
Barcia	Graham	Payne
Barrett (NE)	Hansen	Peterson (PA)
Bass	Hefley	Pombo
Bateman	Hinojosa	Price (NC)
Becerra	Hulshof	Rivers
Berman	Hunter	Rodriguez
Boucher	Isakson	Roukema
Brown (FL)	Istook	Sanchez
Brown (OH)	Jefferson	Sanders
Bryant	Johnson (CT)	Sanford
Burton	Kaptur	Scarborough
Campbell	Kennedy	Schaffer
Carson	Kilpatrick	Scott
Chambliss	Kingston	Shadegg
Coburn	Largent	Shuster
Cooksey	Larson	Slaughter
Cox	Lewis (CA)	Spence
Davis (IL)	Lowey	Sweeney
Deal	Lucas (OK)	Taylor (NC)
DeGette	Markey	Tiahrt
Delahunt	Matsui	Turner
DeMint	McCullum	Vento
Diaz-Balart	McCrery	Watkins
Dingell	McIntosh	Watts (OK)
Ehrlich	Meehan	Weldon (FL)
Everett	Miller (FL)	Wexler
Fattah	Miller, George	Wilson
Fowler	Mink	Young (AK)
Franks (NJ)	Myrick	Young (FL)
Gejdenson	Neal	

1825

Mr. PITTS changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, on rollcall No. 2, I was unavoidably detained. Had

I been present, I would have voted "yea." on rollcall No. 2.

Mr. SCARBOROUGH. Mr. Speaker, on rollcall No. 2, had I been present, I would have voted "yea."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 2 on January 31, 2000 I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote No. 2. Had I been present, I would have voted "yea" on rollcall vote No. 2.

Mr. ANDREWS. Mr. Speaker, on H. Con. Res. 244, due to travel restrictions, I was unavoidably detained and unable to cast my vote. Had I been present, I would have voted "yea."

HILLORY J. FARIAS AND SAMANTHA REID DATE-RAPE PREVENTION DRUG ACT OF 1999

The SPEAKER pro tempore (Mr. STEARNS). The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 2130.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2130, 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 339, nays 2, not voting 93, as follows:

[Roll No. 3]

YEAS—339

Ackerman	Canady	Emerson
Aderholt	Capps	Engel
Allen	Capuano	English
Andrews	Cardin	Eshoo
Archer	Castle	Etheridge
Armey	Chabot	Evans
Baca	Clay	Ewing
Bachus	Clayton	Farr
Baird	Clement	Filner
Baker	Clyburn	Fletcher
Baldacci	Coble	Foley
Baldwin	Collins	Forbes
Ballenger	Combest	Ford
Barr	Condit	Fossella
Barrett (WI)	Conyers	Frank (MA)
Bartlett	Cook	Frelinghuysen
Barton	Costello	Frost
Bentsen	Coyne	Gallegly
Bereuter	Cramer	Ganske
Berkley	Crane	Gekas
Berry	Crowley	Gibbons
Biggert	Cubin	Gilchrest
Bilbray	Cummings	Gillmor
Bilirakis	Cunningham	Gilman
Bishop	Danner	Gonzalez
Blagojevich	Davis (FL)	Goode
Bliley	Davis (VA)	Goodlatte
Blumenauer	DeFazio	Gordon
Blunt	Delahunt	Goss
Boehler	DeLauro	Granger
Boehner	DeLay	Green (TX)
Bonilla	Deutsch	Green (WI)
Bonior	Dickey	Greenwood
Bono	Dicks	Gutierrez
Borski	Dixon	Gutknecht
Boswell	Doggett	Hall (OH)
Boyd	Dooley	Hall (TX)
Brady (PA)	Doolittle	Hastings (FL)
Brady (TX)	Doyle	Hastings (WA)
Burr	Dreier	Hayes
Buyer	Duncan	Hayworth
Callahan	Dunn	Herger
Calvert	Edwards	Hill (IN)
Camp	Ehlers	Hill (MT)

Hilleary	McNulty	Saxton
Hilliard	Meek (FL)	Schakowsky
Hinchey	Meeks (NY)	Sensenbrenner
Hobson	Menendez	Serrano
Hoeffel	Metcalf	Sessions
Hoekstra	Mica	Shaw
Holden	Millender-	Shays
Holt	McDonald	Sherman
Hooley	Miller, Gary	Sherwood
Hyde	Minge	Shimkus
Horn	Moakley	Shows
Hostettler	Mollohan	Simpson
Houghton	Moore	Sisisky
Hoyer	Moran (KS)	Skeen
Hutchinson	Moran (VA)	Skelton
Hyde	Morella	Smith (MI)
Inslee	Murtha	Smith (NJ)
Jackson (IL)	Nadler	Smith (TX)
Jackson-Lee	Napolitano	Smith (WA)
(TX)	Ney	Snyder
Jenkins	Northup	Souder
John	Norwood	Spratt
Johnson, E. B.	Nussle	Stabenow
Johnson, Sam	Oberstar	Stark
Jones (NC)	Obey	Stearns
Jones (OH)	Olver	Stenholm
Kanjorski	Ortiz	Strickland
Kasich	Ose	Stump
Kelly	Oxley	Stupak
Kildee	Packard	Sununu
Kind (WI)	Pallone	Talent
King (NY)	Pascrell	Tancredo
Klecza	Pastor	Tanner
Klink	Pease	Tauscher
Knollenberg	Pelosi	Tauzin
Kolbe	Peterson (MN)	Taylor (MS)
Kucinich	Petri	Terry
Kuykendall	Phelps	Thomas
LaFalce	Pickering	Thompson (CA)
LaHood	Pickett	Thompson (MS)
Lampson	Pitts	Thornberry
Lantos	Pomeroy	Thune
Latham	Porter	Thurman
LaTourette	Portman	Tierney
Lazio	Pryce (OH)	Toomey
Leach	Quinn	Towns
Lee	Radanovich	Traficant
Levin	Rahall	Udall (CO)
Lewis (GA)	Ramstad	Udall (NM)
Lewis (KY)	Rangel	Upton
Linder	Regula	Velazquez
Lipinski	Reyes	Visclosky
LoBiondo	Reynolds	Vitter
Lofgren	Riley	Walden
Lucas (KY)	Roemer	Walsh
Luther	Rogan	Wamp
Maloney (CT)	Rogers	Waters
Maloney (NY)	Rohrabacher	Watt (NC)
Manzullo	Ros-Lehtinen	Waxman
Martinez	Rothman	Weiner
Mascara	Roybal-Allard	Weldon (PA)
McCarthy (MO)	Royce	Weygand
McCarthy (NY)	Rush	Whitfield
McCrery	Ryan (WI)	Wicker
McDermott	Ryan (KS)	Wise
McGovern	Sabo	Wolf
McHugh	Salmon	Woolsey
McInnis	Sanders	Wu
McIntyre	Sandlin	Wynn
McKeon	Sawyer	
McKinney		

NAYS—2

Chenoweth-Hage

Paul

NOT VOTING—93

Abercrombie	Dingell	Larson
Barcia	Ehrlich	Lewis (CA)
Barrett (NE)	Everett	Lowe
Bass	Fattah	Lucas (OK)
Bateman	Fowler	Markey
Becerra	Franks (NJ)	Matsui
Berman	Gejdenson	McCullum
Boucher	Gephardt	McIntosh
Brown (FL)	Goodling	Meehan
Brown (OH)	Graham	Miller (FL)
Bryant	Hansen	Miller, George
Burton	Hefley	Mink
Campbell	Hinojosa	Myrick
Cannon	Hulshof	Neal
Carson	Hunter	Nethercutt
Chambliss	Isakson	Owens
Coburn	Istook	Payne
Cooksey	Jefferson	Peterson (PA)
Cox	Johnson (CT)	Pombo
Davis (IL)	Kaptur	Price (NC)
Deal	Kennedy	Rivers
DeGette	Kilpatrick	Rodriguez
DeMint	Kingston	Roukema
Diaz-Balart	Largent	Sanchez

Sanford	Spence	Watts (OK)
Scarborough	Sweeney	Weldon (FL)
Schaffer	Taylor (NC)	Weller
Scott	Tiaht	Wexler
Shadegg	Turner	Wilson
Shuster	Vento	Young (AK)
Slaughter	Watkins	Young (FL)

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So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WELLER. Mr. Speaker, on rollcall No. 3, I was inadvertently detained. Had I been present, I would have voted "yea."

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote No. 3. Had I been present, I would have voted "yea" on rollcall vote No. 3.

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 3, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SCARBOROUGH. Mr. Speaker, on rollcall No. 3, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to district business, I was unable to be present at votes that occurred today. Had I been present, I would have voted "yea" on rollcall 2. H. Con. Res. 244, and "yea" on rollcall 3, H.R. 2130.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2990, QUALITY CARE FOR THE UNINSURED ACT OF 1999

Mr. BERRY. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2990.

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. 2990 be instructed (1) to take all necessary steps to begin meetings of the conference committee in order to report back expeditiously to the House; and (2) to insist on the provisions of the Bipartisan Consensus Managed Care Improvement Act of 1999 (Division B of H.R. 2990 as passed by the House), and within the scope of the conference to insist that such provisions be paid for.

AIR QUALITY AND AIR POLLUTION IN THE STATE OF TEXAS MUST BE ADDRESSED

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, this evening the environmental agency of the State of Texas will hold a meeting to address the question of air quality and air pollution in the City of Houston in the State of Texas. I rise to the floor to

ask my constituents and the State of Texas to take seriously the devastation that we have experienced with poor air quality. Many of my constituents are already suffering from a high degree of respiratory illnesses. Houston has been noted as the number one city with air pollution.

In addition, we have not come up with solutions that can address the concerns and remedy the problem.

Tonight, although I will not be able to join my constituents in this meeting, I am pleading that we work with the Environmental Protection Agency; that we work with our State environmental agency; that we ask the governor of the State of Texas to join with us to expeditiously formulate a plan that will address the concerns that are devastating our community, poor air quality, poor health conditions; and that this evening we will have an open and vigorous debate and discussion that real solutions can come about at the meeting being held at the Houston-Galveston council tonight at 7:00 p.m. in Houston, Texas; and that we will realize that the Environmental Protection Agency is there to help and not to hurt; and that we will have a plan that will help to enhance the quality of life of all Houstonians in the State of Texas.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. STEARNS). 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 Mississippi (Mr. PICKERING) is recognized for 5 minutes.

(Mr. PICKERING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE TITANS ARE TRULY TENNESSEE'S TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. CLEMENT) is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, I rise today because of a great game that took place last night that we know of as the Super Bowl that not only captures the hearts and minds of the people in the United States but worldwide, because football is definitely a worldwide sport.

I am from the State of Tennessee. I represent the 5th Congressional District, Nashville, Tennessee, that is known as Country Music U.S.A., the Athens of the South; but we also have something that we are awfully proud of and we just completed a stadium that the Tennessee Titans, who used to be called the Houston Oilers, now play in. We are awfully proud of our team, the Tennessee Titans.

The Titans got their name from Nashville being known as the Athens of the South. We have a replica of the Parthenon in Nashville, Tennessee. So it seemed to make a lot of sense when we talk about why it was named Titans, because of Greek gods and Greek mythology. I might say that the Tennessee Titans rose to the occasion, and what a season they have had.

Mr. Speaker, I rise today in honor of the American Football Conference Champion Tennessee Titans from the 5th Congressional District of Tennessee. The Titans finished their inaugural season at the Adelphia Coliseum in Nashville with an all-time best 13-3 record, and then went on to defeat their foes the Buffalo Bills, the Indianapolis Colts, and the Jacksonville Jaguars, Mr. Speaker, that you supported, in outstanding play-off games, becoming the undisputed champions of the AFC.

The Titans then completed the year with a 16-4 overall record, playing in the football world championship, the Super Bowl, for the first time in the history of the franchise. The entire Titan team is to be commended for their courage, strength, and valor in this inaugural season in Nashville. They have faced adversity over the years, but now they can truly say they have come home to Tennessee.

I also want to congratulate owner Bud Adams, along with coach Jeff Fisher and the entire Titans' coaching staff for steering this team to victory after victory, as well as the Tennessee Titans' fans for being named the best fans in the NFL.

Tennessee may not have won the Super Bowl trophy, but the Titans played their hearts out down to the very last second and made every Tennessean proud. The Titans are truly Tennessee's team. On behalf of Titans' fans everywhere, I want to thank the team for giving us the best season we could have ever dreamed of and for letting the world know that Tennessee is a force to be reckoned with both on and off the field.

Mr. Speaker, I also want to congratulate the St. Louis Rams. What a great season they have had. I want to congratulate Kurt Warner. He is not only the quarterback for the St. Louis Rams but a great man, with great character and great vision who led them to victory last night.

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I also want to say, on behalf of the people of Tennessee, we are pleased to have a professional football team in our great State. In a lot of ways, we thought Memphis deserved it a lot more than Nashville because Memphis had worked so hard for so many years to capture a team. It happened to fall our lot to have the Tennessee Titans, which we consider a State-wide team, not just a local or regional team. But the Tennessee Titans have truly shown that they have a lot of courage. They are going to have great years ahead of

them as well, because we know that they are coming back and getting that much stronger.

I want to congratulate our quarterback, too, our quarterback for the Tennessee Titans and Eddie George and Al Del Greco, and we can go on and on with the great players we have had, and Marcus Robertson, who was hurt in the game before, who was decent enough through his foundation to give us or send four young people to Washington, D.C. to a youth violence event.

Those are the kinds of examples we need in the future, not just football players but football players with courage, football players with character that will set an example to our young people as we move into the 21st century and prepare for the future.

ELIAN AND FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, there are those who doubt the argument that returning Elian Gonzalez to Cuba actually means returning a 6-year-old boy to the Castro regime. There are those who question the importance or relevance of the sacrifice that Elian's mother made to ensure that he would live in freedom. There are still others who would question Elian's ability to express his own desires and to help determine his own fate.

However, those who have lived under totalitarian rule do not doubt. They know what it means to live in fear, in fear of persecution, in fear of arrest, in fear of torture and even death because of one's belief. They have suffered enslavement and subjugation by Communist regimes which not only stole their present but destroyed their future by exerting absolute control over their children's lives. Someone once said, it is easy to take liberty for granted when you have never had it taken from you.

I ask those who seek to oversimplify this case by advocating Elian's immediate return, without a court hearing and without following U.S. law, not to make that mistake. I ask them to hear the pleas of the members of organizations such as the Americans for Human Rights in Ukraine, who are appealing to Congress to act in Elian's case.

They write: "We know from recent past experience that Communist regimes are dangerous to the health and spirit of people under its control." For this reason, this group has asked us "to use our good offices to help a little boy to live in freedom."

I ask Members to listen to Vietnamese-American refugee advocate Hai Tran, who reminds us of how many Vietnamese mothers wiped off their tears and sent their children away to a seat on that rickety boat so that they might have a future, how many Vietnamese mothers and their children died

at sea in search of freedom away from that bamboo gulag. Because he knows the value and the sanctity of freedom, Hai Tran believes it is Elian's right to life and liberty here in the United States.

I ask those who support INS's unilateral decision to return Elian to Cuba to heed the questions proposed by Susan Rosenbluth in her editorial for the newspaper Jewish Voice and Opinion. She writes, "Imagine a Jewish father in Addis Ababa circa 1983, or Moscow circa 1987, or Damascus circa 1990, or Tehran right now.

Imagine the boy's mother finds a way to escape with the child. In the midst of the plan, something goes wrong and she dies, but miraculously, the little boy makes it. When he wakes up, he finds himself in Tel Aviv surrounded by his family, but the father is still in the country where dictators have the last word. Would the boy be returned to whatever totalitarian nightmare his mother had rescued him from?"

Susan Rosenbluth continues, in the Jewish Voice and Opinion, "If our hearts know the right answer for the hypothetical Jewish child in that story, then we must understand that Elian Gonzalez, the little boy whose mother died trying to rescue him from Cuba, belongs in the U.S., and that if his loving father could speak freely, that is what he would say, too.

After focusing on these statements, it is difficult to discount the importance of considering the environment that Elian would be exposed to in Cuba. It becomes readily apparent that a forum must be provided where the mother's wishes and ultimate sacrifice are also evaluated. This can only take place, justice can indeed only be served by allowing a court of law to hear the case.

The INS disagrees because it is applying Cuban law to the case. Congress, however, must be guided by U.S. laws and international standards requiring due process.

President Harry Truman once said, you know that being an American is more than a matter of where your parents come from. It is a belief that all men are created free and equal, and that everyone deserves an even break.

That is my belief, and I know it is my colleagues', as well. I ask that we live up to our commitment to uphold and protect the rights endowed to all human beings, and that we search our consciences before making a summary judgment to send Elian back to Castro's Cuba.

We have an opportunity to make a difference in this little boy's life; to demonstrate, through our actions, our adherence to the principles that are the rubric of our democratic society; to send a message from our resolve on behalf of oppressed men, women, and children everywhere. Let us not squander it.

TRIBUTE TO KURT WARNER, A REAL AMERICAN HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about a tribute to a very special person. President Reagan once observed that those who say there are no more American heroes, well, they just do not know where to look.

Paul Simon asked a haunting question in his song many years ago, "Where have you gone, Joe DiMaggio? A Nation turns its lonely eyes to you." America has always wanted heroes, and too often in sports we have found counterheroes.

I want to pay tribute tonight to a real American hero, a gentleman by the name of Kurt Warner. The Warner story has been documented in the last week or so by many sports scribes, and I do want to ultimately submit for the RECORD an article which was written by the sports editor of our local newspaper, Bob Brown in the Rochester Post Bulletin.

I guess I have a special feeling for Kurt Warner for a lot of reasons. First of all, his grandparents are from Faribault, Minnesota, which is in my district. Second, he went to the same college that I did, the University of Northern Iowa in Cedar Falls, Iowa. Third, he worked for the Hy-Vee grocery store in Cedar Falls, Iowa, and so did I. Fourth, I guess I would have to say, his wife, Brenda, spent several of her formative years living in a home on West Ninth Street in Cedar Falls, Iowa, right next to my parents.

So I guess I have had a fairly special relationship, even though Kurt Warner and I have never met. But I have followed his career from the time he was at UNI, and I have come to appreciate not only his talents on the field, but the kind of human being that he really is. We saw that yesterday, and we have seen it as his career has developed.

He has kept his head on straight. He has kept his focus on the things that were important in his life. The story is just such a powerful story. It could not have happened to a nicer individual.

The story of Kurt Warner is one that every American should be proud of. He went to college and was red-shirted his first year, spent 3 years on the bench, and finally got his chance to play at the University of Northern Iowa. He led his team to the midconference championship. He was not drafted by anybody in the NFL, but he was allowed to come to the Packers' training camp. He was cut. After he was cut by the Packers he returned to Cedar Falls and worked at that Hy-Vee grocery store I talked about earlier.

The great thing about Kurt Warner is that he never lost his faith. Like the parable of the talents in the Bible, he understood that almighty God had given him special talents, and he was expected to make the most of them, so he stuck with those talents long after

some of the experts would probably have encouraged him to give up.

But the story of Kurt Warner goes on. Not only did he go on to lead the Rams this year to the NFL championship in the Super Bowl and to the MVP award, but I think the story is much more powerful. After the game was over, he gave tribute and paid honor to where the real honor belonged, and he gave all of the glory to his savior, Jesus Christ. I just want to say, it took a special kind of courage for him to do that.

The story, as I say, goes on. Not only has Warner battled obstructions on the field to get where he is, but he has also had his share of off-the-field struggles, as well. His in-laws were killed in a tornado in Mountain View, Arkansas. Kurt and his wife Brenda's oldest son Zachary has been blind since suffering a head injury in an accident when he was a baby. Zachary is only able to see objects that are held very close to his face. He has been that way since he was an infant, when his father, Brenda's first husband, accidentally dropped the child during a bath.

Zachary has head injuries, but Kurt went on to adopt the child. He says later in this interview, "To go home and see how he struggles with everything he does helps keep things in perspective," Warner said. "I have realized how special a child he must be to go through life with the excitement and the joy he has, even though he has to struggle doing everything he does."

The story of Kurt Warner is a powerful story, and we in America I think owe him a big thank you, because for one brief, shining moment, we were all privileged to watch a real hero perform his art and perfect our lives.

On behalf of a grateful Nation, I would like to say a special thank you to Kurt Warner. Good luck to he and his wife Brenda. We wish them only the best. As Paul Harvey would say, lead on.

Mr. Speaker, I include for the RECORD the article of January 29, 2000, from the Post-Bulletin.

The article referred to is as follows:

[From the Post-Bulletin, January 29, 2000]

WARNER HAS STORY TO TELL: QUARTERBACK'S TALE IS MEMORABLE

The story of this Super Bowl is Kurt Warner.

What the St. Louis Rams' quarterback has gone through to become the National Football League's Most Valuable Player this season and to lead his team to the Super Bowl is amazing, utterly amazing.

Here are some things about Warner you might want to keep in mind as you watch him play in Super Bowl XXXIV Sunday against the Tennessee Titans.

He went to high school and college just down Highway 63 from us. Born in Burlington, Iowa, he attended Cedar Rapids Regis High School, lettering in football, basketball and baseball. He played college football at Northern Iowa University in Cedar Falls.

He was redshirted his first year at Northern Iowa, sat the bench for the next three years and started only as a fifth-year senior. Warner wasn't even on full scholarship until

his last year in college. He did pass for 2,747 yards and led Northern Iowa to a Gateway Conference championship in 1993.

Warner wasn't drafted by any NFL teams. He went to the green Bay Packers' training camp in 1994. He was cut before camp was over, but he was there long enough for Packer quarterback Brett Favre to tag him with the nick-name "Pop" Warner.

After he was cut by the Packers he returned to Cedar Falls and worked for six months stocking shelves at the Hy-Vee grocery store there.

Warner went on to play with the Des Moines-based Iowa Barnstormers in the Arena Football League for the next three seasons. He holds virtually all the Barnstormers' passing records, including 79 touchdown passes in one season (1997). He passed for 10,164 yards and 183 touchdowns in three seasons in Iowa.

Warner signed as a free agent with the Rams on Dec. 26, 1997 and then spent the summer of 1998 playing in NFL Europe for the Amsterdam Admirals and led the league in passing and touchdowns.

Warner, a devout Christian, spent time in Amsterdam, a city known for its red light district, leading a bible study class.

Warner rejoined the Rams for the 1998 NFL season, and spent the first 14 games on the inactive list. He saw his first NFL action of his career in the fourth quarter of Rams' final game against San Francisco and completed four of 11 passes for 39 yards.

Warner was back with the Rams this season, only because the Cleveland Browns passed him over in the expansion draft. The line on Warner as he entered this season was: Has potential to develop into a solid quarterback in the league . . . raw talent with outstanding arm strength and accuracy.

The Rams had signed Trent Green who played at Washington last season, to be their quarterback, but he suffered a knee injury in the preseason and was out for the year. In stepped Warner and the rest is history. He led the NFL in passing and with his 41 touchdown passes became only the second player in NFL history to throw for more than 40 touchdowns in a season.

Not only has Warner battled obstacles on the field to get to where he is, but he has had his share of off-the-field hurdles, too. His in-laws were killed in a tornado in Mountain View, Ark., in 1996. Kurt and wife Brenda's oldest Zachary, has been blind since suffering a head injury in an accident when he was a baby.

Zachary, is only able to see objects that are held close to his face. He's been that way since he was an infant, when his father, Brenda's first husband, accidentally dropped the child during a bath. Zachary's head hit the side of the tub, which damaged his brain and ruptured his retinas.

The accident almost killed the child, and doctors warned Brenda that if Zachary lived he'd never be able to see or walk or talk. He survived, despite seizures in the hospital, and when the Warners got married, Kurt adopted the boy, and his sister, Jesse, 8.

"To go home and see how he struggles with everything he does helps me keep things in perspective," Warner said. "I have realized how special a child he must be to go through life with the excitement and joy he has even though he has to struggle doing everything he does."

So that is the Kurt Warner story. It's difficult not to pull for a guy like him.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, I begin by congratulating my very good friend, the gentleman from Minnesota (Mr. GUTKNECHT) for his very thoughtful special order. Representing Los Angeles, the

former home of the Rams, I would like to extend hearty congratulations to Kurt Warner and Dick Vermeil and all associated with the Rams organization for their very impressive and exciting victory towards the end yesterday.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1838, TAIWAN SECURITY ENHANCEMENT ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-490) on the resolution (H. Res. 408) providing for consideration of the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER 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 Idaho (Mrs. CHENOWETH-HAGE) is recognized for 5 minutes.

(Mrs. CHENOWETH-HAGE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

INTRODUCTION OF LEGISLATION TO PROMOTE PIPELINE SAFETY

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, on June 10, 1999, a liquid gasoline pipeline owned by the Olympic Pipeline Company ruptured and spilled over 200,000 gallons of gasoline at Whatcom Falls Park, a 241-acre park in my district in the city of Bellingham. Gasoline was carried into Whatcom Creek, where it reportedly filled the creek at depths of up to 10 feet.

The spilled fuel was inadvertently ignited by two 10-year-old boys, Wade King and Stephen Tsiorvas, who were playing with bottle rockets at the creek. The resulting fireball raced down the length of the creek for a mile and a half, killing King, Tsiorvas, and an 18-year-old fly fisherman named Liam Wood. Swaths as wide as 200 feet along the creek were burned within minutes.

The explosion of June 10 caused millions of dollars in property damage and did immeasurable harm to the families and friends of Wade King, Stephen Tsiorvas, and Liam Wood.

I have long held reservations about our system of pipeline safety regulations. In 1996, I voted against the pipeline deregulation bill because I felt it

removed too many essential safeguards. Since the tragedy, I have redoubled my efforts to improve the regulatory climate.

I have been in close contact with industry, public interest groups, local officials, Federal regulators, and constituents.

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The bill that I have introduced today addresses several concerns. Under my legislation, number one, pipelines will be required to be inspected both internally and with hydrostatic tests. Pipelines with a history of leaks will be specifically targeted for more strenuous testing. All pipeline operators will be tested for qualifications and certified by the Department of Transportation.

The results of pipeline tests and inspections will be made available to the public and a nationwide map of all pipeline locations will be placed on the Internet where ordinary citizens can easily access it. All pipeline ruptures and spills of more than 40 gallons will be reported to the Federal Office of Pipeline Safety. And States will be able to set up their own pipeline safety programs for interstate pipelines.

In addition, the bill requires studies on various technologies that may improve safety such as external leak detection systems and double-walled pipelines.

The bill has already bipartisan support. My distinguished colleagues, the gentlewoman from Washington (Ms. DUNN), the gentleman from Washington (Mr. INSLEE), and the gentleman from Washington (Mr. SMITH) have agreed to cosponsor; and I thank them very much for that.

Mr. Speaker, we hope to move this legislation through Congress and I hope the rest of my colleagues can join with me in support of this bipartisan proposal.

CBO COST ESTIMATE ON H.R. 1838, TAIWAN SECURITY ENHANCEMENT ACT

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, set forth below is the cost estimate of the Congressional Budget Office on H.R. 1838, the "Taiwan Security Enhancement Act." This estimate was not available on October 28, 1999, when the Committee on International Relations filed its report on H.R. 1838.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—
H.R. 1838, TAIWAN SECURITY ENHANCEMENT ACT

H.R. 1838 would emphasize the security relationship between the United States and Taiwan. Specifically, the bill would authorize an increase in the technical staff at the American Institute in Taiwan, and would require the Administration to report on Taiwan's defense needs, its security situation, and the United States' ability to respond to contingencies in the Asia-Pacific region. Also, the bill would require the Administra-

tion to enhance the opportunities for training and exchanges of Taiwanese officers at U.S. military schools and academies. CBO estimates that enacting the bill would have no significant budgetary effect.

According to the Department of Defense (DoD), implementing H.R. 1838 would not require any additional staff because DoD has already increased the number of technical staff at the American Institute in Taiwan during the last year. CBO estimates that preparing the required reports would not increase costs significantly, and any additional officer training and exchanges would be paid in full by Taiwan. The funds for training and exchanges would flow through the foreign military sales trust fund—a direct spending account. Because the bill could affect direct spending, pay-as-you-go procedures would apply; however, CBO estimates that the net effect of any increase in collections and outlays would not be significant.

H.R. 1838 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The estimate was prepared by Joseph C. Whitehill. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PRESIDENTIAL CANDIDATES SHOULD RAISE CAMPAIGNS TO HIGHER LEVEL OF TRUTHFULNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I know many Americans and also an awful lot of people in Washington, D.C., are focusing intently on what is going on in New Hampshire, not only tonight but over the past several weeks. We are obviously in the midst of a presidential primary season. It is very exciting to watch the democratic process playing itself out seeing who is going to be elected the next President of this great republic.

It has not been too surprising to see the differences between the Republican and the Democratic Party. The Republicans obviously have five or six conservative candidates whose fight mainly centers around who wants to cut taxes more, who wants to cut the size and scope of this mammoth bureaucracy, who wants to spend less and promote greater freedoms for individuals across the country.

Likewise, it is not a surprise that the Democratic primary has been consumed by battles, a left-wing battle for those swinging wildly for the most extreme elements of the Democratic left, whether it be in Iowa or New Hampshire.

They are fighting for bigger government. They are fighting for higher taxes, fighting for Federal funding of abortion on demand, not only here but also across the globe, and they are also fighting for socializing medicine, the same schemes that were rejected in 1994 by Americans.

Now, that is also not a surprise to most observers. But what is surprising,

I think, to many observers have been the exploits of the Democratic front runner, Albert Gore. I say it is surprising because he has shown a remarkable disregard for telling the truth in his campaign battle against Senator Bradley.

In the USA Today today, Walter Shapiro, who is a regular columnist who writes "Hype and Glory," wrote this:

"To tell the truth, Al Gore is having trouble out there. There he goes again. Al Gore simply can't help himself. With his veracity challenged by Bill Bradley and questioned in recent news stories, Gore might have been expected to use his major campaign event Sunday to end the final weekend before the New Hampshire primary on a high note. Instead, the Vice President, stretching truth as if he were competing in a taffy pull, went after Bradley with the kind of rhetorical overkill that made . . . Ted Kennedy standing next to Gore seem like Caspar Milquetoast."

"Speaking to both passionate supporters and still-wavering undecided voters, Gore dispensed with any pretense of subtlety in his new super-hero role . . . Gore used the word 'fight' . . . 44 times in roughly a 20-minute speech . . . But what was the most stunning about the Gore speech was not the Rocky imagery, but unabashed and unashamed mendacity."

Shapiro goes on to say, "Remember, Gore is the same candidate who insisted in Wednesday night's debate that, 'There has never been a time in this campaign that I have said something that I know to be untrue.'" Shapiro went on to say either GORE, "in both his Gingrich and abortion comments, enjoys a very permissive definition of 'untrue' or else his judgment is highly suspect if he actually believes his own over-the-top claims."

And I am quoting still from Shapiro in USA Today: "The Boston Globe disclosed Friday that during Gore's stuttering presidential campaign in 1988, his press secretary . . . warned the candidate in a memo, 'Your main pitfall is exaggeration.' This character flaw, this relentless willingness to prevaricate and demonize his opponents, might have been barely excusable in a young Senator making a premature run for the White House. But," in the words of Shapiro, "it is deeply troubling in a senior statesman who has served two terms as Vice President."

Walter Shapiro concludes by talking about how Bill Bradley has been trying to elevate the Democratic primary, whether one agrees with some of the most liberal tenets in his platform or not. "But if politics is ever again to become a higher moral calling than, say, commodities trading or running a talent agency in Hollywood, then candidates must be held responsible for the tenor and the truthfulness of their campaigns. And that means you, Mr. Vice President."

Mr. Speaker, I have got to say, I was struck not only by the timing of this article, because I was absolutely

stunned yesterday when AL GORE, campaigning in New Hampshire, criticized Bill Bradley for injecting Willie Horton into the New Hampshire primary, when all Mr. Bradley was saying was that it was Mr. GORE and not George Bush who injected Willie Horton into the campaign in 1988. And so then the Vice President turns around and attacks Bill Bradley for telling the American people who first introduced Americans to Willie Horton.

Likewise, he criticized Mr. Bradley for hurting the pro-choice movement for pointing out the fact that Mr. GORE has been extraordinarily inconsistent on the issue of pro-choice. I certainly hope that he and all other candidates, Republicans and Democrats, can raise this campaign to a higher level.

MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. WELLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELLER. Mr. Speaker, this is a great opportunity this evening to talk about an issue that many of us have raised in this Congress over the last several years. That is an issue that really is a fundamental issue of fairness, an issue of fairness that the American people have been asking some pretty basic questions about over the last several years.

I represent the south side of Chicago, the south suburbs in Cook and Will Counties, as well as bedroom communities and farm communities in Illinois. And I found, whether I was in the steel workers union hall in Hegwish or a neighborhood in Chicago or at the local legion post in Joliet or the local grain elevator in Tonica, people often ask a basic question: Is it right, is it fair that under our Tax Code that the average married working couple pays higher taxes just because they are married? They say why do the folks in Washington allow a Tax Code to be in place that tells us that if we choose to get married and work, we are going to pay more in taxes?

Mr. Speaker, they are stunned when they learn that 28 million married working couples pay an average \$1,400 more in higher taxes just because they are married.

Clearly, the marriage tax penalty suffered by working married people is fundamentally wrong and something we should change. I am so pleased that the leadership of this House, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), has made reduction and elimination of the marriage tax penalty the first priority this year. First out of the box and on a fast track as a tax-related initiative to help middle-class families.

The marriage tax penalty has been in place for almost 30 years, and no one has gone back to fix it. I am pleased this Republican Congress has made a

decision to bring fairness to the Tax Code by working to eliminate the marriage tax penalty.

The marriage tax penalty is something that affects real people. I have a photo here of a young couple from Joliet, Illinois, Shad and Michelle Hallihan, two school teachers. They teach in the local public schools in Joliet. Shad and Michelle suffer a marriage tax penalty of almost a thousand dollars because they are married. They recently had a child, a baby. And as Michelle Hallihan pointed out to me, she said that \$1,000 the marriage tax penalty that they suffer, that is 3,000 diapers that they can buy for their child that goes to Uncle Sam instead of taking care of their child. It is real money.

Mr. Speaker, \$1,400 in Joliet, Illinois, where Shad and Michelle live is one year's tuition at Joliet Community College, and it is 3 months of day care at a local day care center.

Let me explain how it came about. Our Tax Code has grown more complicated and since the late 1960s, married working couples, moms and dads, husbands and wives with two incomes have paid higher taxes just because they are married. Of course, we have made this a priority, and I would like to announce, of course, this Wednesday, the Committee on Ways and Means is going to be marking up, committee action will occur on legislation essentially to wipe out the marriage tax penalty for almost 28 million married work couples. A real change that is going to help people.

Mr. Speaker, this is how the marriage tax penalty works. Take a machinist and a school teacher in the south suburbs of Chicago. They have identical incomes. This machinist is making \$31,500 as a single person. Under our Tax Code, he is going to be taxed at 15 percent rate. So he meets a school teacher, a gal with an identical income of \$31,500, and they choose to get married. And at the point they choose to get married, they begin filing their taxes jointly.

When we file our taxes jointly, we combine our two incomes. In this case, this machinist and school teacher who previously were taxed at 15 percent, because they chose to get married, their combined income pushes their combined income to \$63,000. They pay almost \$1,400 more in higher taxes because they are pushed, under our Tax Code, into the 28 percent tax bracket, the higher tax bracket. That is wrong, but today that is the current situation for working married couples. So, really, the incentives is in the wrong place. Marriage is one of the most basic institutions in our society, and our Tax Code punishes marriage.

I would point out that had this machinist and school teacher chose to live together outside of marriage, they would not suffer that extra tax. Only when they choose to get married do they pay that higher tax. And I think we all agree, that is wrong that we im-

pose higher taxes on married working people.

I am proud to say that the House Republican leadership, under the leadership of Speaker Hastert, has made elimination of the marriage tax penalty our first initiative in an effort to bring fairness to the Tax Code and lower the tax burden on working families. This afternoon, the gentleman from Texas (Mr. ARCHER) unveiled the legislation that will provide tax relief for 28 million married working couples. It is similar, almost identical in many ways, to the Marriage Tax Elimination Act, H.R. 6, legislation that we introduced earlier this year which now has 230 cosponsors, and overwhelming majority of Republicans; and I am pleased that 12 Democrats have joined with us in an effort to make this a bipartisan proposal.

Mr. Speaker, let me briefly share what the proposal that we will be working on in the Committee on Ways and Means on Wednesday will do. It is the goal of the House to act and approve and send to the Senate by February 14, Valentine's Day, our effort to wipe out the marriage tax penalty.

Think about it. What better Valentine's Day gift to give 28 million married working people than elimination of the marriage tax penalty. This legislation will essentially wipe out the marriage tax penalty for almost everybody who suffers it. That will be a big change in our Tax Code.

The legislation that we will be acting on and voting out of the House in the next couple of weeks will help 28 million married working couples. For those who do not itemize their taxes, they will see immediately \$230 dollars in marriage tax relief. For those who itemize because they own a home, they will see \$1,400 marriage tax relief under this legislation.

I would point out that this makes a big difference. Under our plan, we provide immediate marriage tax relief in 2001, next year, helping millions of couples. And because we double the standard deduction for those who do not itemize for joint filers to twice that of singles, 3 million married working couples will see their Tax Code simplified because they will no longer need to itemize and fill out extra forms. So we make filing for taxes easier.

And for those who do itemize, primarily homeowners, they will see marriage tax relief as well. Twenty-eight million married work couples will see up to \$1,400 in marriage tax relief as a result of what the Committee on Ways and Means will approve on Wednesday, and I expect that an overwhelming majority of this House will see it approved before Valentine's Day. What a great Valentine's Day gift that we can give 28 million married working couples, elimination of the marriage tax penalty.

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I am joined by a number of my colleagues today who have been real leaders in the effort to eliminate the marriage tax penalty.

As I pointed out earlier, of the 435 Members of this House, we need 217 to pass a bill. So an overwhelming majority of the House have joined in cosponsoring this bill. I am joined today by a number of cosponsors of this legislation who have stepped forward and fought hard to eliminate the marriage tax penalty.

Mr. Speaker, at this time I would like to yield to the gentlewoman from Illinois (Mrs. BIGGERT). I appreciate her participating in today's special order.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman very much for yielding.

I would like to commend my colleague from Illinois (Mr. WELLER) for his dedication and commitment to the issue of the marriage tax penalty that we are discussing here tonight.

Mr. Speaker, certainly the Federal Government taxes work, savings, investment, entrepreneurship, risk taking, creativity, ingenuity, even death. And you name it, Washington taxes it; and sometimes Washington taxes it twice or three times. So it should come as no surprise that the Federal Government taxes marriage.

That is right: 28 million working American couples pay higher taxes simply because they are married. The Tax Code punishes working couples by pushing them into a higher tax bracket, effectively taxing the income of the second wage earner at a much higher rate than if he or she were taxed only as an individual.

We are not talking about pennies, either. These families pay an average of \$1,400 more in taxes. This is money that could be used to buy a family computer, improve their homes, or save for their children's education.

For years, Republicans, led by my colleague from Illinois (Mr. WELLER), have led the fight to eliminate the marriage penalty. A bipartisan majority of the House supports his legislation to do away with the marriage penalty. We included it in our tax relief bill last year.

Unfortunately, the President vetoed that bill and the significant marriage penalty relief it provided. Now we hear from the President that he wants to provide marriage penalty relief. I think that is great, and I think we would welcome his support. So next month, when the House passes the significant marriage penalty relief for the second time in the 106th Congress, and I think it is a great idea to have that on February 14, Valentine's Day, when we pass that in the House, the President will have the opportunity to prove that his support is more than the State of the Union talk.

There is no way around it. The Tax Code attacks one of society's most basic institutions, marriage. So with the President and the Congress in agreement on the need to provide marriage penalty relief, now is the time to back up our words with action and bring tax equity for working families.

So, again, I commend my colleague from the district right next to mine for

the work that he has done. I think it is important to note that the bill that will be before the House Committee on Ways and Means will provide even more benefits and actually improves the bill that has been before us before in that it will provide relief in a shorter time and more relief. This is an area that we have been working on for so long.

Mr. WELLER. Mr. Speaker, reclaiming my time, I want to thank my friend and colleague from Illinois (Mrs. BIGGERT) for her leadership and efforts to eliminate the marriage tax penalty.

In suburban districts like my colleague from Illinois, we have many homeowners; and one of the provisions that is so important in our legislation that the committee will be acting on on Wednesday and the House voting on around Valentine's Day is that we help those who itemize who suffer the marriage tax penalty, as well.

If they own a home and they have to pay mortgage interest and they pay property taxes and they combine those two, that usually causes them to itemize their taxes. So I appreciate very much her leadership.

One other area I would like to point out that is so important about the legislation that we will be acting on in the Committee on Ways and Means and the House voting on within the next 2 weeks is that we help 28 million married working couples, and also we help those poor families, working families, who participate in earned income tax credit by working to offset a marriage tax credit that they suffer, as well. So low-income families and low-income working families benefit from the legislation that we are passing, as well.

Another thing I would like to point out is that people often say, if the House moves quickly and the House is really showing leadership on this, is the Senate going to act on it, too? I would like to point out, too, that Chairman ROTH of the Senate Finance Committee today praised the gentleman from Texas (Chairman ARCHER) for the speedy start of the House in this effort to eliminate the marriage tax penalty and that he intends to move similar legislation in the coming months.

That is good news because we want to make elimination of the marriage tax penalty our top priority first out of the box and on a fast track to help 28 million married working couples.

Mr. Speaker, I see the gentleman from Minnesota (Mr. GUTKNECHT), my friend, who has been a tremendous leader here on this effort to eliminate the marriage tax penalty and who is one of the first ones to say this is something that the House needs to do. I want to thank him for that.

I am happy to yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank my colleague from Illinois for yielding.

The gentleman from Illinois (Mr. WELLER) and I came together in the

Class of '94, and there were a number of things that we learned when we first came here. First of all, we had this huge budget deficit that we were wrestling with, \$240-plus billion.

When we first came here, the Congressional Budget Office told us after the President submitted his first budget that we would see deficits of over \$200 billion as far as the eye could see.

There were a number of problems here in Washington. One of the first things we did is that we said we are going to make Washington live by the same laws as everybody else and so that Congress is no longer exempt when we pass new laws.

We balanced that budget. We reformed the welfare system. And today over half of the people who were receiving welfare checks 5 years ago are now receiving payroll checks. We made a tremendous contribution, and I think we have moved the country in the right direction. This is just the next installment of the Republican agenda.

I was surprised to learn how many people in America were paying extra taxes just because they were married. That is just not bad tax policy; that is not just bad family policy. At the end of the day there is something almost fundamentally immoral for us as a Federal Government to say they are going to pay extra taxes just because they have a marriage license. That is bad policy, and we are finally in a position where we can stop it.

I want to remind my colleagues and others who may be watching this that if they would just like to check and see, if they have got a married couple where they are both working, both earning approximately the same income, and I think the example of my colleague is a good one, I was in several schools in the last couple of weeks in my district talking with teachers about education policy and other things, but it was interesting how many times the issue of the marriage penalty came up in my conversations with teachers.

The reason is that there are an awful lot of teachers who are married to each other and they pay this marriage penalty. And so we have set up on our Web site and if people would go to "gil.house.gov" there is a calculator there and they can do a quick calculation. Now, it is not exactly IRS approved, but it will give them a very close calculation of what they are paying currently in terms of extra taxes just because they are married.

So if any of my colleagues would like to check that, they can go to my Web site, I think some other Members have it on their Web sites as well, but "gil.house.gov" and they can actually find out how much of a penalty in extra taxes they may be paying simply because they have a wedding license. Bad tax policy. Bad family policy. And as far as I am concerned, fundamentally immoral.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. WELLER)

for his leadership. And I want to remind people that we are going to continue to do the hard work of balancing the budget, of saving Social Security, of paying down debt, and providing real tax relief for working families. They are not mutually exclusive.

One of the other issues that I have been pushing and I know my colleague has as well is that we are going to take these things one thing at a time. Last year we had a very good tax bill. It was \$692 billion. But unfortunately I think in the eyes of a lot of Americans, 692 billion is sort of an amorphous thing. And so, this year we are going to tackle these issues one at a time as the resources, as the surpluses actually develop.

We are going to take the marriage penalty tax first. I would hope then very shortly afterwards as we develop more surpluses as the revenues come in that we would take a serious look at the death tax. And if we cannot eliminate it, let us at least simplify it and make the system fair. Because, again, I think it is fundamentally immoral to have a 55 percent tax rate, a tax rate that quickly escalates to 55 percent. That is confiscatory and, as I say, it is fundamentally immoral.

So there are some other things we need to tackle in this year, and I think we are going to demonstrate early on that we are going to continue to do the hard work of balancing budgets, of saving Social Security, of actually paying down some of that national debt, and at the same time providing significant and important tax relief for those working families out there who work so hard every week. We know, at the end of the day, those families know how to spend this money a whole lot smarter than bureaucrats here in Washington.

So I just wanted to rise and speak in strong support for this bill and do what we can to work through the process to get it through the House, get it through the Senate, and get it to the President's desk. Because I am convinced we are going to have overwhelming majorities on both sides of the political aisle here in the House and as well as the Senate; and I think that, at the end of the day, the President will sign this bill and very soon couples like this one will not have to pay extra taxes just because they are married.

Mr. WELLER. Mr. Speaker, reclaiming my time, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for his leadership and for his participation tonight in explaining the marriage tax penalty, what it is and why it is wrong and what we are going to do about it.

I look back, in listening to my colleague's comments, to 5 years ago when he and I were elected as part of the Class of 1994; and if we think about it back then, think of the issues that were facing us. Congress and the President had just imposed the biggest tax increase in the history of this country on the American people, putting the

tax burden at the highest level it had ever been in peacetime history. The Federal Government was looking at \$200 billion to \$300 billion in deficit spending for the foreseeable future. More children were living in poverty than ever before. There was a rogue IRS running amuck amongst families and small business.

We brought about some fundamental changes during the last 5 years. We balanced the budget for the first time in 28 years. We cut taxes for the middle class for the first time in 16 years. And in the State I represent, in Illinois, 3 million Illinois children now benefit from that \$500-per-child tax credit that was part of our middle-class tax relief.

Remember all those times we were told time and time again that it was radical, it was crazy, how can you balance the budget and cut taxes at the same time?

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would continue to yield, I think the comment was that, if you go ahead with these reckless tax cuts, lowering capital gains tax rates, remember, we were going to lower the top capital gains tax rate from 28 percent to 20 percent. That represents a 30-percent cut. And some of our colleagues on the left said, well, you are going to blow a hole in the budget. I wonder how many times we heard that expression.

Well, the interesting thing is we lowered the capital gains tax rate, and we have actually seen more revenue coming into the Federal Government. As more people convert assets that are not producing the way they want to into other assets, they recognize that gain, they pay the taxes. When you increase economic activity, you increase revenue to the Federal Government. When you allow people to keep more of their own money, revenue to the Federal Government goes up because they spend that money, and it gets recycled through the private economy.

Here again is one classic example. This marriage penalty is the next big log that is going to fall. And this will be a tremendous victory. I was surprised to learn, 28 million American couples paying a penalty of an average of \$1,400.

We have made tremendous progress. There is still a lot to be done, but we are not going to give up with just this. This will be the next step. As we go forward, I think more and more Americans will see that this will benefit not only a lot of working families but it will benefit the economy as well.

Mr. WELLER. Mr. Speaker, reclaiming my time, as the gentleman from Minnesota (Mr. GUTKNECHT) pointed out, there has been fundamental change over the last 5 years, balancing the budget, cutting taxes for the middle class. We, of course, passed welfare reform into law, the first real welfare reform in a generation. In my home State of Illinois, we have seen a 50-percent, one-half of our welfare roles have been cut in half as a result of welfare

reform. We reformed the Internal Revenue Service, shifting the burden of proof off the backs of taxpayers onto the IRS. That is a fundamental change.

We also did something this past year that was very much in response to what I hear from the folks back home in Illinois. We stopped the raid on Social Security. For the first time in 30 years, we balanced the budget without spending one dime of Social Security, setting aside \$137 billion of Social Security for Social Security and Medicare, a big fundamental change.

I am also asked about what are people doing about paying down the national debt. We have paid down \$350 billion of the national debt. We are going to adopt a budget later this year that is going to eliminate the national debt over the next 13 to 15 to 20 years. That will be another fundamental change.

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That is why I am happy to yield to the gentleman from Virginia (Mr. GOODLATTE) who has been another real strong leader in our efforts to eliminate the marriage tax penalty and help 28 million married working couples. When we think about that, 28 million married working couples, that means 56 million working Americans suffer higher taxes just because they are married. I am happy to yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding. I especially want to thank and congratulate him for his effort in this matter. I know that he has introduced, along with the gentleman from Indiana (Mr. MCINTOSH) and the gentlewoman from Missouri (Ms. DANNER), a Democrat, H.R. 6 to eliminate the marriage tax penalty. I am pleased to be a cosponsor of that legislation along with the gentleman from Minnesota and many others because it is long overdue.

As has already been noted, we attempted to do that in the tax package that we passed last year that was unfortunately vetoed by the President. This time we are going to go back, put it right on the line and say that we are going to introduce a bill, produce a bill that simply eliminates the marriage tax penalty.

For the last year and a half, I have discussed it at every single one of the dozens of town meetings that I have conducted across my congressional district. Every time I bring this up, I can just see everybody in the audience nodding their heads in agreement. They understand this issue. I use exactly the illustration that the gentleman from Illinois referred to earlier and he has provided to other Members. I take that to them. I say, you have a couple, each earning \$31,500 per year for a combined income of \$63,000. If they are married, they will pay nearly \$1,300 a year more than the same two people with the same two jobs living in the same household with the same income. People understand that that is totally contrary to good public policy. It discourages marriage, it discourages people

from being forthright with their income and their taxes.

We need to change that. Fairness is fairness. The American public understands this. Poll after poll has reflected that each one of us knows from our meetings with our constituents as well.

There was a recent poll by Wirthlin Worldwide that showed that 85 percent of Americans believe that the marriage tax penalty is unfair, and 80 percent of them favor the elimination of the marriage tax penalty. Eighty-nine percent of married women and 89 percent of working and married mothers are among those who strongly believe that the marriage tax penalty is unfair. And more than two-thirds of all Americans, according to a Harris Poll, believe that the budget surplus should be used to eliminate or reduce the marriage tax penalty.

I think that this is something that the American people expect us to do. It is a disappointment when we put forward an effort like that along with other very reasonable tax cuts directed at improving our economy, creating more jobs and helping hardworking American families who right now face the highest level of taxation they have ever faced, to veto something like that. I am hopeful that this time we will have the President's help in getting real, meaningful tax cuts in place here.

If we look at the average American family, not wealthy people but the average American family, when we add up what they pay in Federal, State and local taxes, it comes to about 40 percent of the average family's income. That is more than the average family spends on food, clothing and shelter combined. When we add on top of that a penalty for being married and having both members of the household having to go out and work in order to support their family, it is truly an outrage that this condition in our tax code has been allowed to persist as long as it has. I am pleased with the commitment of our leadership to move this legislation forward. I know we will have bipartisan support for it. It is my hope that we will pass this legislation as quickly as possible and get this tax relief to working families as quickly as possible.

Mr. WELLER. I thank the gentleman from Virginia for his leadership and efforts on working to eliminate the marriage tax penalty. When we think about it, \$1,400 in Washington, D.C. is a drop in the bucket. There are always those, particularly on the far left side of things, who think that we should keep this money in Washington. They think that \$1,400 really does not matter much back in Illinois or Minnesota or in Virginia; and, of course, that is really nothing here when they spend billions of dollars in the Congress. But let me just share with my colleagues what \$1,400 means in the south suburbs, in the south side of Chicago:

\$1,400 is 3 months of child care at a local day care center in Joliet, Illinois. It is a year at Joliet Junior College, our local community college, 1 year's

college tuition, \$1400, the average marriage tax penalty, is 4 months of car payments for the average family. It is school clothes for the kids. As Michelle Hallihan pointed out, that \$1,000 marriage tax penalty that Shad and Michelle Hallihan, two public school teachers in Joliet, Illinois, that they have to pay just because they are married, that \$1,000 is 3,000 diapers for their newborn child.

Of course it is a family vacation. It is a computer for the kids to help them in their school. It is several months of health insurance premiums. It is a down payment for many first-time homebuyers on a home. It is also a majority of the contribution to an IRA. It is real money for real people. For some in Washington, it is no big deal. But for folks in Minnesota and Virginia and Illinois and all across this country, 56 million married people, it is real money, \$1,400, the average marriage tax penalty.

Mr. GUTKNECHT. If the gentleman from Illinois will yield, it is interesting, we have had several of my staffers over the last couple of years who have gotten married. In fact, we had two people working on my staff who married each other. We did the calculation for them. It was \$1,400, an extra \$1,400 in taxes that they were going to have to pay that they would not have had to pay if they would have simply lived together.

We look at this wonderful picture of these two young people here and we think principally about young people getting married. But I was at a meeting with some seniors and one of them came up to me with kind of a funny look on his face and he said, "I hope you do something about this marriage penalty." I said, "Really? Why?" He said, "Well, I'm facing kind of an ethical dilemma myself as to whether or not this woman I'm now seeing and I should get married, because we realized with our particular financial situations, we're going to pay a penalty of over a thousand dollars if we get married. It really puts us in sort of a moral dilemma because we know what the right thing to do is but the government shouldn't encourage you to do the wrong thing."

As we look at the reforms that we have passed in the last 5 years, since the Republicans took control of this place, they really are about reversing what I think is one of the unwritten rules of Washington, and, that is, no good deed goes unpunished. That was the rule for many years in Washington. If you worked, you got punished. If you saved, you got punished. If you invested, you were punished. If you tried to create jobs and create wealth, you were punished, whether it was the EPA or the tax code or whatever.

There was sort of this unwritten rule. In fact, it even applied to Medicare. Some of us know that live in more rural parts of the country that our hospitals get lower reimbursements because they have lower cost hospitals.

No good deed goes unpunished. This is one more example where we can strike a blow and say that unwritten rule of Washington needs to end.

It is not just about young people. It is about people of all ages. It is bad tax policy. We have a chance to eliminate it. I am delighted we are going to take this tax issue one slice at a time, starting with the marriage penalty. Let us put them on the President's desk and let him explain why if he thinks he should not sign this bill. Because I think the American people are way out in front of us on this.

Mr. GOODLATTE. If the gentleman will yield, I think the gentleman from Minnesota is right on when he points out that this is not just for newlyweds, it is for anybody who is married at any time in their life, for senior citizens who may have lost their spouse and are considering remarrying and they have got a whole host of questions to be answered about does it make sense to remarry or not or should we just live together, which I think is a real concern for a lot of senior citizens. We should take this issue off of the table for them. They should feel like if the thing that they need is to have a loved one sharing their home with them, that they can feel free to be married and not pay a \$1,400 or more penalty.

The other point to make here is that while there is a diverse array of people who are benefited by this, one thing, the overwhelming majority of them have in common and that is that these are middle class and lower middle-income people in our country who are benefitting from this overwhelmingly. The vast majority of people are where the larger wage earner of the two is between \$20,000 a year and \$75,000 a year.

So we are talking about people who are working hard and needing every bit of the money that they earn in order to meet all of their obligations that they have in raising children and paying rent and putting food on the table and so on. This is something that really reaches out to people across all across America. I think it is overwhelmingly of benefit to, as I say, hardworking American families who are pressed into that category of spending an average of 40 percent of their income on taxes. They do not feel like they are getting 40 percent back of all that hard work in the form of benefits for those taxes compared to what they get for food and clothing and shelter that they spend less on than they spend on those taxes.

Mr. WELLER. The gentleman from Virginia made a good point. The marriage tax penalty is an issue that is faced by average, middle class Americans. If you pay the average marriage tax penalty, you make about \$62,000 a year in combined income, between two hardworking Americans, husband and wife, joined together in marriage who under our tax code they file, they file jointly when they are married, are now paying the marriage tax penalty. It is very much a middle class issue. Of course, a proposal that we are going to

be acting on in the Committee on Ways and Means on Wednesday and the House voting on by Valentine's Day, of course, will also help low-income families as well.

As I pointed out, we are working to address the marriage tax penalty, but for those who participate in the earned income credit, a program to help particularly families with children make ends meet, those who work hard, have low incomes and ensure that they have got enough to get by to take care of the kids' and their families' needs. We are not only working to help the middle class but we are also helping lower income working families as well with this initiative this House is going to vote on.

Mr. GUTKNECHT. If the gentleman will yield, we are probably going to hear from some of our friends on the left that if we provide this tax relief, it is going to mean that there is going to be less money to spend on education and health care and some other important things. But to paraphrase one of our colleagues over in the Senate, the other body, he once observed that this is not a debate about how much is going to be spent on children or education or health care, it is a debate about who gets to do the spending.

I know the family and I know the Federal Government, and I will bet on the family every single time, because that couple which represents those other millions and millions of couples around the country, I have every confidence that they know how to spend their money smarter than Washington does on their behalf. They are going to spend that money on children. They are going to spend that money on education. They are going to spend that money on health care. They are going to spend that money on making certain that their family's needs are met.

As our colleague from Virginia indicated earlier, right now in America today, this is a shocking statistic, that the average family spends more on taxes, we are talking about State, Federal and local but in total taxes, that average family spends more for taxes than they do for food, clothing and shelter combined. There is something wrong in America today when the tax collector takes first interest on all the money that families earn.

This is just one very small, well, not small, this is one major but very important step that we can strike on behalf of American families around the country. Again, I congratulate the gentleman from Illinois, I congratulate the leadership in this Congress. I do believe that it is going to pass overwhelmingly on a bipartisan vote and then go to the Senate.

I think some people are going to throw out the thing, well, it is going to blow a hole in the budget. That is not true. If we control Federal spending, there is more than enough money to balance the budget, make certain that every penny of Social Security taxes goes only for Social Security, there is

more than enough money to begin to really pay down that debt, and there is more than enough money to make certain that American families are treated fairly. That is really what this is all about.

Mr. WELLER. The gentleman pointed out something that is so true. That is, that this year as we work to balance the budget for the fourth year in a row, we are going to be adopting a plan that once again sets aside 100 percent of Social Security for Social Security, walling off the Social Security trust fund so it cannot be used for anything else, stopping the raid on Social Security. Again which is one of the Republican priorities.

We are also going to, of course, strengthen our schools; and we are going to pay down the national debt. But as we work to address the issue of fairness in the tax code, I find in the south side of Chicago and in the south suburbs that I have the privilege of representing in Illinois, people say, "My tax burden is too high." They point out that 40 percent of the average Illinois family's income goes to government in Washington, in the State capital, the local courthouse, of course in local, State and Federal taxes and that it is the highest tax burden in peacetime history.

Only at the end of World War II has our tax burden on our Nation been higher than it is today. They complain about that. They are unhappy that this tax burden is so high. They are frustrated because they feel they can better spend those dollars. The other point they always make to me is they are frustrated about how complicated and unfair the tax code is. They think it is wrong that under our tax code that 28 million married working couples pay higher taxes just because they are married.

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That is wrong. Think about it, \$1,400, one year's college tuition. The gentleman from Minnesota also brought up another point. It is not just young couples, like Shad and Michelle Hallihan, but it is older Americans, retirees; and they have two pensions that they are collecting, and with their two pensions they are paying a marriage tax penalty.

If you think about it, those in their later years, health care costs are higher for them at that time, they are concerned about prescription drugs, and one of the priorities for this Republican Congress this year is passing a prescription drug benefit under Medicare that takes care of those 15 million seniors who do not have prescription drug coverage.

Well, by eliminating the marriage tax penalty for senior citizens who suffer it, they will have more of their own money to keep to meet their own needs, rather than going to Washington. It is just wrong.

We have all heard the story about the elderly couple that decided to get di-

vorced because they found they could save money. That is wrong, that under our Tax Code, the incentives are to get divorced, rather than to get married, or not to get married in the first place. We want to strengthen families in our country, and that is why elimination of the marriage tax penalty is so important.

I would be happy to yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Just in closing, Congressman WELLER, I wanted to again thank you, because there are two issues that you have worked very hard to help reinforce that I think are sort of the mortar between the bricks that holds our whole culture and society together.

First of all, strong marriages, because we know that societies that have strong families are societies that need less government, they need less police protection, they need less in terms of criminal apprehension, they need less in terms of other social safety nets, if you will. So strong families are important, and this is one very important step to reinforce those.

The other area you have worked so hard on, and that is home ownership. The one thing we know is that societies that have strong families and a high level of home ownership are strong societies.

So I want to congratulate the gentleman on both of those fronts. I hope the Committee on Ways and Means will report out a strong bill in the next several days that we can have on the floor and get at the President's desk by Valentine's Day. I think that is a fantastic gift to give those millions of American couples.

Again, I thank the gentleman for his leadership and look forward to working as best we can to make certain that this one unfairness in the Tax Code is eliminated this year.

Mr. WELLER. Again, reclaiming my time, I thank the gentleman from Minnesota for his comments, and his leadership. The gentleman from Minnesota (Mr. GUTKNECHT) has been a real leader, one of the original leaders in our effort to eliminate the marriage tax penalty, one of the items of unfinished business that we have decided under the leadership this year of House Speaker DENNIS HASTERT to make first out of the box, put on a fast track, to help families by addressing the need to make our Tax Code more fair and more simple, and we will benefit 56 million working Americans who will benefit by eliminating the marriage tax penalty.

We have often asked over the last several years as House Republicans have worked to eliminate the marriage tax penalty, is it right, is it fair that under our Tax Code that 28 million married working couples pay more in taxes just because they are married.

The average marriage tax penalty is \$1,400 in higher taxes just because they are married. In the south side of Chicago, the south suburbs and rural communities that I represent in Illinois,

\$1,400 is one year's tuition at the local community college; it is three months of daycare at the local daycare center; it is 3,000 diapers for a newborn baby if they suffer the marriage tax penalty.

I am so proud that this House has made it a priority once again. I was disappointed, in fact it broke my heart last year when President Clinton and Vice President Gore vetoed our efforts to eliminate the marriage tax penalty.

We sent to the President legislation which would wipe out the marriage tax penalty for a majority of those who suffer it. Unfortunately, because it was part of a package with a number of other initiatives, the President vetoed it. He said he wanted to spend the money on other things. Unfortunately, it fell victim to his desire to create new government programs.

We believe, and our hope is, this year the President will join with us. He mentioned in the State of the Union the other night the need to address the marriage tax penalty. We want to take him at his word. He has now made a promise, and we want him to keep it. We are going to eliminate the marriage tax penalty.

When you think about it, that \$1,400 we are going to allow the average married couple to keep, that is going to be a big help to the folks back home. We believe that by sending the President stand-alone clean marriage tax elimination legislation, legislation that only has one item in it, which is our effort to eliminate the marriage tax penalty, that we will help 28 million working married couples, because it should receive overwhelming bipartisan support.

As I pointed out earlier, an overwhelming majority, almost 220 Republicans are cosponsoring the Marriage Tax Elimination Act, about a dozen Democrats. Hopefully more Democrats will join with us, because I believe our legislation that will move out of the Committee on Ways and Means this Wednesday will pass with overwhelming bipartisan support, and I believe that that signal that will be sent to the Senate will, of course, help the Senate maintain the discipline to move a bill quickly through the Senate to eliminate the marriage tax penalty; and, of course, then we can send it to the President, helping 28 million working married couples.

Frankly, what better gift to give 28 million married working couples on Valentine's Day than passage of legislation out of this House, which wipes out the marriage tax penalty for 28 million married working couples.

Let me again explain what the marriage tax penalty is for all those that are interested. And for my friends in the House I would like to point out, you know, the marriage tax penalty is a middle-class issue. It is a working family issue, because if you are a married couple and you work, you pay taxes, and if you are married, you pay higher taxes under our Tax Code.

In Joliet, Illinois, I will give you an example of a machinist and a school-

teacher. A machinist who works at Caterpillar, they make big heavy equipment, those big tractors and bulldozers in Joliet, and the machinist that works there, he makes \$31,500.

As a single person this machinist at Caterpillar, at the Joliet Caterpillar plant, he pays at the 15 percent tax rate. He pays taxes at the most basic rate for average Americans, which is 15 percent. It is the lowest bracket in our Tax Code.

But if he meets a schoolteacher with an identical income, a tenured schoolteacher with an identical income, \$31,500, of course, she pays in the 15 percent bracket if she stays single and is single, but if this machinist and schoolteacher in Joliet, Illinois, decide to get married, they have to file jointly, which means they have to combine their incomes.

Under our Tax Code today, this machinist and schoolteacher in Joliet, Illinois, they are pushed into the 28 percent tax bracket, and under our Tax Code, they pay almost \$1,400 more in higher taxes just because they chose to get married.

Now, if they chose not to get married and made the choice of living together, they would not pay that marriage tax penalty; or if they were married and chose to get divorced, they would save money. Those incentives are just in the wrong place.

Now, under the proposal that the Committee on Ways and Means is going to act on on Wednesday, we are going to help this machinist in Joliet, Illinois, and this public schoolteacher in Joliet, Illinois, because we are going to pass legislation out of the Committee on Ways and Means and out of this House by Valentine's Day which will essentially wipe out the marriage tax penalty; and for couples, such as this machinist and schoolteacher, they will no longer be punished for being married with passage of our legislation that we are going to move out of the House the next couple of weeks.

What we do is we double the standard deduction immediately so that joint filers have a standard deduction twice that for single filers. Now, if you itemize your taxes, and most people who itemize their taxes are homeowners and you itemize because you combine your property taxes with your mortgage interest, and if that totals more than the standard deduction, you itemize your taxes.

But under our proposal that we are going to pass out of the House in the next couple of weeks, we double the standard deduction for joint filers to twice that of singles, so that wipes out the marriage tax penalty for those who do not itemize. We do that immediately in the year 2001, this coming year. Next year we double the standard deduction for those who do not itemize. So they are helped quite a bit.

I would point out by doubling the standard deduction for joint filers to twice those of singles, we also simplify the Tax Code, one of our other goals,

because 3 million married working couples will no longer need to itemize their taxes because we double the standard deduction for joint filers to twice that of singles. So we simplify the paperwork they are required to file when they file taxes on April 15th. So it is a two-fer. We wipe out the marriage tax penalty, and we save them time on their taxes.

Now, for many homeowners, in fact, an awful lot of homeowners, particularly in the suburbs of Chicago and rural areas that I represent, they itemize their taxes, because when you add together your property taxes, you add together your mortgage interest and some of the other items you might be able to itemize, charity deductions, they are more than the standard deduction, so you itemize your taxes. We help them as well.

What we do in our proposal to help those who itemize their taxes in eliminating the marriage tax penalty is we widen the 15 percent bracket. Right now if you are single, you can make about \$24,000 or \$25,000 a year and be in the 15 percent tax bracket; but if you are married and you file jointly, you can only make about \$44,000 a year.

That is wrong, because if you choose to get married, you pay higher taxes because of that. So we double it under this legislation. We widen that bracket so those in the 15 percent bracket that are joint filers can earn twice as much in their combined income as single filers, wiping out their marriage tax penalty as well. That is good news for married working couples. We help those who itemize; we help those who do not itemize.

One of the other points I would like to make as well, I am often asked, if you are going to eliminate the marriage tax penalty, does that mean you are going to raise taxes on single people in order to offset the loss of revenue for the Federal Government?

Well, we have addressed that issue. Under the legislation that the Committee on Ways and Means is going to act on on Wednesday and this House is going to pass by Valentine's Day, we wipe out the marriage tax penalty for almost 28 million married working couples, and we make the Tax Code essentially neutral, so you pay no more in taxes if you are married or single, so two people with identical incomes in identical circumstances pay no more in taxes if they are single or married.

That is fairness, bringing fairness to the Tax Code, because it responds to that fundamental question, and that is, is it right, is it fair that under our Tax Code that you pay more in taxes just because you are married.

I am so pleased and really pretty proud that the House leadership under the leadership of House Speaker DENNIS HASTERT has made elimination of the marriage tax penalty priority Number 1 when it comes to addressing the need to fix the Tax Code to make it fairer and simpler, and that we are going to give a Valentine's Day gift to

28 million married working couples by passing out of this House by Valentine's Day our legislation which will essentially wipe out the marriage tax penalty for a majority of those who suffer it.

I often refer to this young couple that came and talked to me about the need to eliminate the marriage tax penalty and what it meant to them. Whenever we talk about the marriage tax penalty, I think of couples such as Michelle and Shad Hallihan, two public school teachers in Joliet, Illinois, who made the decision to get married; and they made that decision knowing full well that under our Tax Code they were going to pay more in taxes just because they are married.

Well, it is young people like Michelle and Shad, as well as older folks who are retirees who suffer the marriage tax penalty, that we want to bring fairness to the Tax Code by eliminating the marriage tax penalty.

I really believe that this year we have an opportunity. Unfortunately, the President and Vice President Gore vetoed last year our efforts to eliminate the marriage tax penalty for a vast majority of those who suffer it, and it fell victim to the President's desire to spend more money on government programs. And while we wanted to eliminate the marriage tax penalty, we made a commitment last year that we were going to try again.

I am pleased that this House in the next 2 weeks is going to vote on legislation which will wipe out the marriage tax penalty for a majority of those that suffer it. That is good news. That is good news for 28 million married working couples. Fifty-six million Americans who are married and work will benefit from this legislation, and they will see anywhere from \$230 to almost \$1,400 in marriage tax relief as a result of this legislation. That is good news.

My hope is this entire House will vote yes. Now, there are 12 Democrats that have joined along with us, out of the 231 cosponsors of the Marriage Tax Elimination Act. The gentlewoman from Missouri (Ms. DANNER) has been a real leader. My friend, a Democratic Member from Missouri, has been a real leader in the effort to eliminate the marriage tax penalty, and I am so proud to have her as a partner, and she has been able to bring about a dozen of her Democratic colleagues with her.

My hope is and we want to extend an invitation to our Democratic friends to join with us and make this a bipartisan effort.

The President said in his State of the Union speech the other night that we should address the marriage tax penalty. We want to take the President at his word, so that when we place on the President's desk a stand-alone bill, clean marriage tax elimination legislation, that he will sign it into law, because it is going to provide real relief and address the need to bring fairness to the Tax Code when it comes to marriage.

You know, you think about it, our Tax Code has the incentives in the wrong place. We should be working to strengthen society's most basic institution. We can do that by eliminating the marriage tax penalty.

My hope is over the next 2 weeks we will be able to garner overwhelming bipartisan support to send with a strong message to the Senate our desire to eliminate the marriage tax penalty. I appreciate the comments of Chairman ROTH of Delaware, who has been a real leader in working to bring tax relief for middle-class families.

Again, as I pointed out earlier, Chairman ROTH, chairman of the Senate Finance Committee, praised the gentleman from Texas (Chairman ARCHER) for the speedy start to open this issue. Of course, Mr. ARCHER is chairman of the House Committee on Ways and Means, part of our leadership here in the House. Chairman ROTH indicated he intends to move shortly over the next few months similar legislation to eliminate the marriage tax penalty.

Let us keep this legislation on a fast track. There are 28 million married working couples, 56 million hard-working married people that are out there who need help. They need fairness in the Tax Code as it affects married people. We want to help them.

My belief is we have a tremendous opportunity, a clean stand-alone effort to eliminate the marriage tax penalty. It deserves overwhelming bipartisan support. It deserves to be signed into law. It is all about fairness.

Let us bring fairness to the Tax Code. Help couples such as Michelle and Shad Hallihan, public school teachers in Joliet, as well as 28 million other working couples, by eliminating the marriage tax penalty.

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I thank the Speaker for the opportunity to address this House and our efforts to eliminate the marriage tax penalty and bring fairness to the Tax Code.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I would mention that I do not plan to use all of the time this evening that is allotted to me, but I do want to spend some time talking about the Democratic health care initiatives, particularly by reference to the President's State of the Union address last Thursday night where he outlined many of the Democratic health care initiatives, some of which have already had debate and been discussed extensively by me and by other Members of this House, others of which are somewhat new.

I would start out by pointing out that the Democrats and myself, we feel

very strongly that the time has come to deal with three key health care issues. I do not say this because it is the Democratic agenda; I say it because I think it is America's agenda. These are the concerns and the problems that need to be dealt with, that I hear from my constituents in New Jersey in my congressional district, as well as from my colleagues here in Washington, D.C. on both sides of the aisle, when they come back, particularly from this 2-month period, this district work period or recess that we were in, and a lot of us had forums, a lot of us got input from our seniors, from our senior citizens, as well as from a lot of other people, and we are here back fresh for the second session of this Congress but we need to address these health care concerns.

Let me detail the three concerns that I have. First of all, it is time to pass the Patients' Bill of Rights, the HMO reform. We went for a year, the last session in 1999, trying to push the Patients' Bill of Rights, and we finally did get it passed in the House of Representatives, but it still has not passed, or a strong bill, I should say, has not passed in the Senate. It is now in conference between the two Houses, between the House of Representatives and the Senate, but we still have not had a meeting of the conference so that we can move forward in trying to adopt good HMO reform to deal with abuses of HMOs that are basically set forth in the Patients' Bill of Rights. We need to pass that. That is number one, and I will talk a little bit more about it later.

Number two, we need to address the problem of prescription drugs for seniors. Concerns about health care cross all generational lines and all class and income lines, but for seniors in particular the lack of a benefit under Medicare for prescription drugs, and the majority of the seniors do not have that kind of a benefit, is a particular problem because when I am in my district, or the forums in my district office, so many seniors call me or will come up to me and some of them will say they have prescription drug benefits but it is not sufficient, and the costs continue to escalate and they simply cannot afford it. So they either go without the drug or they take less than they are supposed to or they try to spread it out in some way.

This is not the way we should operate. Prescription drugs are a preventive benefit that should be provided under Medicare. Of course, the President talked about that as well and I will talk a little bit about it tonight.

The third health care issue, though, and concern that needs to be addressed is access for the uninsured. Since I have been a Member of Congress, and particularly in the last 5 years, the number of Americans who are uninsured who have no health insurance continues to skyrocket. It is about 45 million Americans now that have no health insurance, and keep in mind

that these are pretty much middle class working people, because if you are poor enough to fall below a certain income you are eligible for medicaid. If you are a senior, regardless of income, you are over 65, you are eligible for Medicare, but if you are a working person whose income is just above the line for medicaid and you are not a senior citizen then you do not have any guarantee of health insurance.

What is happening increasingly is a lot of people simply do not get health insurance as part of their employment.

Years ago, most Americans, if they were working, their employer provided some sort of health insurance where the employer would pay part of it and the employee would pay part of it, but increasingly that is not the case. So we have about 45 million uninsured Americans, mostly working Americans, who simply do not have the ability through their job to get access to health insurance and we need to do something about it. The President has addressed that as well, and it is part of our Democratic agenda.

Now, let me take these in order and spend some time on each of these issues, if I can tonight, Mr. Speaker. First of all, I want to go back to HMO reform and the Patients' Bill of Rights. No one is suggesting that HMOs are a bad thing. We know that in many cases HMOs have actually helped to bring down the costs of health insurance. The bottom line is that there are many cases where there have been excesses or abuses within HMO networks, and oftentimes that manifests itself in that a physician will say to a particular patient that they need a particular operation or a length of stay in the hospital, or have to go to a particular provider or particular hospital or specialist for care.

The HMO does not allow it, either because there are certain types of operations that the HMO just will not pay for or they will say that you can only stay in the hospital a certain number of days for a certain procedure even though your physician thinks that you need to stay longer, and we have had people actually become very ill, even die, because of the denial of care in those abusive situations.

Well, we as Democrats put together a bill called the Patients' Bill of Rights. I am not saying that it is strictly a Democratic bill. We had some Republicans that cosponsored the bill and certainly some Republicans that voted for the bill when it was passed here in the House of Representatives, but unfortunately the Republican leadership in the House did not support the Patients' Bill of Rights and they continue to create problems in terms of its going to conference.

We heard from the Republican leadership I think a week or two ago that they say now that they will hold a conference, but it has not been held yet and the problem is that the conferees that the Republican leadership have appointed to this conference, even if it

is held, are not people that support the Patients' Bill of Rights. They are specifically those who said that they would not support the Patients' Bill of Rights.

Well, what does the Patients' Bill of Rights do? Let me just give some indication of what this is all about and how it corrects some of the excesses or abuses with regard to HMOs. I am going to mention a few things with regard to access. One is emergency services. Individuals are assured under the Patients' Bill of Rights that if they have an emergency those services will be covered by their plan. The bill says that individuals must have access to emergency care without prior authorization in any situation that a prudent layperson would regard as an emergency.

So if you are the average guy and you feel that you have chest pains and that you need to go to the hospital and the emergency room because you think you might be having a heart attack, well, that is the average or prudent layperson. If you have to go to the nearest emergency room, even if the HMO says that that is not where you go and that is not one of the hospitals that are covered, they have to pay because it was an emergency. That is what the bill says.

Specialty care, Mr. Speaker, under this bill patients with special conditions must have access to providers who have the requisite expertise to treat their problem. The bill allows for referrals for enrollees to go out of the plan's network for specialty care at no extra cost to the enrollee if there is no appropriate provider available in the network for covered services. For individuals who are seriously ill or require continued care by a specialist, plans must have a process for selecting a specialist as a gatekeeper for their condition to access necessary specialty care without impediments.

So what we are saying here is if the HMO does not have a specialist that you need to handle your particular situation, then they have to pay for you to go to another specialist, and if you have the type of condition where you need to go to a specialist on a regular basis, you do not have to go to the primary care physician for a referral to that specialist every time. You just get basically registered with a specialty doctor and you continue to go to her or him.

Now those are some of the examples. I mean, there are a lot of others. I think one of the worst abuses that I know of is what they call the gag rule, where HMOs will write into their contract that if they do not provide a particular operation or service your physician cannot talk to you about it. In effect, he or she, your physician, is gagged from telling you what kind of procedure or operation you really need because the HMO will not cover it.

Well, that obviously needs to be eliminated. One of the provisions in our Patients' Bill of Rights says there cannot be any gag rules.

Let me go into some of the other areas. I had a number of senior forums in my district during the recess in December and January and a lot of them complained about not having adequate information provided by the HMO, that they do not even know what is covered, they do not know what physicians are in the network, they do not know basically what their insurance provides. Well, in the Patients' Bill of Rights, we say that managed care plans have to provide information so the consumers understand their health plan's policies, procedures, benefits and other requirements.

That may seem like it's not important, but I think it is very important. Also important, and I want to stress, is the grievance and appeals procedure. Right now if an HMO turns you down for a particular operation, how do you appeal that decision if you feel that that decision by the HMO was a wrong one? Well, with great difficulty, I should add. Oftentimes the HMO will have you go to an internal review board with members appointed from their own staff and so when you appeal you have no chance. Well, what we say in the Patients' Bill of Rights is that there has to be an internal appeal that basically is not influenced by the HMO, and then there has to also be an opportunity to go outside the internal review process within the HMO to an outside board that can make a decision to overturn the HMO's decision independent of the HMO, an external appeal.

Beyond that, though, there is also the opportunity to sue. One of the complaints that we hear from some of the opponents of the Patients' Bill of Rights is that it allows people to sue because right now if you fall under the Federal preemption under ERISA because your health plan is provided by an employer who is self-insured, which there are a lot in this country, you cannot sue the HMO. The Federal law prohibits you from suing the HMO. We eliminate that provision and say that if the reviews that I mentioned, internal and external, fail, that you have the option to go to court and sue to overturn the HMO's decision, which I think is a very valuable reform and protection, patient protection, under the Patients' Bill of Rights.

I do not want to continue to go on about the Patients' Bill of Rights and provide more details because I know that we have done that many times. I have talked about it many times. I think the time now is for action. The Republicans are in the majority. They control the agenda. They need to have a conference on the Patients' Bill of Rights. They need to have the conference include both Democrats and Republicans, and mostly including the people that supported the House version that actually passed here in the House of Representatives, and they need to act expeditiously so that we can get a bill out of conference and to the President that is actually a strong bill that protects patients' rights.

We will continue as Democrats to say over and over again that this must be done over the next few weeks, as we begin this new session of the Congress.

Now, let me, Mr. Speaker, if I can, move on to the second health care issue that I said earlier this evening is so important and again that the President addressed in his State of the Union address, and that is the issue of prescription drug benefits under Medicare.

When Medicare was started in the 1960s, when President Lyndon Johnson proposed it, prescription drugs were not that important. Medicare was started in the sixties primarily because of the huge costs of hospital care, and people did not rely on medication or prescription drugs so much as a preventive measure the way they do today, but yet now 30 years later we all understand why prescription drugs are needed and they are such a big part of our health care, not only in terms of our condition and whether we are going to be well and be active and not get sick, but even more so they take a big bite out of your budget if you have to pay for them privately.

We know that some people do get prescription drugs as part of Medicare. If they are in an HMO, the HMO might provide some coverage, but what we find is that increasingly more and more of the HMOs that were providing coverage for prescription drugs are cutting back, charging more in terms of copayments or even a premium, to the seniors that are enrolled in the HMO.

We still have a lot of seniors who are in the fee-for-service program, not part of an HMO. Some of them may have what we call Medigap, supplemental coverage that they pay for privately, that would include prescription drugs but again that is becoming increasingly prohibitive.

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The costs keep rising, the coverage keeps diminishing. So even if you have a prescription drug benefit as part of Medicare or because you have a Medigap policy, you find yourself increasingly paying more and more money out of pocket.

Some people, if they have no benefits, are paying \$1,500, \$2,000, \$2,500 a year for prescription drugs, and they simply cannot afford it.

The easiest way to deal with this problem is to include it under Medicare as part of the basic benefit package and pass legislation that would accomplish that. I also think that it is important, though, that when we pass that legislation and that when we consider that legislation, that we put in some provision that allows for a better price negotiation, because right now what we find is that seniors that are not part of an HMO and who have to go buy a prescription at the drugstore themselves, even if they have some coverage under MediGap or whatever, they are paying exorbitant prices for the prescription drugs, way out of proportion to what

they would pay if they were in an HMO or had some other way to negotiate a price on a large volume basis. So the bill, when passed, needs to address that price discrimination issue as well.

I just wanted to mention the President's proposal. The President has a very good Medicare prescription drug proposal. It is not the only one out there. I have one myself. There are other Members of the House on the Democratic side that have different proposals out there. But Democrats are united in saying that we want to have this benefit, that we support the President, that we need a prescription drug benefit under Medicare, and we need it now because of the crisis that we see out there.

Let me just talk a little bit, if I can, about the President's initiative in this regard. What he does, what he proposes, is establishing a new voluntary Medicare part D prescription drug benefit that is affordable and available to all beneficiaries. This is voluntary. This is like Part B. Part A is your hospitalization, Part B takes care of your doctor bills. This would be a new part D, again voluntary, where you pay so much of a premium per month and you get a certain prescription drug benefit. You do not have to do it if you think you have other options that are better for you.

What the President's drug benefit would provide is that there would be no deductible, but you would pay for half of the drug costs from the first prescription. So basically what the government would do is they would pay for half of the prescription drug, and that would begin with the first prescription that is filled. This would be up to \$5,000 a year in spending when it is fully in place.

In other words, if you incur drug bills up to \$5,000, half of it would be paid by Medicare, and it could be as little as \$10 or \$20, if that is all it costs over the course of the year, and half of that would be paid by Medicare.

The President's proposal would also ensure beneficiaries a price discount similar to that offered by many employer-sponsored plans for each prescription purchased, even after the \$5,000 limit is reached. Again, there is going to be a price discount because you are going to be part of this Medicare program where the government or the intermediary can actually negotiate a better price for you.

The cost is about \$24 per month beginning in 2002 when the coverage is capped at \$2,000, and would rise to about \$44 per month when fully phased in in about 6 to 7 years when the total benefit can go up to \$5,000 in prescription drugs, which is about comparable to what we pay now for Part B for the doctor bills in terms of the premium.

Just like now in Part B for doctor bills, people who are at lower incomes at a certain level pay no premium. People who are a little above that lowest level pay part of that \$44 a month premium. So we would ensure that bene-

ficiaries with incomes below 135 percent of poverty, \$11,000 for a single individual, \$15,000 for a couple, would not pay anything for cost-sharing. People who are a little above that income would phase in and pay some of the premium but not all of it.

I do not want to go into more detail about this, Mr. Speaker. I just think it is a very good proposal. As I said, it is not the only proposal out there. But as Democrats, we are united in the idea that we need to have a Medicare prescription drug plan, because the crisis in terms of constituents and Americans being able to pay the bill and foot the bill is way out of line. I just do not want to see more people not take prescription drugs when they need them because they cannot afford to pay for them.

Let me go to the third issue I want to mention this evening with regard to health care, and again, part of the Democrats' agenda with regard to health care, and also something that the President talked about in his State of the Union again last Thursday night. This is the problem with access for the uninsured.

The number of uninsured continues to rise. I think I gave the figure of about 45 million Americans now that have no health insurance; working families, people that go out every day and work one, two, or sometimes more jobs, but do not have any coverage through their employer and cannot afford to pay for it privately.

Mr. Speaker, we know that when President Clinton was first elected to office going back I guess 7 years now he had put forward a comprehensive universal health care plan. That was shot down. I do not want to go into tonight whether it was a good or a bad plan or how people felt about it. Frankly, I thought it was a very good plan. I would have supported it. I think if it had been put into place, we would not have this 45 million uninsured and the number of uninsured continuing to rise every day if this had been put in place 6 or 7 years ago the way the President wanted it. But politically it was not possible to do so. The insurance companies attacked the President's proposal. The Harry and Louise ads were on TV. Basically, the proposal died. It never even came up on the House floor, on the Senate floor.

Ever since then, those of us who have been concerned about the problems of the uninsured on the Democratic side have been trying to sort of look at the target groups, the key groups within that 45 million uninsured people that perhaps we can help without moving into a universal coverage system which politically is simply not saleable at this point.

We started out targeting a number of different groups, most notably a couple of years ago children, because a big percentage of that uninsured group were children. We put in place the Kids Care initiative. We came out of the Health Care Task Force, which I co-

chair. We convinced enough Republicans to go along with it, and almost all, I think every Democrat voted for it, and enough Republicans to get the majority, so we passed the Kids Care initiative.

What we find is that, although we have addressed the problems of some of the children, we still have a lot of children that remain uninsured. Then we have a lot of parents of those children who are uninsured, because usually if a person is working and they get health care on the job, they can get their children covered as part of that policy. But the bottom line is that those parents that have uninsured children who have signed up for the Kid Care program, it is called CHIP, are usually uninsured themselves.

What the President has said is that initially what he wants to do, and this is part of the Democratic agenda, is try to expand the coverage for as many children as possible by expanding the eligibility for the Kids Care initiative, and also going out and trying to reach kids that may be even eligible for Medicare, which is at a lower-income bracket than Kids Care, and make sure that they get signed up, because we know that so many of them have not signed up for Medicaid or for the Kids Care initiative, even though they are eligible for it.

So there is an outreach component here among the Democrats' agenda, and there is also the component to raise the income level so that more children who are uninsured would be eligible for the Kids Care initiative.

Then the President and the Democratic agenda goes one step further. It says that a big part of this 45 million people who are uninsured is not only the children but their parents, as I mentioned before. Let us allow parents also to opt into the CHIP program. If they have children who are uninsured and are now signed up for it, let them sign up for it as well. The President provides in his State of the Union message and will provide in his budget for exactly that.

Just to give an idea, some statistics, over 80 percent of parents of uninsured children with incomes below 200 percent of poverty, which is about \$33,000 for a family of four, and I want to stress that, we are not talking here about people that are on Medicaid, we are talking about a family of four making \$33,000 a year. Some people would not consider that poor, but the bottom line is that a great percentage of those families do not have access to health insurance, even though they are working, because they cannot get it on the job and they cannot afford to buy it privately.

There are about they estimate 6.5 million uninsured parents with incomes in the Medicaid and the CHIP, which is the Kids Care, eligibility range for children, and what the administration does, what the President does in his budget is he creates a new family care program. It basically pro-

vides higher Federal matching payments for State coverage of parents of children eligible for Medicaid or the CHIP program.

Under family care, parents would be covered in the same plan as their children. States would use the same systems and follow most of the rules as they do in Medicaid and CHIP today, and the program would be overseen by the same State agency. There would be a match that is provided here. States would have to cover a certain percent and the Federal government would provide a certain percent.

I just think this is so important, because again, I was listening to my colleague earlier on the Republican side who was talking about the marriage tax penalty. I agree that the marriage tax penalty should be eliminated, and hopefully we will do that over the next couple of months here.

The bottom line, however, is that more important, really, to a family which has parents who are working, a working family, is the fact that they need health insurance, because if they do not have health insurance and they get sick, then they are basically dependent upon going to the emergency room, incurring huge bills that they probably can never pay, and this is not the way we should operate in this country today with the economy being the way it is and with the people that are working and trying to make a living.

I think that the President's initiative not only for expanding it for children but also for parents is really so important.

The other thing that I have not mentioned but I want to with regard to access to health care for the uninsured is that if we look at this 45 million people who are uninsured, I mentioned the kids initially, then I mentioned the parents of those children who are uninsured, another huge block of people are what we call the near elderly. These are people probably between the ages of 55 and 65 who are not eligible yet for Medicare but who basically are uninsured, either because maybe they were married to a spouse who had health insurance on the job but then that spouse died, so they do not have any health insurance themselves, or they were laid off, or they took an early retirement that did not provide health benefits.

What we find is that there are just a huge number of people between that 55 and 65 age range for whatever reason that are still not eligible for Medicare because they are not old enough, but find themselves without health insurance, either because they are not working or because their spouse died and they do not have it, and they have no way of buying health insurance privately because it is too expensive and they do not make enough money.

A couple of years ago, I think it was not this year but in the previous State of the Union Address, or maybe even prior to that, President Clinton proposed a Medicare buy-in for those indi-

viduals. In other words, we would figure out what the cost per month for the Medicare program is to the Federal government, and they would be able to simply purchase Medicare at that cost, which I think the President has estimated is somewhere between \$300 and \$400 a month.

I always thought that was a great idea, but the problem is for a lot of these people \$300 to \$400 is prohibitive. They cannot afford it.

There are different ways of trying to deal with that. I had advocated some kind of sliding scale subsidy for those individuals. The President in his State of the Union Address last week talked about using a tax credit as a way of helping these people so they could address and buy into Medicare.

What he basically says is that in order to make this buy-in more affordable, the President proposes a tax credit equal to 25 percent of the premium for participants in the Medicare buy-in.

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I think that is good. Let me say this, the Congress has not addressed this at all. The House of Representatives has not considered this in committee, it has not come to the floor of the House.

So once again I call on my Republican colleagues who are in the majority to bring up the Medicare buy-in for the near-elderly and allow it to come to the floor, because I think it will pass if it comes to the floor. Number one, we have to allow the buy-in, which is not the law; and number two, we have to find a way through either a tax credit, as the President has proposed, or some subsidy to make it possible for more people to afford that buy-in. But right now, we do not have it at all.

So, again, access to health insurance coverage. What do we do? Address the problem with kids more extensively, address the problems of the parents of the kids, and the problem of the near-elderly. But the President and the Democrats have gone even further. We have 45 million Americans uninsured. If we are not able to cover all of them through some universal system, then we have to address it piecemeal.

Again, how have most Americans been covered traditionally? Through their employer. Unfortunately, the number of employers percentage wise that offer health insurance has decreased. But if we can create some sort of incentive so that those employers once again will offer health insurance, particularly the small businesspeople that have the most difficult time buying the policy and making it available to their employees, then we can also make, I think, a significant dent in this group of 45 million Americans who are uninsured.

Mr. Speaker, what the President has proposed, again, is to give small firms, those with fewer than 25 employees that have not previously offered health insurance, a tax credit equal to 20 percent of their contributions. And there are a number of other things here:

Making COBRA continuation coverage more affordable; expanding State options to provide health insurance. There are a number of initiatives here that the President has put forward and that are part of the Democratic agenda. I am not going to go into all of them because I did promise that I would not take up all the time that was allotted.

But, Mr. Speaker, I want to stress again the importance of these three issues: HMO reform, pass the Patients' Bill of Rights; two, Medicare prescription drug coverage; and, lastly, trying to address the problem of access for the uninsured, those 45 million Americans who do not have health insurance.

I cannot think of anything that is more important for this House of Representatives to take up over the next 10 months or so between now and the November election, and I call upon my colleagues on the Republican side who are in the majority, the Speaker, the Majority Leader, to take up these issues and to pass legislation that addresses these concerns in a strong and effective manner.

We will be here as Democrats. I promise that I will be here. My colleagues will be here every night if we have to demanding action on these three health care issues because this is what our constituents talk to us about, this is what needs to be done. And it is not that difficult to do if only the Republicans would join with the Democrats in addressing these concerns.

A REPUBLIC, IF YOU CAN KEEP IT

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, I have taken this special order this evening to discuss the importance of the American Republic and why it should be preserved.

Mr. Speaker, the dawn of a new century and millennium is upon us and prompts many of us to reflect on our past and prepare for the future. Our Nation, divinely blessed, has much to be thankful for. The blessings of liberty resulting from the Republic our forefathers designed have far surpassed the wildest dreams of all previous generations.

The form of government secured by the Declaration of Independence, the American Revolution and the Constitution is unique in history and reflects the strongly held beliefs of the American revolutionaries. At the close of the Constitutional Convention in Philadelphia on September 18, 1787, a Mrs. Powell anxiously awaited the results and as Benjamin Franklin emerged from the long task now finished asked him directly, "Well, Doctor, what have we got? A republic or a monarchy?" "A republic, if you can keep it," responded Franklin.

The term "republic" had a significant meaning for both of them and all

early Americans. It meant a lot more than just representative government and was a form of government in stark contrast to pure democracy where the majority dictated laws and rights. And getting rid of the English monarchy was what the revolution was all about, so a monarchy was out of the question.

The American Republic required strict limitation of government power. Those powers permitted would be precisely defined and delegated by the people with all public officials being bound by their oath of office to uphold the Constitution. The democratic process would be limited to the election of our leaders and not used for granting special privileges to any group or individual nor for defining rights.

Federalism, the binding together loosely of the several States, would serve to prevent the concentration of power in a central government and was a crucial element in the new republic. The authors of the Constitution wrote strict limits on the national government and strove to protect the rights and powers of the State and the people.

Dividing and keeping separate the legislative, executive, and the judiciary branches provided the checks and balances thought needed to preserve the Republic the Constitution created and the best way to preserve individual liberty.

The American Revolutionaries clearly chose liberty over security for their economic security and their very lives were threatened by undertaking the job of forming a new and limited government. Most would have been a lot richer and safer by sticking with the King. Economic needs or desires were not the driving force behind the early American patriotic effort.

The Revolution and subsequent Constitution settled the question as to which authority should rule man's action, the individual or the state. The authors of the Constitution clearly understood that man has free will to make personal choices and be responsible for the consequences of his own actions. Man, they knew, was not simply to be a cog in a wheel or a single cell of an organism or a branch of a tree but an individual with free will and responsibility for his eternal soul as well as his life on earth. If God could permit spiritual freedom, government certainly ought to permit the political freedom that allows one to pursue life's dreams and assume one's responsibilities.

If man can achieve spiritual redemption through grace which allows him to use the released spiritual energy to pursue man's highest and noblest goals, so should man's mind, body, and property be freed from the burdens of unchecked government authority. The founders were confident that this would release the creative human energy required to produce the goods and services that would improve the living standards of all mankind.

Minimizing government authority over the people was critical to this en-

deavor. Just as the individual was key to salvation, individual effort was the key to worldly endeavors. Little doubt existed that material abundance and sustenance came from work and effort, family, friends, church, and voluntary community action, as long as government did not obstruct.

No doubts were cast as to where rights came from. They came from the Creator. And if government could not grant rights to individuals, it certainly should not be able to take them away. If government could provide rights or privileges, it was reasoned, it could only occur at the expense of someone else or with the loss of personal liberty in general.

Our constitutional Republic, according to our founders, should above all else protect the rights of the minority against the abuses of an authoritarian majority. They feared democracy as much as monarchy and demanded a weak executive, a restrained court, and a handicapped legislature.

It was clearly recognized that equal justice and protection of the minority was not egalitarianism. Socialism and welfarism were never considered. The colonists wanted to be free of the King's oppressive high taxes and burdensome regulations. It annoyed them that even their trees on their own property could not be cut without the King's permission. The King kept the best trees for himself and his shipbuilding industry. This violation of property ownership prompted the colonists to use the pine tree on an early revolutionary flag to symbolize the freedom they sought.

The Constitution made it clear that the government was not to interfere with productive, nonviolent human energy. This is the key element that has permitted America's great achievements. It was a great plan. We should all be thankful for the bravery and wisdom of those who established this Nation and secured the Constitution for us. We have been the political and economic envy of the world. We have truly been blessed.

The founders often spoke of divine providence and that God willed us this great Nation. It has been a grand experiment, but it is important that the fundamental moral premises that underpin this Nation are understood and maintained. We, as Members of Congress, have that responsibility.

This is a good year to address this subject, the beginning of a new century and millennium provides a wonderful opportunity for all of us to dedicate ourselves to studying and preserving these important principles of liberty.

One would have to conclude from history as well as current conditions that the American Republic has been extremely successful. It certainly has allowed the creation of great wealth with a large middle-class and many very wealthy corporations and individuals. Although the poor are still among us, compared to other parts of the world, even the poor in this country have done quite well.

We still can freely move about from town to town, State to State, and job to job. Free education is available to everyone, even for those who do not want it or care about it. But the capable and the incapable are offered a government education. We can attend the church of our choice, start a newspaper, use the Internet and meet in private when we choose. Food is plentiful throughout the country and oftentimes even wasted. Medical technology has dramatically advanced and increased life expectancy for both men and women.

Government statistics are continuously reaffirming our great prosperity with evidence of high and rising wages, no inflation, and high consumer confidence and spending. The U.S. Government still enjoys good credit and a strong currency in relationship to most other currencies of the world. We have no trouble financing our public nor private debt. Housing markets are booming and interest rates remain reasonable by modern day standards. Unemployment is low.

Recreational spending and time spent at leisure are at historic highs. Stock market profits are benefiting more families than ever in our history. Income, payroll, and capital gains taxes have been a windfall for politicians who lack no creative skills in figuring out how to keep the tax-and-spend policies in full gear. The American people accept the status quo and hold no grudges against our President.

The nature of a republic and the current status of our own are of little concern to the American people in general. Yet there is a small minority ignored by political, academic, and media personnel who do spend time thinking about the importance of what the proper role for government should be. The comparison of today's government to the one established by our Constitution is the subject of deep discussion for those who concern themselves with the future and look beyond the fall election.

The benefits we enjoy are a result of the Constitution our founding fathers had the wisdom to write. However, understanding the principles that were used to establish our Nation is crucial to its preservation and something we cannot neglect.

Unbelievable changes have occurred in the 20th century. We went from the horse and buggy age to the space age. Computer technology and the Internet have dramatically changed the way we live. All kinds of information and opinions on any subject are now available by clicking a few buttons. Technology offers an opportunity for everyone who seeks to the truth to find it, yet at the same time it enhances the ability of government to monitor our every physical, communicative, and financial move.

Mr. Speaker, let there be no doubt. For the true believers in big government, they see this technology as a great advantage for their cause. We are

currently witnessing an ongoing effort by our government to develop a national ID card, a medical data bank, a work data bank, "Know Your Customer" regulations on banking activity, a national security agent all-pervasive telephone snooping system called Echelon, and many other programs. There are good reasons to understand the many ramifications of the many technological advancements we have seen over the century to make sure that the good technology is not used by the government to do bad things.

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The 20th century has truly been a century of unbelievable technological advancement. We should be cognizant of what this technology has done to the size and nature of our own Government. It could easily be argued that, with greater technological advances, the need for government ought to decline and private alternatives be enhanced. But there is not much evidence for that argument.

In 1902, the cost of Government activities at all levels came to 7.7 percent of GDP. Today it is more than 50 percent.

Government officials oversee everything we do, from regulating the amount of water in our commodes to placing airbags in our cars, safety locks on our guns, and using our own land. Almost every daily activity we engage in is monitored or regulated by some Government agency. If one attempts to just avoid Government harassment, one finds himself in deep trouble with the law.

Yes, we can be grateful that the technological developments in the marketplace over the last 100 years have made our lives more prosperous and enjoyable. But any observant person must be annoyed by the ever-present Big Brother that watches and records our every move.

The idea that we are responsible for our own actions has been seriously undermined. And it would be grossly misleading to argue that the huge growth in the size of government has been helpful and necessary in raising the standard of living of so many Americans.

Since government cannot create anything, it can only resort to using force to redistribute the goods that energetic citizens produce. The old-fashioned term for this is "theft."

It is clear that our great prosperity has come in spite of the obstacles that big government places in our way and not because of it. And besides, our current prosperity may well not be as permanent as many believe.

Quite a few major changes in public policy have occurred in this century. These changes in policy reflect our current attitude toward the American Republic and the Constitution and help us to understand what to expect in the future. Economic prosperity seems to have prevailed. But the appropriate

question asked by too few Americans is, have our personal liberties be undermined?

Taxes: Taxes are certainly higher. A federal income tax of 35 to 40 percent is something many middle-class Americans must pay, while, on average, they work for the Government more than half the year. In passing on our estates from one generation to the next, our partner, the U.S. Government, decides on its share before the next generation can take over.

The estate tax certainly verifies the saying about the inevitability of death and taxes. At the turn of the century, we had neither. And in spite of a continuous outcry against both, there is no sign that either will soon be eliminated.

Accepting the principle behind both the income and the estate tax concedes the statist notion that the Government owns the fruits of our labor as well as our savings and we are permitted by the politicians' generosity to keep a certain percentage.

Every tax cut proposal in Washington now is considered a cost to Government, not the return of something rightfully belonging to a productive citizen. This principle is true whether it is a 1 percent or 70 percent income tax. Concern for this principle has been rarely expressed in a serious manner over the past 50 years. The withholding process has permitted many to believe that a tax rebate at the end of the year comes as a gift from Government.

Because of this, the real cost of Government to the taxpayer is obscured. The income tax has grown to such an extent and the Government is so dependent on it that any talk of eliminating the income tax is just that, talk. A casual acceptance of the principle behind high taxation with an income tax and an inheritance tax is incompatible with the principle belief in a true republic. It is impossible to maintain a high tax system without the sacrifice of liberty and an undermining of property ownership. If kept in place, such a system will undermine prosperity regardless of how well off we may presently be.

In truth, the amount of taxes we now pay compared to 100 years ago is shocking. There is little philosophic condemnation by the intellectual community, the political leaders, or the media of this immoral system. This should be a warning sign to all of us that even in less prosperous times we can expect high taxes and that our productive economic system will come under attack.

Not only have we seen little resistance to the current high tax system, it has become an acceptable notion that this system is moral and is a justified requirement to finance the welfare/warfare state.

Propaganda polls are continuously cited claiming that the American people do not want tax reductions. High taxes, except for only short periods of time, are incompatible with liberty and prosperity. We will, I am sure, be

given the opportunity in the early part of the next century to make a choice between the two. I am certain of my preference.

Welfare: There was no welfare state in 1900. In the year 2000, we have a huge welfare state which continues to grow each year. Not that special interest legislation did not exist in the 19th century. But for the most part, it was limited and directed toward the monied interest, the most egregious example being the railroads.

The modern-day welfare state has steadily grown since the Great Depression of the 1930s. The Federal Government is now involved in providing healthcare, houses, unemployment benefits, education, food stamps to millions, plus all kinds of subsidies to every conceivable special interest group. Welfare is now a part of our culture, costing hundreds of billions of dollars every year. It is now thought to be a right, something one is entitled to. Calling it an entitlement makes it sound proper and respectable and not based on theft.

Anyone who has a need, desire, or demand and can get the politicians' attention will get what he wants even though it may be at the expense of someone else.

Today, it is considered morally right and politically correct to promote the welfare state. Any suggestion otherwise is considered political suicide.

The acceptance of the welfare ethic and rejection of the work ethic as the process for improving one's economic condition are now ingrained in our political institutions. This process was started in earnest in the 1930s, received a big boost in the 1960s, and has continued a steady growth even through the 1990s despite some rhetoric in opposition.

This public acceptance has occurred in spite of the fact that there is no evidence that welfare is a true help in assisting the needy. Its abject failure around the world where welfarism took the next step into socialism has even a worse record.

The transition in the past hundred years from essentially no welfare to an all encompassing welfare state represents a major change in attitude in the United States. Along with the acceptance, the promoters have dramatically reinterpreted the Constitution in the way it had been for our first 150 years.

Where the General Welfare clause once had a clear general meaning, which was intended to prohibit special interest welfare and was something they detested and revolted against under King George, it is now used to justify any demand of any group as long as a majority in the Congress votes for it.

But the history is clear and the words in the Constitution are precise. Madison and Jefferson, in explaining the General Welfare clause, left no doubt as to its meaning.

Madison said, "With respect to the words 'general welfare,' I have always

regarded them as qualified by the detail of power connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution and to a character which there is a host of proof not contemplated by its creators."

Madison argued that there would be no purpose whatsoever for the enumeration of the particular powers if the General Welfare clause was to be broadly interpreted.

The Constitution granted authority to the Federal Government to do only 20 things, each to be carried out for the benefits of the general welfare of all the people.

This understanding of the Constitution, as described by the Father of the Constitution, has been lost in this century. Jefferson was just as clear, writing in 1798 when he said, "Congress has not unlimited powers to provide for the general welfare but only those specifically enumerated."

With the modern-day interpretation of the General Welfare clause, the principle of individual liberty in the Doctrine of Enumerated Powers have been made meaningless.

The goal of strictly limiting the power of our national Government as was intended by the Constitution is impossible to achieve as long as it is acceptable for Congress to redistribute wealth in an egalitarian welfare state.

There is no way that personal liberty will not suffer with every effort to expand or make the welfare state efficient. And the sad part is that the sincere effort to help people do better economically through welfare programs always fails. Dependency replaces self-reliance, while the sense of self-worth of the recipient suffers, making for an angry, unhappy and dissatisfied society. The cost in dollar terms is high, but the cost in terms of liberty is even greater but generally ignored; and, in the long run, there is nothing to show for this sacrifice.

Today there is no serious effort to challenge welfare as a way of life, and its uncontrolled growth in the next economic downturn is to be expected. Too many citizens now believe they are entitled to the monetary assistance from the Government anytime they need it and they expect it. Even in times of plenty, the direction has been to continue expanding education, welfare, and retirement benefits.

No one asked where the Government gets the money to finance the welfare state. Is it morally right to do so? Is it authorized in the Constitution? Does it help anyone in the long run? Who suffers from the policy? Until these questions are seriously asked and correctly answered, we cannot expect the march toward a pervasive welfare state to stop and we can expect our liberties to be continuously compromised.

The concept of the Doctrine of Enumerated Powers was picked away at in the latter part of the 19th century over strong objection by many constitutionalists. But it was not until the

drumbeat of fear coming from the Roosevelt administration during the Great Depression that the courts virtually rewrote the Constitution by reinterpretation of the General Welfare clause.

In 1936, the New Deal Supreme Court told Congress and the American people that the Constitution is irrelevant when it comes to limits being placed on congressional spending. In a ruling justifying the Agricultural Adjustment Act, the Court pronounced, "The power of Congress to authorize appropriations of public money for public purposes is not limited by the grants of legislative power found in the Constitution."

With the stroke of a pen, the courts amended the Constitution in such a sweeping manner that it literally legalized the entire welfare state, which, not surprisingly, has grown by leaps and bounds ever since.

Since this ruling, we have rarely heard the true explanation of the General Welfare clause as being a restriction of government power, not a grant of unlimited power.

We cannot ignore corporate welfare, which is part of the problem. Most people think the welfare state involves only giving something to the unfortunate poor. This is generally true. But once the principle established that special benefits are legitimate, the monied interests see the advantages and influence the legislative process.

Our system, which pays lip service to free enterprise and private property ownership, is drifting towards a form of fascism or corporatism rather than conventional socialism. And where the poor never seem to benefit under welfare, corporations become richer. But it should have been expected that once the principle of favoritism was established, the contest would be over who has the greatest clout in Washington.

No wonder lobbyists are willing to spend \$125 million per month influencing Congress; it is a good investment. No amount of campaign finance reform or regulation of lobbyists can deal with this problem. The problem lies in the now accepted role for our Government. Government has too much control over people and the market, making the temptation and incentive to influence government irresistible and, to a degree, necessary.

Curtailed how people spend their own money or their right to petition their government will do nothing to this influence peddling. Treating the symptoms and not the disease only further undermines the principles of freedom and property ownership.

Any serious reforms or effort to break away from the welfare state must be directed as much at corporate welfare as routine welfare. Since there is no serious effort to reject welfare on principle, the real conflict over how to divide what Government plunders will continue.

Once it is clear that it is not nearly as wealthy as it appears, this will become a serious problem and it will get the attention it deserves, even here in the Congress.

Preserving liberty and restoring constitutional precepts are impossible as long as the welfare mentality prevails, and that will not likely change until we have run out of money. But it will become clear as we move into the next century that perpetual wealth and the so-called balanced budget, along with an expanding welfare state, cannot continue indefinitely. Any effort to perpetuate it will only occur with the further erosion of liberty.

2100

The role of the U.S. Government in public education has changed dramatically over the past 100 years. Most of the major changes have occurred in the second half of this century. In the 19th century, the closest the Federal Government got to public education was the land grant college program. In the last 40 years, the Federal Government has essentially taken charge of the entire system. It is involved in education at every level through loans, grants, court directives, regulations and curriculum manipulation. In 1900, it was of no concern to the Federal Government how local schools were run at any level.

After hundreds of billions of dollars, we have yet to see a shred of evidence that the drift toward central control over education has helped. By all measurements, the quality of education is down. There are more drugs and violence in the public schools than ever before. Discipline is impossible out of fear of lawsuits or charges of civil rights violations. Controlled curricula have downplayed the importance of our constitutional heritage while indoctrinating our children, even in kindergarten, with environmental mythology, internationalism and sexual liberation. Neighborhood schools in the early part of the 20th century did not experience this kind of propaganda.

The one good result coming from our failed educational system has been the limited, but important, revival of the notion that parents are responsible for their children's education, not the state. We have seen literally millions of children taken from the public school system and taught at home or in private institutions in spite of the additional expense. This has helped many students and has also served to pressure the government schools into doing a better job. And the statistics show that middle-income and low-income families are the most eager to seek an alternative to the public school system.

There is no doubt that the way schools are run, how the teachers teach and how the bills are paid is dramatically different from 100 years ago. And even though some that go through public schools do exceptionally well, there is clear evidence that the average high school graduate today is far less educated than his counterpart was in the early part of this century.

Due to the poor preparation of our high school graduates, college expects

very little from their students since nearly everyone gets to go to college who wants to. Public school is compulsory and college is available to almost everyone, regardless of qualifications. In 1914, English composition was required in 98 percent of our colleges. Today, it is about one-third. Only 12 percent of today's colleges require mathematics be taught where in 1914, 82 percent did. No college now requires literature courses, but rest assured plenty of social babble courses are required as we continue to dumb down our Nation.

Federal funding for education grows every year, hitting \$38 billion this year, \$1 billion more than requested by the administration and 7 percent more than last year. Great congressional debates occur over the size of the classroom, student and teacher testing, bilingual education, teacher salaries, school violence and drug usage. And it is politically incorrect to point out that all these problems are not present in the private schools. Every year, there is less effort at the Federal level to return education to the people, the parents and the local school officials.

For 20 years at least, some of our presidential candidates advocated the abolishing of the Department of Education and for the Federal Government to get completely out of public education. This year, we will hear no more of that. The President got more money for education than he asked for and it is considered not only bad manners but also political suicide to argue the case for stopping all Federal Government education programs.

Talk of returning some control of Federal programs to the States is not the same as keeping the Federal Government out of education as directed by the Constitution. Of the 20 congressionally authorized functions granted by the Constitution, education is not one of them. That should be enough of a reason not to be involved. There is no evidence of any benefit and statistics show that great harm has resulted. It has cost us hundreds of billions of dollars, yet we continue the inexorable march toward total domination of our educational system by Washington bureaucrats and politicians. It makes no sense. It is argued that if the Federal funding for education did not continue, education would suffer even more. Yet we see poor and middle-class families educating their children at home or at private school at a fraction of the cost of a government school education, with results fantastically better, and all done in the absence of violence and drugs.

A case can be made that there would be more money available for education if we just left the money in the States to begin with and never brought it to Washington for the bureaucrats and the politicians to waste. But it looks like Congress will not soon learn this lesson, so the process will continue and the results will get worse. The best thing we could do now is pass a bill to

give parents a \$3,000 tax credit for each child they educate. This would encourage competition and allow a lot more choice for parents struggling to help their children get a decent education.

The practice of medicine is now a government managed care system and very few Americans are happy with it. Not only is there little effort to extricate the Federal Government from the medical care business but the process of expanding the government's role continues unabated. At the turn of the 19th century, it was not even considered a possibility that medical care was the responsibility of the Federal Government. Since Lyndon Johnson's Great Society programs of the 1960s, the role of the Federal Government in delivering medical care has grown exponentially. Today the Federal Government pays more than 60 percent of all the medical bills and regulates all of it. The demands continue for more free care at the same time complaints about the shortcomings of managed care multiply. Yet it is natural to assume that government planning and financing will sacrifice quality care. It is now accepted that people who need care are entitled to it as a right. This is a serious error in judgment.

There is no indication that the trend toward government medicine will be reversed. Our problems are related to the direct takeover of medical care in programs like Medicare and Medicaid. But it has also been the interference in the free market through ERISA mandates related to HMOs and other managed care organizations, as well as our tax code, that have undermined the private insurance aspect of paying for medical care. True medical insurance is not available. The government dictates all the terms.

In the early stages, patients, doctors and hospitals welcomed these programs. Generous care was available with more than adequate reimbursement. It led to what one would expect, abuse, overcharges and overuse. When costs rose, it was necessary through government rulemaking and bureaucratic management to cut reimbursement and limit the procedures available and personal choice of physicians. We do not have socialized medicine but we do have bureaucratic medicine, mismanaged by the government and select corporations who usurp the decision-making power from the physician. The way medical care is delivered today in the United States is a perfect example of the evils of corporatism and an artificial system that only politicians, responding to the special interests, could create. There is no reason to believe the market cannot deliver medical care in an efficient manner as it does computers, automobiles and televisions. But the confidence is gone and everyone assumes, just as in education, that only a Federal bureaucracy is capable of solving the problems of maximizing the number of people, including the poor, who receive the best medical care available. In an effort to help the poor,

the quality of care has gone down for everyone else and the costs have skyrocketed.

Making generous medical savings accounts available is about the only program talked about today that offers an alternative to government managed care. If something of this sort is not soon implemented, we can expect more pervasive government involvement in the practice of medicine. With a continual deterioration of its quality, the private practice of medicine will soon be gone.

Government housing programs are no more successful than the Federal Government's medical and education programs. In the early part of this century, government housing was virtually unheard of. Now the HUD budget commands over \$30 billion each year and increases every year. Finances of mortgages through the Federal Home Loan Bank, the largest Federal Government borrower, is the key financial institution pumping in hundreds of billions of dollars of credit into the housing market, making things worse. The Federal Reserve has now started to use home mortgage securities for monetizing debt. Public housing has a reputation for being a refuge for drugs, crimes and filth, with the projects being torn down as routinely as they are built. There is every indication that this entitlement will continue to expand in size regardless of its failures. Token local control over these expenditures will do nothing to solve the problem.

Recently, the Secretary of HUD, using public funds to sue gun manufacturers, claimed this is necessary to solve the problems of crime which government housing perpetuates. If a government agency, which was never meant to exist in the first place under the Constitution, can expand their role into the legislative and legal matters without the consent of the Congress, we indeed have a serious problem on our hands. The programs are bad enough in themselves but the abuse of the rule of law and ignoring the separation of powers makes these expanding programs that much more dangerous to our entire political system and is a direct attack on personal liberty. If one cares about providing the maximum best housing for the maximum number of people, one must consider a free market approach in association with a sound, nondepreciating currency. We have been operating a public housing program directly opposite to this and along with steady inflation and government promotion of housing since the 1960s, the housing market has been grossly distorted. We can soon expect a major downward correction in the housing industry prompted by rising interest rates.

Our attitude toward foreign policy has dramatically changed since the beginning of the century. From George Washington through Grover Cleveland, the accepted policy was to avoid entangling alliances. Although we spread our

wings westward and southward as part of our manifest destiny in the 19th century, we accepted the Monroe Doctrine notion that European and Asians should stay out of our affairs in this hemisphere and we theirs. McKinley, Teddy Roosevelt, and the Spanish American war changed all that. Our intellectual and political leaders at the turn of the last century brought into vogue the interventionist doctrine setting the stage for the past 100 years of global military activism. From a country that once minded its own business, we now find ourselves with military personnel in more than 130 different countries protecting our modern day American empire. Not only do we have troops spread to the four corners of the Earth, we find Coast Guard cutters in the Mediterranean and around the world, our FBI in any country we choose, and the CIA in places Congress does not even know about. It is a truism that the state grows and freedom is diminished in times of war. Almost perpetual war in the 20th century has significantly contributed to steadily undermining our liberties while glorifying the state.

In addition to the military wars, liberty has also suffered from the domestic wars on poverty, literacy, drugs, homelessness privacy and many others. We have in the last 100 years gone from the accepted and cherished notion of a sovereign Nation to one of a globalist new world order. As we once had three separate branches of our government, the United Nations proudly uses its three branches, the World Bank, the IMF and the World Trade Organization to work their will in this new era of globalism. Because the U.S. is by far the strongest military industrial power, it can dictate the terms of these international institutions, protecting what we see as our various interests such as oil, along with satisfying our military industrial complex. Our commercial interests and foreign policy are no longer separate. This allows for subsidized profits while the taxpayers are forced to protect huge corporations against any losses from overseas investments. The argument that we go about the world out of humanitarian concerns for those suffering, which was the excuse for bombing Serbia, is a farce. As bad as it is that average Americans are forced to subsidize such a system, we additionally are placed in greater danger because of our arrogant policy of bombing nations that do not submit to our wishes. This generates the hatred directed toward America, even if at times it seems suppressed, and exposes us to a greater threat of terrorism since this is the only vehicle our victims can use to retaliate against a powerful military state.

But even with the apparent success of our foreign policy and the military might we still have, the actual truth is that we have spread ourselves too thinly and may well have difficulty defending ourselves if we are ever threatened by any significant force around the

world. At the close of this century, we find our military preparedness and morale at an all-time low. It will become more obvious as we move into the 21st century that the cost of maintaining this worldwide presence is too high and cutbacks will be necessary. The costs in terms of liberty lost and the unnecessary exposure to terrorism are difficult to determine but in time it will become apparent to all of us that foreign interventionism is of no benefit to American citizens but instead is a threat to our liberties.

Throughout our early history and up to World War I, our wars were fought with volunteers. There was no military draft except for a failed attempt by Lincoln in the Civil War which ended with justified riots and rebellion against it. The attitudes toward the draft definitely changed over the past century. Draftees were said to be necessary to fight in World War I and World War II, Korea and Vietnam. This change in attitude has definitely satisfied those who believe that we have an obligation to police the world. The idiocy of Vietnam served as a catalyst for an antidraft attitude which is still alive today. Fortunately we have not had a draft for over 25 years, but Congress refuses to address this matter in a principled fashion by abolishing once and for all the useless selective service system. Too many authoritarians in Congress still believe that in times of need, an army of teenage draftees will be needed to defend our commercial interests throughout the world. A return to the spirit of the republic would mean that a draft would never be used and all able-bodied persons would be willing to volunteer in defense of their liberty. Without the willingness to do so, liberty cannot be saved. A conscripted army can never substitute for the willingness of freedom-loving Americans to defend their country out of their love for liberty.

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The U.S. monetary system. The U.S. monetary system during the 20th Century has dramatically changed from the one authorized by the Constitution. Only silver and gold were to be used in payment of debt, and no paper money was to be issued. In one of the few restrictions on the states, the Constitution prohibited them from issuing their own money, and they were to use only gold and silver in payment of debt. No Central Bank was authorized.

The authors of the Constitution were well aware of the dangers of inflation, having seen the harm associated with the destruction of the Continental currency. They never wanted to see another system that ended with the slogan, "it's not worth a Continental." They much preferred sound as a dollar, or as good as gold, as a description of our currency.

Unfortunately, their concerns as they were reflected in the Constitution have been ignored and as this century closes we do not have a sound dollar as

good as gold. The changes to our monetary system are by far the most significant economic events of the 20th Century. The gold dollar of 1900 is now nothing more than a Federal Reserve note with a promise by untrustworthy politicians and the central bankers to pay nothing for it.

No longer is there silver or gold available to protect the value of a steadily depreciating currency. This is a fraud of the worst kind and the type of a crime that would put a private citizen behind bars. But there have been too many special interests benefitting by our fiat currency, too much ignorance and too much apathy regarding the nature of money.

We will surely pay the price for this negligence. The relative soundness of our currency that we enjoy as we move into the 21st Century will not persist. The instability in world currency market because of the dollar's acceptance for so many years as the world's currency, will cause devastating adjustments that Congress will eventually be forced to address.

A transition from sound money to paper money did not occur instantaneously. It occurred over a 58 year period between 1913 and 1971, and the mischief continues today.

Our Central Bank, the Federal Reserve System, established in 1913 after two failed efforts in the 19th Century, has been the driving force behind the development of our current fiat system. Since the turn of the century, we have seen our dollar lose 95 percent of its purchasing power, and it continues to depreciate. This is nothing less than theft, and those responsible should be held accountable.

The record of the Federal Reserve is abysmal, yet at the close of the 20th Century, its chairman is held in extremely high esteem, with almost zero calls for study of sound money with the intent to once again have the dollar linked to gold.

Ironically, the government and politicians are held in very low esteem, yet the significant trust in them to maintain the value of the currency is not questioned. But it should be.

The reasons for rejecting gold and promoting paper are not mysterious, since quite a few special interests benefit. Deficit financing is much more difficult when there is no Central Bank available to monetize government debt. This gives license to politicians to spend lavishly on the projects that are most likely to get them reelected. War is more difficult to pursue if government has to borrow or tax the people for its financing. The Federal Reserve's ability to create credit out of thin air to pay the bills run up by Congress establishes a symbiosis that is easy for the politician to love.

It is also advantageous for the politicians to ignore the negative effects from such a monetary arrangement, since they tend to be hidden and disseminated. A paper money system attracts support from various economic

groups. Bankers benefit from the float that they get with the fractional reserve banking that accompanies a fiat monetary system. Giant corporations who get to borrow large funds at below market interest rates enjoy the system and consistently call for more inflation and artificially low interest rates. Even the general public seems to benefit from the artificial booms brought about by credit creation, with lower interest rates allowing major purchases like homes and cars.

The naive and uninformed fully endorse the current system because the benefits are readily available, while the disadvantages are hidden, delayed or not understood. The politicians, central bankers, commercial banks, big business borrowers, all believe their needs justify such a system.

But the costs are many and the dangers are real. Because of easy credit throughout this century we have found out that financing war was easier than if taxes had to be raised. The many wars we have fought and the continuous military confrontations in smaller wars since Vietnam have made the 20th Century a bloody century. It is most likely that we would have pursued a less militaristic foreign policy if financing it had been more difficult.

Likewise, financing the welfare state would have progressed much slower if our deficits could not have been financed by an accommodative Central Bank willing to inflate the money supply at will.

There are other real costs as well that few are willing to believe are a direct consequence of Federal Reserve Board policy. Rampant inflation after World War I as well as the 1921 depression were a consequence of monetary policy during and following the war. The stock market speculation of the 1920s, the stock market collapse of 1929 and the depression of the 1930s causing millions to be unemployed, all resulted from Federal Reserve Board monetary mischief.

Price inflation of the early 1950s was a consequence of monetary inflation required to fight the Korean War. Wage and price controls used then totally failed, yet the same canard was used during the Vietnam war in the early 1970s to again impose wage and price controls, with even worse results.

All the price inflation, all the distortions, all the recessions and unemployment should be laid at the doorstep of the Federal Reserve. The Fed is an accomplice in promoting all unnecessary war, as well as the useless and harmful welfare programs, with its willingness to cover Congress' profligate spending habits.

Even though the Fed did great harm before 1971 after the total elimination of the gold-dollar linkage, the problems of deficit spending, welfare expansion and military-industrial complex influence have gotten much worse.

Although many claim the 1990s have been great economic years, Federal Reserve Board action of the past decade

has caused problems yet to manifest itself. The inevitable correction will come as the new century begins, and it is likely to be quite serious.

The stage has been set. Rampant monetary growth has led to historic high asset inflation, massive speculation, overcapacity, malinvestment, excessive debt, a negative savings rate and a current account deficit of huge proportions. These conditions dictate a painful adjustment, something that would have never occurred under a gold standard.

The special benefits of foreigners taking our inflated dollars for low priced goods and then loaning them back to us will eventually end. The dollar must fall, interest rates must rise, price inflation will accelerate, the financial asset bubble will burst, and a dangerous downturn in the economy will follow.

There are many reasons to believe the economic slowdown will be worldwide, since the dollar is the reserve currency of the world. An illusion about our dollar's value has allowed us to prop up Europe and Japan in this past decade during a period of weak growth for them, but when reality sets in, economic conditions will deteriorate. Greater computer speed, which has helped to stimulate the boom of the 1990s, will work in the opposite direction as all of the speculative positions unwind, and that includes the tens of trillions of dollars in derivatives.

There was a good reason the Federal Reserve rushed to rescue long-term capital management with a multibillion dollar bailout: It was unadulterated fear that the big correction was about to begin. Up until now, feeding the credit bubble with even more credit has worked, and is the only tool they have to fight the business cycle, but eventually control will be lost.

A paper money system is dangerous economically and not constitutionally authorized. It is also immoral for government to counterfeit money, which dilutes the value of the currency and steals values from those who hold the currency and those who do not necessarily benefit from its early circulation.

Not everyone benefits from the largesse of government spending programs or systematic debasement of the currency. The middle class, those not on welfare and not in the military industrial complex suffer the most from rising prices and job losses in the correction phase of the business cycle.

Congress must someday restore sound money to America. It is mandated in the Constitution, it is economically sound to do so, and it is morally right to guarantee a standard of value for the money. Our oath of office obligates all Members of Congress to pay attention to this and participate in this needed reform.

Police state. A police state is incompatible with liberty. One hundred years ago the Federal Government was responsible for enforcing very few laws.

This has dramatically changed. There are now over 3,000 Federal laws and 10,000 regulations, employing hundreds of thousands of bureaucrats diligently enforcing them, with over 80,000 of the bureaucrats carrying guns.

We now have an armed national police state, just as Jefferson complained of King George in the Declaration of Independence. "He has sent hither swarms of officers to harass our people and eat out their substance."

A lot of political and police power has shifted from the state and local communities to the Federal Government over the past 100 years. If a constitutional republic is desired and individual liberty is cherished, this concentration of power cannot be tolerated.

Congress has been derelict in creating the agencies in the first place and ceding to the Executive the power to write regulations and even tax without Congressional approval. These agencies enforce their own laws and supervise their own administrative court system where citizens are considered guilty until proven innocent. The Constitution has been thrown out the window for all practical purposes, and although more Americans every day complain loudly, Congress does nothing to stop it.

The promoters of the bureaucratic legislation claim to have good intentions, but they fail to acknowledge the cost, inefficiency or the undermining of individual rights. Worker safety, environmental concerns, drug usage, gun control, welfarism, banking regulations, government insurance, health insurance, insurance against economic and natural disaster, and the regulation of fish and wildlife. Are just a few of the issues that prompts the unlimited use of Federal regulatory and legislative power to deal with perceived problems.

But, inevitably, for every attempt to solve one problem, government creates two new ones. National politicians are not likely to volunteer a market or local government solution to a problem, or they will find out how unnecessary they really are.

Congress' careless attitude about the Federal bureaucracy and its penchant for incessant legislation have prompted serious abuse of every American citizen. Last year alone there were more than 42,000 civil forfeitures of property occurring without due process of law or conviction of a crime, and oftentimes the owners were not even charged with a crime.

Return of illegally seized property is difficult, and the owner is forced to prove his innocence in order to retrieve it. Even though many innocent Americans have suffered, these laws have done nothing to stop drug usage or change people's attitude toward the IRS.

Seizure and forfeitures only make the problems they are trying to solve that much worse. The idea that a police department under Federal law can

seize property and receive direct benefit from it is an outrage. The proceeds can be distributed to the various police agencies without going through the budgetary process. This dangerous incentive must end.

The national police state mentality has essentially taken over crime investigation throughout the country. Our local sheriffs are intimidated and frequently overruled by the national police. Anything worse than writing traffic tickets prompts swarms of Federal agents to the scene. We frequently see the FBI, the DEA, the CIA, the BATF, Fish and Wildlife, the IRS, Federal marshals and even the Army involved in local law enforcement. They do not come to assist, but to take over.

The two most notorious examples of federal abuse of police powers were seen at Ruby Ridge and Waco, where non-aggressive citizens were needlessly provoked and killed by government agents. At Waco, even Army tanks were used to deal with a situation that the local sheriff could have easily handled.

These two incidents are well-known, but thousands of other similar abuses routinely occur with little publicity. The Federal police state seen in the action the Ruby Ridge and Waco hopefully is not a sign of things to come, but it could be, if we are not careful.

If the steady growth of the Federal police power continues, the American republic cannot survive. The Congresses of the 20th Century have steadily undermined the principle that the government closest to home must deal with law and order, and not the Federal Government.

The Federal courts also have significantly contributed to this trend. Hopefully in the new century our support for a national police state will be diminished. We have in this past century not only seen the undermining of the Federalism that the Constitution desperately tried to preserve, but the principles of separation of powers among the three branches of government has been severely compromised as well.

The Supreme Court no longer just rules on Constitutionality, but frequently rewrites the laws with attempts at comprehensive social engineering. The most blatant example was the Roe v. Wade ruling. The Federal court should be hearing a lot fewer cases, deferring as often as possible to the states courts.

Throughout the 20th Century, with Congress' obsession for writing laws for everything, the Federal courts were quite willing to support the idea of a huge interventionist Federal Government. The fact that the police officers in the Rodney King case were tried twice for the same crime, ignoring the constitutional prohibition against double jeopardy, was astoundingly condoned by the courts, rather than condemned. It is not an encouraging sign that the concept of equal protection under the law will prevail.

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Mr. Speaker, I will yield back the few minutes I have left because I plan to complete my special order on this subject on Wednesday evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. ABERCROMBIE (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BROWN of Ohio (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. Sanchez (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Ms. Carson (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. TURNER (at the request of Mr. GEPHARDT) for today, February 1 and 2 on account of family medical emergency.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. SANFORD (at the request of Mr. ARMEY) for today and February 1 on account of personal reasons.

Mr. SCHAFFER (at the request of Mr. ARMEY) for today on account of travel delay.

Mr. KINGSTON (at the request of Mr. ARMEY) for today on account of flight delays.

Mr. WATKINS (at the request of Mr. ARMEY) for today on account of official business.

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 Mrs. JONES of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. CLEMENT, for 5 minutes, today.

(The following Members (at the request of Mr. METCALF) to revise and extend their remarks and include extraneous material:)

Mr. PICKERING, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today, February 1 and 2.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, February 1.

Mrs. CHENOWETH-HAGE, for 5 minutes, February 1.

Mr. METCALF, for 5 minutes, today.

Mr. GILMAN, for 5 minutes, today.

Mr. SCARBOROUGH, at his own request, for 5 minutes, today.

OMITTED FROM THE CONGRESSIONAL RECORD OF THURSDAY, JANUARY 27, 2000, PAGE H-29

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 241. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Tuesday, February 1, 2000, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5877. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Sanitation Requirements for Official Meat and Poultry Establishments [Docket No. 96-037F] received November 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5878. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly; Regulated Areas, Regulated Articles, and Treatments [Docket No. 99-075-2] received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5879. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Extension of Tolerance for Emergency Exemptions [OPP-300955; FRL-6395-5] (RIN: 2070-AB78) received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5880. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metsulfuron methyl; Pesticide Tolerances for Emergency Exemptions [OPP-300950; FRL-6391-8] (RIN: 2070-AB78) received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5881. A communication from the President of the United States, transmitting the budget request for the Department of Health and Human Services' Low Income Home Energy Assistance Program; (H. Doc. No. 106-183); to the Committee on Appropriations and ordered to be printed.

5882. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Technical Amendment to the Section 8 Management Assessment Program (SEMAP); Final Rule

[Docket No. FR-4498-F-02] (RIN: 2577-AC10) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5883. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Loans in Areas Having Special Flood Hazards [Regulation H; Docket No. R-1052] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5884. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Special Education-Personnel Preparation to Improve Services and Results for Children with Disabilities (RIN: 1820-AB46) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5885. A letter from the Deputy Executive Secretary, Head Start Bureau, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970-AB98) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5886. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [Region VII Tracking No. MO-074-1074a; FRL-6512-2] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5887. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware, Maryland, Pennsylvania, and Virginia; Approval of National Low Emission Vehicle Programs [DE 047-1024a, MD 089-3042a, PA 140-4092a, VA 104-5043a; FRL-6483-9] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5888. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN110-1a, FRL-6483-2] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5889. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [Region VII Tracking No. MO 083-1083a; FRL-6510-9] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5890. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production [FRL-6513-4] (RIN: 2060-AE36) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5891. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to Promulgation of Federal Implementation Plan for Arizona—Maricopa Nonattainment Area; PM-10 [AZ 012-FIP; FRL-6511-3] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5892. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmit-

ting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas Repeal of Board Seal Rule and Revisions to Particulate Matter Regulations [TX-79-1-7439. FRL-6510-5] received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5893. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program [Region II Docket No. NJ41-207, FRL-6509-4] received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5894. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 038-0193a; FRL-6510-7] received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5895. A letter from the Director, Office of Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Data Sharing Committee Recommendations for Lead and Copper—received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5896. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Drinking Water State Revolving Fund (DWSRF) Program Policy Announcement: Eligibility of Using DWSRF Funds to Create a New Public Water System [FRL-6183-2] received December 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5897. A letter from the Assistant Division Chief, Policy Program Planning Division, Federal Communications Commission, transmitting the Commission's final rule—Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98-147] and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-98] received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5898. A letter from the Secretary, Bureau of Consumer Protection/Enforcement Division, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5899. A letter from the Director, Regulations Policy and Management Staff, FDA, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 99F-1423] received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5900. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting Directive 5.6 "Integrated Materials Performance Evaluation Program (IMPEP)," pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5901. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons [Docket No. 9906111599276-02] (RIN: 0691-

AA35) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5902. 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 and Deletions—received December 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5903. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions and Deletions—received December 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5904. A letter from the Chairman, Postal Rate Commission, transmitting the report on the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

5905. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Illinois Regulatory Program [SPATS No. IL-097-FOR, Part II] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5906. 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 Endangered Status for *Sidalcea oregana* var. *calva* (Wenatchee Mountains Checker-Mallow) received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5907. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA-116-FOR] received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5908. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Valid Existing Rights (RIN: 1029-AB42) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5909. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: New Years Eve '99 Fireworks Display, Southampton, NY [CGD 01-99-184] (RIN: 2115-AA97) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5910. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Arrival Notification and Year 2000 (Y2K) Reporting Requirements for Vessels Transiting the Cape Cod Canal [CGD01-99-150] (RIN: 2115-AE84) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5911. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Navesink River, NJ [CGD01-99-075] (RIN: 2115-AE47) received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5912. A letter from the Chief, Office of Regulation and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regatta and Marine Parades [CGD 95-054] (RIN: 2115-AF17) received December 16, 1999, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration Policy and Final Guidance Regarding Benefit Cost Analysis (BCA) on Airport Capacity Projects for FAA Decisions on Airport Improvement Program (AIP) Discretionary Grants and Letters of Intent (LOI)—received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5914. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants for Special Projects Authorized by this Agency's FY 1999 Appropriations Act—received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5915. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants for Special Projects Authorized by this Agency's FY 1997 Appropriations Acts—received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5916. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants for Special Projects Authorized by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134)—received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5917. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Supplemental Guidance for the Award of Section 319 Nonpoint Source Grants in FY2000—received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5918. A letter from the Trial Attorney, Federal Railroad Administration, transmitting the Administration's final rule—Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents and Other Technical Amendment [FRA-98-4898, Notice No. 2] (RIN: 2130-AB30) received December 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5919. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Continuity of Interest on Repurchase of Issuer's Shares [Rev. Rul. 99-58] received December 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5920. A letter from the the Director, the Office of Management and Budget, transmitting the final OMB sequestration report to the President and Congress for Fiscal Year 2000, pursuant to 2 U.S.C. 901; (H. Doc. No. 106-182); to the Committee on the Whole House on the State of the Union and ordered to be printed.

5921. A communication from the President of the United States, transmitting a report on the State of the Union; (H. Doc. No. 106-160); to the Committee on the Whole House on the State of the Union and ordered to be printed.

5922. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the six month suspension and periodic report under section 6 of the Jerusalem Embassy Act of 1995 [Presidential Determination No. 00-0 8]; jointly to the Com-

mittees on International Relations and Appropriations.

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. DIAZ-BALART: Committee on Rules. House Resolution 408. Resolution providing for consideration of the bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes (Rept. 106-490). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on January 28, 2000]

Pursuant to clause 5 of rule X, the Committee on Education and the Workforce discharged. H.R. 3081 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CHENOWETH-HAGE:

H.R. 3552. A bill to require that agricultural products imported into the United States be subject to the same sanitary or phytosanitary measures as the same products of the United States, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Commerce, and 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. ANDREWS:

H.R. 3553. A bill to establish a grant program in the Department of Defense to assist States and local governments in improving their ability to prevent and respond to domestic terrorism; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself and Mr. HOSTETTLER):

H.R. 3554. A bill to name the United States Army missile range at Kwajalein Atoll in the Marshall Islands for former President Ronald Reagan; to the Committee on Armed Services.

By Mr. FRELINGHUYSEN:

H.R. 3555. A bill to ensure the efficient allocation of telephone numbers; to the Committee on Commerce.

By Mr. CASTLE (for himself and Mr. PITTS):

H.R. 3556. A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. FOSSELLA (for himself, Mr.

BLILEY, Mr. OXLEY, Mr. KING, Mr. REYNOLDS, Mr. SWEENEY, Mr. MCGOVERN, Mr. SHERWOOD, Mr. DELAY, Mr. CROWLEY, Mr. SHIMKUS, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. BOEHLERT, Mr. OWENS, Mr. QUINN, Mrs. KELLY, Mr. GALLEGLY, Mr. EHLERS, Mr. ENGEL, Mr. SAXTON, Mrs. MALONEY of New York, Mr. GIBBONS, Mr. RANGEL, Mr. CHABOT, Mr.

LARGENT, Mr. LAHOOD, Mr. LAMPSON, Mr. PITTS, Mr. HOLDEN, Mr. GILLMOR, Mr. TIAHRT, Mr. EHRLICH, Mr. CAMP, Mr. BLUNT, Mr. SMITH of New Jersey, Ms. ESHOO, Mr. TANCREDO, Mr. COYNE, Mr. FORBES, Mr. WOLF, Mr. WALSH, Mr. COBURN, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. GILMAN, Mr. LATOURETTE, Mr. WAMP, Mr. McNULTY, Mr. LAZIO, Mr. MCHUGH, Mr. WEINER, Mr. KUCINICH, Mr. KNOLLENBERG, Mr. SOUDER, Mr. DOYLE, Mr. VITTER, Ms. DELAURO, Mr. TAUZIN, Mr. HYDE, Mr. DICKEY, and Mr. RYAN of Wisconsin):

H.R. 3557. A bill 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; to the Committee on Banking and Financial Services.

By Mr. METCALF (for himself, Mr. INSLEE, Ms. DUNN, and Mr. SMITH of Washington):

H.R. 3558. A bill to amend title 49, United States Code, to improve pipeline safety; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. DAVIS of Virginia, and Mr. MORAN of Virginia):

H.R. 3559. A bill to designate certain facilities of the United States Postal Service; to the Committee on Government Reform.

By Mr. FRELINGHUYSEN:

H.R. 3560. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes; to the Committee on Commerce.

By Mr. SCHAFFER (for himself, Mr. ROEMER, Mr. TANCREDO, Mr. HOEKSTRA, Mr. LAHOOD, Mr. MCINTOSH, Mr. BAKER, Mr. CHABOT, and Mr. KING):

H. Res. 409. A resolution honoring the contributions of Catholic schools; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. FRELINGHUYSEN.
H.R. 44: Mr. FOLEY.
H.R. 65: Mr. FOLEY.

H.R. 73: Mr. BARR of Georgia and Mr. ROGAN.

H.R. 205: Mr. LAMPSON.

H.R. 303: Mr. SKELTON and Mr. OWENS.

H.R. 353: Mr. BALLENGER, Mrs. NORTHUP, Mrs. ROUKEMA, and Mr. ALLEN.

H.R. 382: Ms. DEGETTE.

H.R. 405: Ms. MCCARTHY of Missouri.

H.R. 406: Mr. KLECZKA.

H.R. 460: Mr. HERGER.

H.R. 534: Mr. HILL of Montana, Mr. SPRATT, Mr. COLLINS, Mr. CLYBURN, Mr. NORWOOD, and Mr. ISAKSON.

H.R. 601: Mr. FOLEY.

H.R. 654: Mr. STARK and Mr. TOWNS.

H.R. 711: Mr. FOLEY.

H.R. 721: Mr. GARY MILLER of California.

H.R. 786: Mr. DOOLITTLE.

H.R. 865: Mr. REYES.

H.R. 963: Mr. EVANS.

H.R. 984: Mr. DAVIS of Illinois and Mr. GOSS.

H.R. 995: Mr. SHADEGG.

H.R. 1062: Mr. ABERCROMBIE.

H.R. 1272: Mr. SHADEGG.

H.R. 1285: Ms. LEE and Mr. TOWNS.

H.R. 1304: Mr. GILLMOR, Mr. WISE, Mr. PAYNE, and Mr. DEFAZIO.

H.R. 1357: Mr. FATTAH.

H.R. 1363: Mr. GOSS and Mr. KUCINICH.

H.R. 1413: Mr. FOLEY.

H.R. 1485: Ms. ESHOO.

H.R. 1547: Mrs. EMERSON.

H.R. 1593: Mr. NUSSLE.

H.R. 1634: Mr. TRAFICANT.

H.R. 1671: Mr. GEJDENSON.

H.R. 1732: Mr. KLINK.

H.R. 1839: Mr. STUPAK and Mr. HILLEARY.

H.R. 1850: Ms. BALDWIN.

H.R. 1870: Mr. PASTOR, Mr. MASCARA, Mr. WISE, Mr. MCGOVERN, Mr. HINCHEY, and Mr. WYNN.

H.R. 1890: Mr. GARY MILLER of California.

H.R. 1997: Mr. BLAGOJEVICH.

H.R. 2000: Mr. SHAW.

H.R. 2128: Mr. BASS.

H.R. 2298: Ms. KAPTUR.

H.R. 2437: Mr. BARR of Georgia.

H.R. 2539: Mr. BACA.

H.R. 2543: Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. OBERSTAR, and Mr. NUSSLE.

H.R. 2553: Mr. STUPAK.

H.R. 2623: Mr. GEJDENSON.

H.R. 2720: Mr. GOODE, Mrs. CHRISTENSEN, Mr. HUTCHINSON, Mr. WISE, Mr. DELAHUNT, Mr. BASS, and Mr. PICKETT.

H.R. 2890: Mr. FRANK of Massachusetts and Mr. TOWNS.

H.R. 2900: Mr. BLUMENAUER, Mr. HOFFFEL, Mr. STARK, Ms. DEGETTE, Mr. SHAYS, Mr. GILMAN, Mr. DAVIS of Illinois, Mr. TOWNS, Ms. BERKLEY, and Mr. FATTAH.

H.R. 2907: Mr. MINGE and Mr. PICKETT.

H.R. 2929: Mr. FILNER, Mr. McNULTY, and Mr. ENGEL.

H.R. 2966: Mr. DOOLITTLE, Mr. LARSON, Ms. SANCHEZ, and Mr. TANNER.

H.R. 2980: Mr. SANDERS and Ms. BALDWIN.

H.R. 3003: Mr. SMITH of New Jersey.

H.R. 3008: Mr. BONIOR, Mr. CUMMINGS, and Mr. DEFAZIO.

H.R. 3071: Ms. PELOSI, Mr. JACKSON of Illinois, and Mr. CONYERS.

H.R. 3087: Mr. BACA.

H.R. 3091: Ms. RIVERS, Mr. GEKAS, Mrs. MALONEY of New York, Mr. TOWNS, Mr. MCHUGH, Mr. MEEKS of New York, Mr. POMEROY, Mr. KANJORSKI, Mr. GOODLATTE, Mr. KING, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. FATTAH, and Mr. HINCHEY.

H.R. 3100: Mr. GEJDENSON.

H.R. 3192: Mr. BOEHLERT, Mr. CAMPBELL, Mrs. MORELLA, and Ms. ROYBAL-ALLARD.

H.R. 3212: Mr. MCCOLLUM and Mr. BACA.

H.R. 3235: Mr. LAFALCE.

H.R. 3295: Mr. ACKERMAN, Mr. LAHOOD, Mr. REYES, Mr. CLYBURN, and Mr. HASTINGS of Florida.

H.R. 3315: Mr. DAVIS of Illinois, Mr. MCHUGH, Mr. CAPUANO, and Mr. OWENS.

H.R. 3439: Mr. COBLE, Mr. BONILLA, Mr. SWEENEY, Mr. MORAN of Kansas, and Mr. FOLEY.

H.R. 3455: Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mrs. CLAYTON, Mr. UNDERWOOD, Ms. CARSON, and Mr. GEORGE MILLER of California.

H.R. 3518: Mr. COX, Mr. HASTINGS of Washington, Ms. GRANGER, Mr. SOUDER, Mr. LOBIONDO, and Mr. NETHERCUTT.

H.R. 3525: Mr. EHRLICH, Mr. CLEMENT, Mr. CRAMER, Mr. SPENCE, Mr. DOYLE, Mrs. MYRICK, Mr. HAYWORTH, Mr. WATKINS, Mr. BRADY of Texas, Mr. DOOLITTLE, and Ms. PRYCE of Ohio.

H.R. 3536: Mr. LOBIONDO.

H.R. 3539: Mr. STUMP, Mr. BARRETT of Nebraska, Mr. TANCREDO, Mr. HILLEARY, Mr. COBLE, and Mr. DUNCAN.

H.R. 3543: Mr. OWENS, Mrs. KELLY, Mr. ENGLISH, Mrs. MALONEY of New York, Mr. COSTELLO, and Mr. MCHUGH.

H.J. Res. 48: Ms. WOOLSEY.

H. Con. Res. 77: Mr. TIERNEY, Mr. VIS-CLOSKY, and Mr. STUPAK.

H. Con. Res. 119: Mr. PICKETT and Mr. BARCIA.

H. Con. Res. 123: Mr. MARTINEZ, Mr. STUPAK, Mr. SISISKY, and Mr. MCGOVERN.

H. Con. Res. 240: Mr. CUMMINGS, Mr. BISHOP, Mr. KANJORSKI, Mrs. JONES of Ohio, Mr. NADLER, Mr. BECERRA, Mr. HOFFFEL, Mrs. CHRISTENSEN, Ms. PELOSI, Ms. SLAUGHTER, Mr. BAIRD, Mr. BOEHLERT, Mr. BACA, Mr. STARK, Ms. KILPATRICK, Mr. SANDERS, Mr. DINGELL, Mr. McNULTY, Mr. JEFFERSON, and Mr. PASCRELL.

H. Con. Res. 244: Mr. GEJDENSON, Mr. FATTAH, Mr. DAVIS of Florida, Mr. KUYKENDALL, and Mr. REGULA.

H. Res. 107: Mr. SHERMAN, Mr. UDALL of Colorado, and Mr. OWENS.

H. Res. 146: Mrs. JONES of Ohio.

H. Res. 314: Mr. HOLDEN.

H. Res. 380: Mr. TANCREDO, Mrs. MYRICK, and Mr. MILLER of Florida.



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No. 5

Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of peace, we seek to receive Your peace and communicate it to others throughout this day. We confess anything that may be disturbing our inner peace. We know that if we want peace in our hearts, we cannot harbor resentment. We seek forgiveness for any negative criticism, gossip, or innuendo we may have spoken. Forgive the times that we have brought acrimony into our relationships instead of bringing peace into misunderstandings. You have shown us that being a reconciler is essential for a continued, sustained experience of Your peace. Most of all, we know that lasting peace comes from Your spirit, Your presence in our minds and hearts.

Show us how to become communicators of the peace that passes understanding, bringing healing reconciliation, deeper understanding, and open communication. In the name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. BUNNING. Mr. President, this morning the Senate will be in a period

of morning business until 2 p.m. Following morning business, the Senate will resume debate on the bankruptcy reform bill under the previous order. There are a few amendments remaining, and those Senators who have amendments under the agreement are encouraged to work with the bill managers on a time to debate their amendments. As previously announced, votes ordered with respect to the bankruptcy legislation will be stacked to occur on Tuesday at a time to be determined.

In an effort to complete the bankruptcy bill, Senators may expect votes throughout the day on Tuesday and Wednesday. Following completion of the bankruptcy bill, the Senate is expected to begin consideration of the nuclear waste legislation.

I thank my colleagues for their attention. I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I am pleased that the Supreme Court announced recently that it will decide whether state governments are bound by the Americans with Disabilities Act.

The issue in the case, Dickson v. Florida, is whether the states are immune from suit under the ADA based on the Constitution's 11th Amendment immunity provision for states. The legal issues are quite similar to Kimel v. Florida Board of Regents, in which the Supreme Court held earlier this month that the states cannot be sued under the Age Discrimination in Employment Act.

This case could be critical to a bill I have introduced, the State and Local

Prison Relief Act. This legislation, S. 32, would exclude state prisoners from coverage under the ADA. The Dickson case underscores the need to accomplish the purpose of this bill. The Congress did not consider all of the potential consequences of enacting the ADA, and its implications on prisons is one of the best examples.

The courts have always deferred to the states in the management of prisons. We do not need the federal courts second-guessing the states' decisions on how to best manage and control the volatile prison environment. This is especially true in the face of a statute that creates very specific legal rights for very broad classes of individuals.

The Act is detrimental to the safe, orderly operation of state prisons. Moreover, at the very least, it gives prisoners more of an excuse to challenge authority by providing them more tools to bring frivolous lawsuits against state prisons.

Dickson is a case of great significance. It provides the Supreme Court a unique opportunity to limit the reach of Federal power over state prisons and continue its recent affirmation of the power of the states in our constitutional scheme of government.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is my understanding we are in a period of morning business now.

The PRESIDING OFFICER. That is correct.

Mr. REID. I am going to be in control of the time under the control of the Democratic leader today.

The PRESIDING OFFICER. Until 1 o'clock.

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



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CAMPAIGN FINANCE REFORM

Mr. REID. Mr. President, I have been interested in watching both the Democratic and Republican battles in New Hampshire for the nomination of the respective parties. I was not able to watch personally, but I understand that yesterday Mr. MCCAIN, the senior Senator from Arizona, was interviewed on one of the national shows and talked about campaign finance reform and, in effect, the difficult sledding it has been for him, a Republican, to move forward on this issue.

Based on what the Supreme Court did just last week, I think it is significant to keep our eye on the prize, and that is to recognize that the Supreme Court has now given us the latitude and leeway to be able to do something about campaign finance reform. Senator MCCAIN is to be congratulated for being so responsive to what I think the American public is asking from us. That is to do something about lessening the need for the huge amounts of money in Federal elections.

Senator MCCAIN has been very lonely out there, for being a member of the majority. He has not had a lot of support. I think it has taken a lot of courage for him to move forward with campaign finance reform. I believe if we start talking about the issue, as I have heard Governor Bush say: Well, I can't support campaign finance reform because it will simply help the Democrats—Mr. President, it would help the American public if people took a more realistic view regarding this vital legislation. Let's move forward with legislation that will take the demand for money out of the mix.

I have said it on this floor before, but I think it is worth repeating. In the small State of Nevada, with less than 2 million people, \$23 million was spent in my last reelection. No one outspent the other. My opponent spent the same amount of money I did—a little over \$4 million, for the individual campaigns. We each spent, through the various parties, money on our behalf, basically, \$6 million each. That is \$20 million. Plus, we don't know, but I have estimated there was another \$3 million on independent expenditures.

That is out of line. It is obnoxious, it is obscene, it is too much money. We have to arrive at a point where we have to take this soft money mix out of campaigns. We may not be able to do everything included in the McCain-Feingold bill that we need to do, but let's work toward a compromise that at least takes corporate money out of campaigns.

Earlier in this century, the decision was made by Congress that corporate money should not be allowed in Federal elections. Over the years, that has worked fine. But in a ruling the Supreme Court said, well, you still can't use corporate money on individual campaigns, but State parties can use it basically any way they want. As a result of that, there has been this tremendous rush by both parties for cor-

porate money, and they spend it on behalf of individual candidates. I think that is wrong. We should reverse that statutorily. As I reviewed the Supreme Court decision, it was clear that, in fact, was the case. Justice Souter did a very good job in writing that opinion. It is clear and concise. I think we should move forward and have campaign finance reform.

Mr. President, beginning this congressional session, the last year of this Congress, it is important that we reflect on where we are and where we need to go. It seems pretty clear we have made great progress in getting the country's fiscal house in order. Just 7 years ago, when President Clinton came into office, the yearly budget deficit was more than \$300 billion, especially if you add in the Social Security surplus, which was being used for years to mask the annual deficit. Instead of having these \$300 billion-plus deficits every year, we will now, for the second year in a row, have a surplus.

It is difficult for those of us who have served in this body for a few years to understand that we are now talking about what we should do with our surplus. During this period of time, we have created over 20 million new jobs. The vast majority of the jobs are high-wage jobs, good jobs. We have low unemployment, low inflation, strong economic growth, and lower Government spending. We have cut the payroll of the Federal Government by over 300,000 individuals, excluding the cuts that have been made within the military.

We are doing a much better job. We are at 18.7-percent Federal Government spending as a share of gross domestic product, and that is the lowest since 1974. That is real progress. Real hourly wages are up. We also have strong private sector growth, and as I have indicated, low inflation. The underlying core rate of inflation is at its lowest since 1965. In the last four quarters, the GDP price index has risen only 1.3 percent, which is the lowest rate of increase since 1963.

We are talking about decades and decades of improvement. We have reduced welfare rolls. Both parties worked together to bring about less welfare. That is important. Not only are we seeing people move off the welfare rolls, we are putting people to work. We have high-home ownership. We have jobs in the auto industry. People said a few years ago that the American automobile industry was dead and that we should forget about again being somebody who produces most of the cars in the world. That was reversed because of good decisions by management and tremendous production by labor.

Since 1993, we have added almost 200,000 new auto jobs. The annual rate of adding auto jobs is the fastest we have ever had. I think we are doing very well.

Regarding the construction industry, all we have to do is look at the State of Nevada which leads the Nation, and

has for 14 years, as the fastest growing State in the Union. We have cranes—some use the old term that it is the "national bird"—all over the State of Nevada, with construction going on. But Nevada is not the only place; this country is in a period of phenomenal economic growth. There are still sectors that need improvement, but we have done fine. We are looking now to improving people's lives. We are now looking into issues that we never have before.

I am sure that you, just as the Senator from Nevada, find all this Internet stuff kind of new. It is something we didn't have when we were growing up, and it has taken some training and some real education to become somewhat computer literate. It is so easy to become computer literate. You can order anything you want off the Internet. You can order CDs, water, and many other items.

The other Saturday morning, I turned on my computer to find out what the news was in Nevada. They have a little teaser there almost every time you turn on the computer about different services rendered. One of the things on my computer said, "Do you want to sell your house?" My wife and I, with our children being raised now, are considering moving from our home where the kids were raised to a smaller place. And so I clicked on that little thing on my computer, and within 5 minutes, on my screen in McLean, VA, where we have our home locally, I found places where homes were sold in the last 2 years and for how much they were sold.

There is so much on the computer that it is difficult for me to comprehend. That brings about another problem, and that is our privacy. Is our privacy being protected with all the things happening on the Internet? Some say yes, some say they are not too sure, and some say no. This is something at which we as a Congress need to take a look. We need extensive hearings to determine how safe information is on the Internet.

Are our medical records being protected? If your wife, your father, your brother, your sister goes to the hospital, are their records being protected? Is your privacy being protected? Is your credit card protected on the Internet? Are, in fact, these people who are getting information on the net selling this information to other people? These are questions raised in this new, modern society in which we live and at which Congress must take a look. We didn't have to look at those things just a short time ago.

In addition to recognizing that our economy is in great shape, we have things on which we have to work. We have to realize we have new challenges ahead of us. Privacy is one of them.

I talked about campaign finance reform. That is so important to us. We need to take a look at that. But also we have to take a look at what is happening to the health care delivery system in our country. Every year, over a

million people become uninsured. We have now well over 40 million people who have no health insurance. That is not something that we can say is someone else's problem. It is our problem, just as it is someone else's problem.

Why do I say that? Because when a person who has no health insurance is in an automobile accident, they go to the emergency room—that is the most expensive care that can be rendered. As a result of this, the fact that people who have no health insurance are taking care of that way causes my premiums to go up and yours. It causes higher taxes to be charged for health care, and it, of course, causes hospital and doctor bills to be increased more than they should to take care of those people who have no health insurance.

We must do something about inadequate health care. The fact is that in America, the most powerful nation in the world, we have over 40 million people today with no health insurance. We could add in all of the little things people have talked about such as medical savings accounts and all other such things. If we added all of those and accepted them—some would say no, that is not good, and some of us disagree about the way to go. But let's say we did. We would then take care of only about 3.5 million people, still leaving almost 40 million people with no health insurance. We have to be real and stop talking about these little gimmicks and start talking about the fact that health care is something of which too many people do not have the benefit. Those people who do not have health insurance are being jerked around.

The fact is that we have tried to pass a Patients' Bill of Rights giving people the ability to have health insurance and not to be taken advantage of by big-interest companies and HMOs. That is why we have worked very hard to have a real Patients' Bill of Rights passed, one where people can go to a specialist when they want to; to a health care plan that allows a woman to be taken care of by a gynecologist when she believes it is necessary; a provision so that when somebody does something negligent and wrong, they can be sued. People don't like lawyers unless they need one themselves. With health care, there are times when people do things that are wrong. Individuals need the right to go to court to redress wrongs.

We have a lot to do in this Congress. We don't need to come here and boast about how well we are doing with the economy. We need to do something about the campaign finance problems we have in this country, about our health care delivery system.

It is clear, with all that is going on in our country today, that we need to look at how guns are handled. I have said on this floor before and I say again that I was, in effect, raised with guns. As a 12-year-old boy, I was given a 12-gauge shotgun for my birthday. I still have that gun. My parents ordered it out of the Sears & Roebuck catalog. I

learned how to handle weapons as a young boy. We would hunt and do the other things you do with guns. I have been a police officer. I personally have a number of firearms in Nevada.

I have no problem with the fact that if I want to purchase a handgun, I tell people who I am and they can make a determination by checking my identification and whether or not I am a felon or in fact mentally unstable. That is what the Brady bill is all about. Hundreds of thousands of people are granted weapons as a result of that. I am willing to be checked each time I purchase a gun. I don't think that is unreasonable. But there are those who are trying to avoid that by going to pawnshops and purchasing pistols, and, as a result of that, checks aren't made—or they are going to gun shows. We need to close those loopholes. Here on this floor last year, we did that. That was done by virtue of Vice President GORE breaking the tie vote. But the problem is, we haven't gone to conference. We need to take that loophole out of the law. The American public believe that is appropriate. We should at least do that. That is the minimum we can do with guns.

My knowledge about weapons is, I think, average or above, and I don't need an assault weapon to go hunting or to protect my family. These assault weapons need some restrictions placed on them. I am a believer in the second amendment. Nothing that I have talked about today deprives anyone of their second amendment rights.

In this Congress, I hope we can work in a bipartisan fashion to solve some of these problems that everyone recognizes: Campaign finance reform, health care, problems with guns in our society, and other things on which we need to work together to come up with bipartisan solutions to the problems that face this country.

One of the things we worked very hard on last year as a minority—we hope the majority will join with us this year—was to do something about raising the minimum wage. Why is it important that we raise the minimum wage? That is all the money some people get to support their family. In fact, 60 percent of the people who draw minimum wage are women, and for 40 percent of those women who draw minimum wage, that is the only money they get for themselves and their families. It is important that we increase the minimum wage. The minimum wage is something more than a bunch of kids at McDonald's flipping hamburgers; it is for people who need to support their families.

Speaking for the minority, we reach out our hands to the majority. We want to work with the majority to pass meaningful legislation. But I also say we want to approach legislation in the way it has been traditionally handled in this body: For example, the bankruptcy bill, which at 2 o'clock this afternoon will be brought up and we will move forward. We have worked

very hard in spite of the fact that there are in the minority some people who support the underlying legislation and some who don't support the legislation. But we have worked to move this legislation forward to have the battles here on the Senate floor. That is why we were disappointed at the end of the last session when the majority leader filed cloture on this legislation when there were only a few amendments left that would take up any time at all. As a result of that, some of us joined together during the break and said: We are not going to let this legislation move forward, we are going to have 45 Democrats voting against cloture, until we have the opportunity to debate these measures which we believe are important.

What were the two things holding it up? One was legislation that said do not do violence to a clinic that gives advice on birth control measures and gives counsel to people as to whether or not they should terminate a pregnancy. This is something that is enforced by the laws in this country. The U.S. Supreme Court ruled that these kinds of clinics are legal. Whether or not you agree or disagree with abortion is not the issue. A person has no right to throw acid in these facilities and do everything they can to stop the business from going forward. There have been lawsuits filed against people who do this. This amendment says if you do that, you can't discharge that debt in bankruptcy. That is what this amendment is all about.

We are going to have an opportunity to vote on this in the next few days. That is the way it should be.

The other amendment that was holding things up and caused cloture to be filed was an amendment by the Senator from Michigan that says if you manufacture guns and there is a lawsuit filed against you because of something you did which was wrong, you can't discharge that debt in bankruptcy. I am paraphrasing the amendment. Senator LEVIN will explain it in more detail.

But we have said, no matter how you feel on the gun issue and abortion, these are issues that have nothing to do directly with these issues; this issue deals with bankruptcy. As a result of that, the minority held firm.

I applaud the majority leader. He withdrew the motion for cloture. We are going to debate this and complete this legislation in the next couple of days. We are willing to work with the majority if we go through the normal legislative process allowing us to bring up our amendment. We worked hard to try to reduce the number of amendments. Some amendments are difficult. Some amendments we don't want to vote on, but that is what we are elected to do—vote on tough issues. We can't avoid those tough votes by filing cloture and knocking all of these amendments out.

Again, on behalf of the minority, we look forward to a productive session

and we will do everything we can to make sure we not only keep the economy moving but also handle some of the more difficult issues that face us in this society.

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

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

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

Mr. WYDEN. Mr. President, I intend to take a few minutes this afternoon to talk about the prescription drug issue for senior citizens. As many of our colleagues know, I have made it clear that I am going to come to the floor repeatedly between now and the end of the session in the hope we will get a bipartisan piece of legislation through this body that will meet the needs of so many vulnerable older people.

In the past, I have come to the floor and have read two or three of the cases I have been getting from seniors across the country. A lot of these older people, when they are finished paying their prescription drug bills, have only a few hundred dollars a month on which to live. Picture that: After you have paid your prescription drug bill, you pay for your food, your rent and utilities, and you have virtually nothing left over.

I think it is extremely important this Congress pass legislation to meet those needs. I have teamed up for more than a year with Senator OLYMPIA SNOWE from Maine. We have a bill that is market oriented. It would avoid some of the cost-shifting problems that we might see with other approaches. We want to make sure that as we help senior citizens, we do not have to cost shift it over to somebody who is, say, 27 or 28 and just getting started with a family and having trouble with their own medical bills. The Snowe-Wyden legislation avoids that kind of approach.

The reason I am taking a moment to speak this afternoon is because the comments made by the President last week at the State of the Union Address opened up a very wide berth for the Congress to address this issue in a bipartisan way. Prior to the President's comments, I know there was widespread concern by a variety of groups as to what he would say about the issue and how he would say it.

What the President of the United States said in the State of the Union Address on this issue of prescription drugs seems to me to capture our challenge.

First and foremost, the President made it very clear he is aware that in every nook and cranny of this country there are scores of senior citizens who

cannot afford their medicine. They simply cannot afford it. His remarks spoke to the millions of older people in this country who walk on an economic tightrope; every month they balance their food bill against their fuel bill and their fuel bill against their medical costs.

After the President described this great need, he did not get into any of the particulars of writing a bill. He made it clear he wanted to work with the Congress to get a bipartisan piece of legislation that will meet the needs of older people.

Yes, he has his approach. His approach—and I am not going to get into all of the fairly complicated details—involves a role for what are called pharmacy benefit managers, PBMs.

The Snowe-Wyden legislation that has been proposed takes a slightly different approach. We use private entities which, in effect, will have to compete for the senior citizens' business.

We think that makes sense as a way to hold down the costs of medicine for older people because it has worked for Members of Congress. The Snowe-Wyden legislation is modeled after the health care system to which Members of Congress belong.

I have been asked again and again whether you could reconcile the President's approach, in terms of using pharmacy benefit managers, and the kind of approach that is taken in the Snowe-Wyden legislation, with these private entities that would have to compete for senior citizens' businesses. I think it is possible to reconcile these two approaches. I think we are making a lot of headway now in terms of addressing this issue, in terms of the parties saying the need is urgent.

We have to come together, in a bipartisan way, to do it. The President opened up a real opportunity for the Congress to come together on this matter.

The reason it is so important, of course, is that we cannot afford, as a nation, not to cover prescription medicine. I repeat that. People ask if we can afford to cover prescription drugs for older people. The reality is, our country cannot afford not to cover prescription drugs.

A lot of these drugs today are preventive in nature. They reduce problems related to blood pressure and cholesterol. I have talked a number of times on the floor about the anticoagulant drugs which prevent strokes. Perhaps it would cost \$1,000 a year to meet the needs of an older person's prescriptions for these anticoagulant drugs. Sure, \$1,000 or \$1,500 is a lot of money, but if you have a legislative opportunity to help an older person in that way, and you save \$100,000, which you can do because those drugs help to prevent strokes—and strokes can be very expensive, even upwards of \$100,000—that is something our country should not pass up.

The elderly in this country get hit with a double whammy when it comes to pharmaceuticals.

First, Medicare does not cover prescription drugs. It has been that way since the program began in 1965. I do not know a soul who studied the Medicare program, who, if they were designing it today, would not cover prescription drugs simply for the reasons I have given, that they are preventive in nature.

The other part of the double whammy for older people is that the big buyers—the health maintenance organizations, the health plans, a variety of these big organizations—are able to get discounts; and then when an old person, a low-income older person, walks into a pharmacy, in effect, they have to pay a premium because the big buyers get the discounts.

So this is an important issue for the Congress to address.

As I have done in the past, I want to put into perspective exactly what so many of these vulnerable people are facing in our country.

I see our friend from Michigan. I want to make sure he has time as well. Democrats have a few more minutes. I want to make sure my colleague can be heard, as well.

But one of the cases I want to touch on this afternoon follows a 65-year-old senior from West Linn, OR. He wrote me recently as part of the campaign I have organized to have older people send in their bills. He wrote me that he used to have prescription drug coverage when he was working. Now he has no coverage at all. He is taking medication for high blood pressure, for high cholesterol, for heart-related problems. He had triple bypass surgery in 1991 and anticipates he is going to be taking medications for the rest of his life.

He found that, as he tried to shop for medicines, the cost was 18 percent higher than when he had insurance coverage, which illustrates the double whammy that I described.

When he was in the workforce—and the Senator from Michigan knows a lot about this as a result of the company-retiree packages that autoworkers and others have—the workers were in a position to get a bargain. But then that senior retired and lost the opportunity to have some leverage in the marketplace. That senior in West Linn found that his prescription prices were 18 percent higher.

This person from West Linn has written, saying he hopes the bipartisan Snowe-Wyden legislation is successful.

We have received scores and scores of other letters. Because my friend from Michigan is here, and I want to allow him time to talk, I am going to wrap up only by way of saying that the last case I was going to go into in more detail is an older woman in eastern Oregon, just outside Pendleton, OR, who told me during the last recess that when she is done paying her prescription drug bill, she has only \$200 a month on which to live for the rest of the month.

Perhaps other people can figure out some sort of financial sleight of hand

so they can get by on a couple hundred dollars a month for their food and utilities and housing, and the like, but that is not math that I think adds up.

We need to address this issue in a bipartisan way. The Snowe-Wyden legislation does that. I was particularly encouraged by the President's remarks last week on prescription drugs because I think, through the conciliatory approach that he took, making it clear that he wants to work with all parties to get this addressed, we now have a window to climb through to get the job done and provide a real lifeline to millions of older people. That is some good news for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Michigan.

Mr. LEVIN. First, I congratulate, again, the good Senator from Oregon for his leadership in the area of prescription drugs. His effort to achieve a bipartisan move in this direction is very critical to the Nation. I commend him for it.

I thank him for truncating his remarks a few minutes so I might have a few minutes. I hope I can complete this in 2 or 3 minutes. But if I do not, perhaps I could ask my good friend on the other side of the aisle to be able to extend it a minute or two beyond the appointed hour of 1 o'clock.

SECRET EVIDENCE SUSPENSION

Mr. LEVIN. Mr. President, our Nation's commitment to due process has been placed in doubt by the use of secret evidence in immigration proceedings.

Until recently, the Department of Justice's use of secret evidence was not well known to the general public. Secret evidence was known only to some immigrants who have been held for months, sometimes years, without any opportunity to confront their accusers or examine the evidence against them.

As the Washington Post of October 19, 1997, put it, the process is authorized by:

[A] little-known provision of immigration law in effect since the 1950s allows secret evidence to be introduced in certain immigration proceedings. The classified information, usually from the FBI, is shared with judges, but withheld from the accused and their lawyers.

The use of secret evidence in immigration proceedings threatens to violate basic principles of fundamental fairness. The only three Federal courts to review its use in the last decade have all found it unconstitutional. Yet the Immigration and Naturalization Service, the INS, continues to use it and to do so virtually without any limiting regulations. Under current law, the INS takes the position that it can present evidence in camera and ex parte whenever it is classified evidence relevant to an immigrant's application for admission, an application for an immigration benefit, a custody determination, or a removal proceeding.

The Attorney General herself has expressed concern over the use of secret evidence—and for good reason.

In October 1999, a district court declared the INS' use of secret evidence to detain aliens unconstitutional. Five days later, the INS dropped its efforts to deport a man it had held for over a year and a half on the basis of secret evidence.

In November 1999, the Board of Immigration Appeals ruled that an Egyptian man detained on secret evidence for 3 and-a-half years should be released, and the Attorney General declined to intervene to continue his detention.

Earlier in 1999, the Board of Immigration Appeals, the BIA, granted permanent resident status to a Palestinian against whom the INS had used secret evidence and alleged national security concerns. In all of these cases the government claimed that national security was at risk, yet in none of them were the individuals even charged with committing any criminal acts.

The Attorney General has promised to promulgate regulations to govern the INS's use of secret evidence, but has not yet done so. In May of 1999, the Attorney General came to my state of Michigan to meet with Arab-American leaders and members of the Michigan Congressional delegation to discuss concerns about the use of secret evidence. At that meeting, she said she would implement a new policy, one in which the Department would implement a higher level of review, and take extra precautions before using secret evidence. She said she would have those regulations relative to the use of secret evidence within a reasonable time.

In December, the Attorney General visited Michigan again. She had still not promulgated the promised regulations. She told us that she was dedicated to resolving this issue, and she was actively reviewing draft regulations, but that she was uncomfortable issuing those regulations in the form they had been presented to her by her staff.

Mr. President, the Attorney General may eventually offer the promised regulations. But at the current time, she is not capable of putting a process in writing that is satisfactory even to her. It has been almost nine months now since the Attorney General agreed to look in to this matter, and promulgate regulations that will govern the use of this process. Under these circumstances, when the Attorney General cannot even satisfy herself that a fair process is in place, the use of this secret process should be suspended until she can, and I urge the Attorney General to do exactly that: suspend the use of secret evidence in immigration proceedings immediately until she can promulgate regulations relative to its use.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. What section are we in now, Mr. President?

The PRESIDING OFFICER. The Chair advises the Senate is in morning business until 2 p.m.

THE LEGISLATIVE AGENDA

Mr. THOMAS. Mr. President, I will take a little time to talk a bit about our agenda and the things I think most of us hope we will accomplish during this coming legislature.

There are some who believe we won't accomplish much. It seems to me that is not a good prognosis. The fact is, we should put some priorities on the many issues that are there and, indeed, make a special effort to accomplish a good deal. I think we can. Many of the issues have been talked about a great deal already. We know what the backgrounds are.

I think now our commitment is to decide what the priorities are for this country, what the priorities are for this Congress, and to set out to accomplish them.

We heard the President last Thursday make a very long speech, including a very long list of ideas and things he is suggesting we consider. I don't believe he is suggesting certainly that they all be done. He knows very well that will not be the case. I think it is up to us, particularly the majority party, to establish an agenda of those things we believe are most important.

I read in the paper that some Democrats in the House are saying we aren't going to accomplish anything unless we set the agenda, and we will talk our way through that. I am very disappointed in that kind of an idea. Of course, it is possible to continue to raise all these issues that one knows are not going anywhere. I suspect that is not a new idea even in this body. But we need to have a set of priorities.

The President had 100-plus ideas that, I suppose, were set forth to lay out a political agenda, maybe largely for this election. That is fine. It is not a brand new idea. I am surprised the agenda pointed in a different direction than that with which the President has sought to characterize himself over the last several years. He talked about the leadership council and starting towards the center, saying, I think some time ago, that the era of big government is over. One would not have suspected that, as they listened last Thursday night to his view, that the era of big government is over.

It was a very liberal agenda laid out, I am sure, for conduct of this session of Congress. I suggest that is not the direction we ought to take. Expenditures of some \$400 billion in additional programs, \$400 billion in spending, some \$4 billion a minute during that process, with very little detail, of course, as to how it is done but, rather, here are the things we ought to do, sort of in a broad sense.

We need to ensure that the description of what we are going to do does not interfere with us doing something. We have an agenda. Much of it I am

hopeful the President will agree with and the Members on the other side of the aisle will agree with. Certainly I am not excited about the idea the minority party will set the agenda, just simply by the discussions that go on endlessly. When it comes to spending, of course, there are many of us in this body who were sent here by our constituents to see if we can't limit the growth of Government, and we have succeeded some in the last couple years. Even though it was a large one, the growth in last year's budget was something around 3 percent, which was about the inflation rate, which is considerably less than it has been over the last 10 years, where the rate has gone up much higher than that.

Did we hold down spending enough? No, I don't believe so. To do that, we have to have a little different system this year. Hopefully, we will do that. I think we are already beginning to deal with the budget, with the appropriations, so that we don't end up at the end of the session with a huge bill that many people are not even familiar with all the content. So we need to do that.

I am one who believes we ought to be setting about to hold down the size of the Federal Government rather than to expand it. I am one who believes there is a limit to the kinds of things the Federal Government is designed to do. I think that is very clear in the Constitution. We have exceeded that in many ways, but it is not too late to take a look at what we are doing and say, is that the appropriate thing for the Federal Government to do? Are these the things the Federal Government can do better than any other government? I don't think so. When we talk about States and the differences we have among States, certainly, I come from a State that is the eighth largest State in the Union, one of the smallest in population. Our needs and methods of delivery of health care, the management of public lands, all those things are quite different in Wyoming than they are in Rhode Island or Pennsylvania, and properly so, which seems to me to be a good indication that we should not be continuing to have the one-size-fits-all kind of Federal pronouncements from the Congress and from the bureaucracy in Washington.

One of the things I hope we do over time is change our system to biennial budgeting, where we have a budget that lasts for 2 years. It seems to me it is very appropriate to do that. Most States do it that way. For one thing, the agencies then have a longer time to know what their spending restrictions are for a period of 2 years. Maybe more importantly, however, we have an opportunity to exercise the oversight which is the responsibility of Congress, which we don't do very well. Unfortunately, we spend so much of our time on appropriations and other things that the idea of ensuring that the laws which are passed are carried out consistent with the intent of the law is something we don't spend enough time doing.

I want to come back to the floor next week and talk a little bit about that provision in, I think, a 1996 law which provides that regulations that are put together by the bureaucracies must come to the House and the Senate to be reviewed. Seldom does that ever happen. I think only one or two times has there been some kind of a motion to change those, and none have succeeded because the system is not workable. A great idea, and we have that in most legislatures where there is oversight of the legislature by the regulations that come out to augment the laws that have been passed. We don't do that here. So we ought to hold down spending. We ought to have smaller Government. We ought to seek to review the kinds of things the Federal Government has involved itself in and ensure that there are reasonable things that are best done here. That doesn't mean there isn't a role for government. Of course there is. But often that role can be best implemented at the State and local level.

We need to talk about reducing the Federal debt in a real way. We have been doing some work on that for the first time in 40 years, I think. We have not spent Social Security. We balanced the budget for the first time in 25 years. We are using Social Security money to pay down the publicly held debt, which is a good idea. It reduces the cost of that debt. It takes the Social Security money out of the opportunity to be spent. That is good. Nevertheless, the key there is that it is reducing publicly held debt. We are replacing one debt with another kind of debt. When these young people are eligible for benefits from Social Security, those dollars that have been put into a trust fund to replace debt will have to be recovered from the taxpayers at that time. So we need to do something more than that.

In my opinion, we ought to set about to figure out some kind of a process over a period of time that we commit ourselves to a payment each year to pay off the debt out of operating funds, that we do it much like a mortgage on your home. We can decide that we will pay off \$15 billion, or whatever it is, each year, and do that over a period of time. That would be real debt reduction. That would be reduction that would help to keep the so-called surplus from being spent to increase the size of Government. So we can do that and reduce our debt in a real way.

We also, hopefully, will pursue—when we have a surplus—what are considered to be the real needs of the Federal Government, and after we secure Social Security and pay down some of the debt, that money will then be returned to the taxpayers so it can be used to buoy the economy. Otherwise, frankly, the money left floating around is going to be spent. If you don't like the concept of increasingly large Government, when there is money beyond what there is a target for, then it ought to be sent back to the people who paid it in in the beginning.

What are the priorities? They are pretty clear. They have been the same for several years and will continue to be. I think that is where we ought to focus. Certainly, most people would consider education to be the issue we are most concerned with—having an opportunity for all young people to have an education. Obviously, money is not the total answer. There has to be accountability, training, and there have to be things that happen within the school system in addition to money. You can't do it without money, however; it is essential.

Health care is one issue, obviously, about which everybody is concerned. We are trying to do some things about that. We need to continue to do that. I am proud of the health care system we have in this country, certainly in terms of quality. On the other hand, we have to start to be a little careful about what that quality costs—affordability. But we can do some things about the health care.

Social Security. There is no question but that we have to change Social Security if we are to have it for these young people who start to pay in the very moment they get a job, and most of whom now don't expect to have benefits in 30, 40, 50 years. We need to change it so that the benefits will be there. There are several alternatives that can be used to change that. Certainly there needs to be a continued reduction in taxes.

In education, I am proud of what we have done so far. This GOP Congress provided more funding in the last year than the President requested. We did get into a hassle, of course, about how the money is spent. You may recall the President insisted it be spent on 100,000 teachers. I can tell you, there are schools where I live where additional teachers are not the issue; there are other things that need to be done. So we need to give the flexibility to the State and local school boards as to how they spend the money to strengthen education. We will insist on that being part of the system we produce this year. The elementary and secondary education bill this year, I hope, will be passed for safe schools and keeping the parents involved, and particularly making sure that all children have a chance for quality education.

I am interested, of course, in access to education in rural communities. I am also particularly, for a number of reasons, and personally interested in special education for special kids. My wife has been a special education teacher for 25 years, and I am very proud of that. Education will be one issue we will continue to press on.

Health care, of course, we will continue to have on our agenda, and it will be one of the most important things we pass. We passed a number of things last year. In my State, for example, in small towns, we have hospitals that won't be able to have a full series of services and up until now could not be certified and did not receive dollars

from HCFA. We changed that so they can be something much like a clinic and have emergency care, so patients can be transferred on—sort of a wheel-and-hub concept. We did that last year.

Certainly, we need to increase the funding for Medicare and hospitals and all kinds of service providers.

A Patients' Bill of Rights, we will be working to try to do something on that. The controversy basically is how you have appeals. There have been changes, apparently, on the part of the health care providers, managed care providers, to provide more medical decisionmaking in the process, which is exactly what we need, rather than legal or nonmedical accounting kinds of decisions. So we need to pass that this year. I feel confident we will. It will be a priority.

I also believe we will make some real progress—and it is time to make progress—with regard to pharmaceuticals. We can do that. Actually, health care is something of which we should be quite proud. We have the greatest health care in the world. We also have great problems with the rising costs of health care. There are problems with HMOs and access to some breakthrough drugs. We have too many uninsured. Despite that, we have great health care, and I think it is largely because we continue to keep it in the private sector.

We need to ensure that our seniors can continue to have Medicare and that it covers their needs. We probably need to look at another change, some structural changes, so that there are choices there, where a Medicare recipient can stay where they are if they like or, indeed, set up a little like the Federal health program, where you have some choices. If you would like to add dollars to it, you can go to a different coverage than the basic one you had. I think we can do that.

I mentioned the bill of rights. It looks as if we will be able to resolve that this time, the emphasis being on decisions being made by medical providers as opposed to the economic people in the managed care system. We will be doing more research, of course, on insured, which continues to be a problem we will be able to persist with, I believe; and I don't think we will solve that by just putting a ton of money out there without making some changes.

I mentioned education, of course, and we will continue to work at that. I think our focus will continue to be funding with local decisions being made.

Social Security. I think there are resolutions on Social Security. Whether we will get to it this year, I don't know. I hope so. I think we should. Almost everyone agrees that if we continue to do what we have been doing, we won't be able to pay the benefits at the end of this period. Much of it is simply the change in the structure of our society. I think when we started Social Security back in the thirties,

there were 25 or 30 people working for every beneficiary. Now there are three. We are readily on the way to having two.

So a change would be substantially in the nature of how we pay for Social Security.

One of the opportunities of change, of course, would be to decrease benefits. Not many people are for that. Some would say we could increase taxes. The Social Security tax is the largest tax that most people pay these days.

The third one is to increase the return we have on the money in the trust fund. It seems to me to be a very logical opportunity for us to take a portion of the money people pay in—I think the caveat is that probably for most people over 50 or 55 it would not change; they would continue to go on as they are, but for younger people who are starting to pay in, part of their Social Security payment would be put into an individual account that is owned by that person. It would be invested in their behalf by contractors and it would be invested in equities. It could be in equities. It could be in bonds. It could be a combination of that, such as the plan for Federal employees. You could raise substantially the return on that money. Over a period of a person's lifetime of paying in, it would make a great deal of difference and probably ensure that those benefits would be there at the end of a period of time.

Significant change? Sure. Difficult to make? Of course. But it can be made. When you get to the options, then at least in my judgment that could become the option.

Those are some of the things I think are most important to us. We find ourselves now faced with a great opportunity to put together a priority agenda for this year. The majority party will be doing that and has done that. It will include education. It will include health care. It will include Social Security. It will include paying down the debt. It will include some kind of tax relief on an equitable basis.

It seems to me that those are the things we ought to put in as priorities. It is great to list the whole thing. It is great to go into great debates and filibusters almost by offering everything on the floor that you know is not going to happen, but I am hopeful we do not find ourselves in the position of raising issues more for the political benefit they might have in the election year as opposed to finding resolutions to those issues. It seems to me that is the challenge that lies before us.

I am very pleased to be joined during this hour by one of the leaders of our party, the chairman of our Policy Committee, the Senator from Idaho.

I yield to the Senator from Idaho. The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Wyoming for yielding.

Let me also join him in his analysis, and certainly the hope that he speaks

to as it relates to an agenda that the Congress might direct itself toward this year, away from, of course, the pitfalls of the kind of political rhetoric that I think we oftentimes find ourselves in especially in Presidential election years. We are now well into this Presidential year.

THE STATE OF THE UNION ADDRESS

Mr. CRAIG. Mr. President, I come to the floor as one who spent over 90 minutes on the floor of the House last week listening to the President's State of the Union Message.

For a few moments, I would like to kind of analyze that State of the Union Address as seen through the eyes of this Senator reflective of what I believe to be, shall I say, self-evident truth.

There is no question that our President is a gifted speaker. He waxed eloquently while spending our children's heritage and vastly increasing the size and the parental meddling of our Government by all of the new programs that he has proposed to create while claiming credit for virtually every good thing that has happened in the last century, including those things which were accomplished despite his opposition and his veto.

I say: Lyndon Johnson, move over; you heard a speech the other night that would cause your ghost to shudder. You had the record as being the biggest spending Government creator since FDR. Let me propose that this President is now vying for first place.

Let me start by analyzing his spending spree.

In his speech, President Clinton called for continued fiscal discipline while at the same time suggesting that we do a lot of other things and buying down the Federal debt.

I say, Mr. President, what hypocrisy. Until the Republican Congress imposed fiscal discipline, until the American people demanded fiscal discipline, the President consistently proposed budgets with spending and debt and deficits as far as the average person's eye could see and the greatest prognosticator of the Office of Management and Budget could look in his crystal ball and predict. He didn't refuse to stray from the path of fiscal discipline. He simply did it. We forced him to get to that path. That election occurred in 1994. We know the rest of that story. Yet what has he proposed in his last State of the Union Message?

The Senate Budget Committee made a preliminary estimate of the new spending proposed by the President at about \$343 billion. That is about \$3.8 billion a minute for his 89-minute speech. Not bad spending, Mr. President—the most expensive speech given in the history of this country, I suggest. If the Treasury can only print about \$262 billion a year with the presses running nearly 24 hours a day, you even outspent, Mr. President, the ability of the U.S. Treasury to print it.

What about the taxpayers whose earnings the President would spend so freely?

Last week, the Congressional Budget Office, using its most pessimistic estimate, announced that there would be an \$838 billion non-Social Security surplus over the next 10 years. That is phenomenal. That is wonderful for this country. Yet the Clinton speech mentioned he would give back only about \$250 billion of it. That is less than 30 percent of the excessive income tax paid by the American people who that \$838 billion represents. However, even this paltry \$250 billion tax cut wasn't real. Much of it is disguised in new spending. Even the Washington Post, sometimes as difficult as it finds criticizing the President, said that he has artfully couched many of these new tax cuts in new spending programs. Thank you, Washington Post, for pointing that out.

What is worse? This \$343 billion in spending is just the tip of the iceberg, and the American taxpayers are riding on a potential *Titanic*.

The Clinton version of government is not the end of big government as we know it. That is what he said a few years ago. But then again let's remember the source. It is Bill Clinton.

More intrusive government? How about that.

Less personal responsibility? I think that was the message our President spoke to so clearly last week.

So let's talk about where he is, where I believe a Republican Congress is, and what I hope in the end we are able to do about it.

The President says he wants to make schools accountable—but to the Federal Government. The Republicans want to make schools accountable—but to the parents and to the young people who will be educated there. It takes Washington too long to realize the problems. Parents who deal with their children on a day-to-day basis know what the problem is very quickly.

According to the Heritage Foundation, one-third of college freshmen take remedial classes because our elementary and secondary schools are failing to teach them some of the basics. Those are the students lucky enough to go on to college. These kids don't need the Princeton Review, as the President suggests. They need quality teachers who are accountable to parents and the local school board.

What about health care?

In 1994, President Clinton tried to make a national health care system in this country in the image of the U.S. Post Office. Thanks to bipartisan opposition he failed. The world recognized it, and our public cheered.

In 1996, he vowed to push for Government-run health care "a step at a time until eventually we finish this." Those are his words. He would go after health care "a step at a time"—that is Government-run health care—until "eventually we finish this." "This" meaning, of course, his U.S. Post Office-style

health care system. Now the President has renewed his commitment to Government-run health care with legislation that would cancel the private coverage of over 2 million Americans so he can push them a step at a time into an expensive Government-run program.

Then there was that great but very soft and smooth Federal land grab statement he made the other evening. The President said:

Tonight I propose creating a permanent conservation fund, to restore wildlife, protect our coastlines, save our national treasures. . . .

What he wants to do is annually take several billion dollars of oil and gas royalties paid to the Federal Government and buy more land and make it Federal Government land. If he is successful, it means Congress will have to find \$2 billion elsewhere to fund programs. But more importantly, the ratios of private versus public ownership would change. The Government already owns 1 out of every 4 acres of the landmass of this country, primarily in Western States; 63 percent of my State is owned by the Federal Government. Idahoans do not want Bill Clinton buying one more acre of Idaho. Why? That is the tax base that funds our local governments and funds our schools. So, Mr. President, we won't give you that money. We should not give you that money. If the environment needs protection, we can find the necessary resources without giving you a blank check to buy more Federal land.

Mr. President, the very infrastructure of our National Park System is falling apart. How about putting some money there? That is where the American public wants to go recreate. Give our parks a chance to catch up with the traffic instead of shutting them down or closing people out of them. Let's let people into our parks. Let's invest in them. We don't need to buy more property; we need to take care of that which we have.

The President said:

The major security threat this country will face will come from enemies of the nation state: the narcotraffickers and the terrorists and the organized criminals.

He boasts about "agreements to restrain nuclear programs in North Korea"—a program for direct U.S. subsidies for one of the most vicious, anti-American, terrorist-supporting, drug-trafficking regimes in the world, responsible for deaths of millions of its own people? Mr. President, I don't quite understand your priorities.

He is patting himself on the back for victory in Kosovo, a victory that means planting American troops in an alliance with what is known to be an organization of narcotrafficking terrorists and organized criminal cartels.

Mr. President, I am not quite sure you have made yourself quite clear to the American people. I think you are saying one thing when your actions clearly demonstrate you are doing something else.

The President highlights the needs for "curbing the flow of lethal tech-

nology to Iran." The Republican Congress passed a bill that would have done just that, the Iran Missile Proliferation Sanctions Act of 1997, that is H.R. 2709. And what happened on June 23 of 1998? The President vetoed it. Remarkably, President Clinton continues to support paper agreements rather than U.S. actions to keep Americans secure. Although he outlined real threats from ballistic missile proliferation in his speech, President Clinton refuses to deploy a national ballistic missile defense system to protect Americans from ballistic missile attacks. He even signed legislation calling for the deployment of such a system, although, in typical Clinton fashion, he has found many excuses to reinterpret the straightforward language of that legislation. Instead of defending America against a clear and present danger, the President hides behind outdated, ineffective, and obsolete arms control treaties.

Because of President Clinton, Americans remain defenseless against ballistic missile attack. It is interesting; the President is now calling for "constructive bipartisan dialog" on a Comprehensive Test Ban Treaty when the administration turned a deaf ear to the critical national security concerns being voiced by Republicans for the last good many months.

Despite President Clinton's best efforts to underfund and overextend U.S. military forces, it has been a Republican Congress that has consistently sent the President bills to keep our forces well trained and well equipped and properly paid. It was a Republican Congress that initiated the bill to improve the quality of life of our soldiers, sailors, airmen, and Marines, and helped retain those who were leaving who had already gained the kind of special skills that are so necessary in our military.

Hyperbole? Hypocrisy? Exaggeration? Shame on me for even suggesting that.

The President claimed credit in his speech for most of the good news in America for the past several decades—the healthy economy, welfare reform, falling crime rates, balanced budgets, a cleaner environment, smaller Federal workforces, and social progress. Anybody who sits in the Presidency and possesses the bully pulpit when times are good can make claim and take credit, but just for a few moments let me talk about how it got done.

Mr. President, you are entitled to take credit but you can't steal Republican principles, Republican ideas, and the kind of work that went on in the Congress to make it happen. The President claimed that he ended welfare as we know it—after he vetoed it twice. Shame on you, Mr. President. It was a Republican Congress but, more importantly, it was Republican Governors out in the States who reformed welfare. We copied them. We didn't have the genius here. We were stuck in the old bureaucracy. We wanted to talk about reform but we took the ideas of

the States, implemented them into the Federal program, and it worked. So, yes, you can take credit for it but you didn't do it. You vetoed the bills, you kept vetoing the bills, and on the very day that you signed them, you said we will be back to change them because we don't like this.

But, of course, it was an election year. You knew you had to sign it, and you took credit for it while at the same time you were criticizing it. I am sorry, Mr. President; I happen to read history and I happen to remember what you said. Shame on me.

On the environment, the President said:

... one of the things I am grateful for is the opportunity that the Vice President and I have had to finally put to rest the bogus idea that you cannot grow the economy and the environment at the same time.

He said:

... we have rid more than 500 neighborhoods of toxic waste, ensured cleaner air and water for millions of people. In the past 3 months alone, we have preserved over 40 million roadless acres in the national forests. ...

Mr. President, here is the rest of the truth. Those 500 neighborhoods you claim are a product of the Superfund laws that were passed long before you got here. Also, you are taking credit for cleaner air and water. Congress passed the Clean Air Act and Congress passed the Clean Water Act under Republican direction, and subsequently amendments to change that in a way that would make it more operative—and it has worked. But you are the one who ruined regulation, through ozone and particulate matter rules, for example, that have tried to pull it down and make it less operative.

Mr. President, why don't we both take credit for the environment: past Congresses, current Congress, past administrations, current administration. We have worked together and our environment is cleaner, and we are proud of that.

In 1995, President Clinton said balancing the budget was a bad idea. Let me repeat that. In 1995, Mr. President, you said balancing the budget was a bad idea, it was bad for the economy.

Going into 1996 and faced with poll data that indicated the American people were demanding a balanced budget, you decided to surrender on principle and argue about the details later. The size of our economic boom today is because Bill Clinton reluctantly went along with the core principles that swept Republicans into control of the Congress in 1994. That balanced budget did not happen until there was a Republican Congress shaping it and, Mr. President, you know it. Social Security taxes today are being locked up and protected to secure Social Security and, Mr. President, that was not your idea. In fact, you wanted to spend a big chunk of that money last year, and we simply would not let you do it.

President Clinton's greatest success story—the continued economic boom—

is a direct result of the Republican fiscal policies enacted over the consistent objections of the President and his Democratic colleagues in the Congress. No, we will stand toe to toe on that debate. You cannot hide from your rhetoric and your actions of the past. Those were your policies before the American people said: We have gone too far; let's bring our Government under control.

President Clinton is a President who claims he wants to protect Social Security, but in 8 years, he has failed to submit a serious Social Security protection plan. And President Clinton is a President who claims he wants to protect Medicare, and yet, last year—we all know it—he whispered in the ears of those he put on that conference and said: Don't vote for it. That was a bipartisan proposal, and that is the way reform of Medicare must come.

Why didn't he want them to support it and to get it all wrapped up and finished in an election year? Because one could go out and point fingers and politicize Medicare and prescription drugs. Shame on you, Mr. President. Come back and work with us on that. Let's reinstitute the bipartisan agreement on which Democrats and Republicans stood. We will vote for it and you ought to sign it, Mr. President. And if you do, that could be your legacy. On that I would give you some credit.

We have reinvented Government, transforming it into a catalyst for new ideas. ... With the smallest Federal workforce in 40 years, we turned record deficits into record surpluses. ...

I was quoting the President. Our record surpluses have little to do with the size of the Federal workforce. Record surpluses were created by hard-working Americans earning money and paying taxes and a highly productive economy. That is what has produced the surpluses, Mr. President, and it also produced record high taxes.

Another area on which I want to comment is foster care. It was fascinating to me and frustrating when the President talked about foster care. I know how that happened. I know Republicans and Democrats have their differences. We came together and we worked on it in Congress. It was not in the White House nor was it the President's idea. But because it was a strong bipartisan effort here, we happened to pass it. Democrats and Republicans at the congressional level did that, and the President has ridden on it ever since. Why? Because it worked, because children are less in foster care today, and we are finding them permanent, loving homes. No longer is the bureaucracy harboring them. Foster care is a good institution, but it is an institution that was reshaped.

Mr. President, because you signed the bill, I am willing to give you some credit for it, but that is all you did and that is all you deserve.

Then, of course, there is that issue of guns. Last June, the President said: I

will not send up a licensure bill on guns because the Congress won't pass it.

Even on less controlling issues, a Democratic vote in the House killed gun control ideas of this administration. So why did the President do it this time? For Bill and AL; that is Bill Bradley, of course, and AL GORE. They are out on the stump talking about it. His party failed to make guns a national issue, and the reason they failed is because the American people know there are over 40,000 gun control laws on the books today, and the American people have grown wise. If you do not enforce the laws, the criminal element still runs rampant and commits crimes with guns.

The American people are not asking for more gun control laws. They are asking for a Justice Department that will prosecute those who violate the law. Mr. President, that is the message and, of course, that is what we will do as a Congress. We are not going to stack up more gun laws; we are going to cause the Justice Department to enforce them.

There are myriad other points of discussion, but I wanted the public and the record to show there is a very real difference between what this President said in his State of the Union Address and what actually happened and what is happening because we do not stand with this President on a variety of his ideas, and Congress and the public have largely rejected them.

Republicans will not stand for a Government-run health care system. We will pass a Patients' Bill of Rights this year. We will allow citizens to be in control of their health care and their health care delivery, and we will enhance education this year. We will send it back to the States and local communities to control. We will save Social Security, as the Senator from Wyoming said, and I hope we can deal with Medicare.

Mr. President, what is important is that if you want to work with us to resolve these problems in the final hours of your administration, then let us sit down and begin to talk because the hour is late, and I believe you have already written your legacy. I do not think there are enough Federal dollars for you to buy a new one. The American people are going to remember Bill Clinton not for his big government ideas and his big spending but for something entirely different.

Let us begin our work in this Congress in the last session of the 106th Congress to balance the budget and to secure Social Security. I hope we can deal with a Patients' Bill of Rights. I would like to see us deal with pharmaceutical drugs for our elderly. I hope we can also deal with our farm crisis and assure a strong military.

I am not going to promise we can do all that Bill wants done and give tax cuts and buy down the debt because we cannot do all those things. Most important, we should not. I hope we can give

a tax cut. We are buying down the debt. Most importantly, I say to the American people: We are not going to allow Government to grow in the image of Bill Clinton just for a legacy he would like to establish.

I thank my colleague from Wyoming for the liberty he has allowed me in the use of time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank my friend from Idaho. Certainly, we share all those thoughts and ideas. I want to expand in the few minutes we have remaining in our allotment of time the public land issue the Senator mentioned.

Public lands, of course, are very important to those of us in the West. As was pointed out, 1 out of every 4 acres in this country is owned by the public. My State of Wyoming is 50-percent owned by the Federal Government. Idaho is some 63-percent owned by the Federal Government. Nevada is 83-percent owned by the Federal Government. The management of these lands then, rightfully, is a public issue and one with which all of us need to be concerned.

It would not be a surprise to know that some of the issues with regard to the management of those lands are seen differently by the people who live there and who have access to the lands as opposed to those who equally own them and live many miles away. The fact is it is a public issue and it deserves public input.

There is a system that has been set up by the Congress and happens to be followed by everyone, except the administration, which allows for public input. It requires that all ideas be set forth so that they can be considered and there can be statements made on all these issues. Sometimes it takes an excruciatingly long time to do it, but nevertheless it is a vital concept.

Now, of course, we have a different thing going on in the administration. They call it a land legacy, an effort by the President in these remaining months to leave a Teddy Roosevelt land legacy for himself and his administration. In so doing, he has done a number of things quite different from what we have seen done before and, quite frankly, has created a good deal of controversy, particularly in the West.

There are different kinds of lands, of course, set out for different purposes. I happen to be chairman of the Parks Subcommittee, so I am very interested in that. I grew up right outside of Yellowstone National Park. As you know, Wyoming has several famous national parks. We are very proud of them. Those lands were set aside for a particular purpose. They were set aside because they were unique and they were different. They are used for a limited number of purposes.

We have the forest reserve which, by its nature, was set aside, was reserved for special uses. Although there are

many, part of them are wilderness areas set aside by the Congress in specific acts that limit the use, and properly so, in my view.

Then there is the Bureau of Land Management, which has a very large section of lands. Those lands, rather than having been set aside for some particular purpose, were generally what was left after the Homestead Act was completed. They were sort of residual lands that were managed, first of all, by a different agency but now by the Bureau of Land Management—clearly multiple use lands. They are used for many things.

These are the kinds of things we have. We have seen suddenly a rush for doing something in public lands. The system being used now by the administration completely ignores the Congress, which should have a say in these kinds of things, and as a matter of fact generally ignores people. One of them is the 40 million acres of roadless areas nationwide that were declared by the Forest Service.

Frankly, I have no particular quarrel with the idea of taking a look at roadless areas in the forests, but each forest has a very extensive, very expensive, very important forest plan, a process that has been gone through that requires studies, that requires proposed regulation, that requires statements, that requires hearings. That is where those things ought to be done rather than having one EIS over the whole Nation, not for the Secretary of Agriculture to just come out and declare that there are going to be 40 million acres, and not even knowing exactly where they are.

As a matter of fact, we had a hearing with the Secretary and with the Chief of the Forest Service in which they could tell us very little about it.

Another is the \$1 billion from offshore oil royalties that the administration has asked to be given to it to spend, without the approval of Congress, to acquire additional lands.

As the Senator from Idaho said, in the Western States the acquisition of new lands is not the issue. The care of those lands, the investment in parks, the investment in forests is where we ought to be, in my view.

The Antiquities Act, which is a legitimate act, has been on the books since 1905. Teddy Roosevelt put it there. As a matter of fact, Devils Tower, in my State, was put in by the Antiquities Act and was part of Teton National Park. But times have changed, and we understand now the President is going to have 18 different land areas changed in their designation without, really, any hearings—we had one last year in Utah that the Governor and the congressional delegation did not even know about until it was done. That is not the way to do these kinds of things.

They have a proposal to change the way the Land and Water Conservation Fund is allocated. It was set up by Congress to go half and half—State and na-

tional. Now the administration wants to spend all that money for land acquisition.

BLM now has a nationwide roadless plan in which there is very little, if any, input. They have the Clean Water Action Plan, which is something done by EPA, which has to do with the control of water, which is really a way of controlling land.

Each of these things probably has some merit, but they ought to be examined. They ought to go through the system. They ought to be talked about. They ought to be agreed to, rather than imposed unilaterally by an administration.

We can preserve public lands, and, indeed, we should: they are a legacy for us. We can have multiple use on those lands. We need them for the communities. We can have public involvement. That is the way it ought to be. We can have cooperating agency agreements in which the State and the local communities ought to have a real voice in doing this.

I hope we do not politicize public lands simply because it is an election year, to the distraction of public use, to the distraction of the economies that surround them. The purpose of public lands is to preserve the resources and give a chance for the owners to enjoy it. The owners, of course, are the taxpayers.

It is an issue on which I think we will have more and more input throughout the year. I hope we do.

Mr. President, our time is nearly expired. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. GRASSLEY. I think we are in morning business, right?

The PRESIDING OFFICER. That is correct.

THE PENTAGON'S ACTING INSPECTOR GENERAL

Mr. GRASSLEY. Mr. President, I would like to take a moment with my colleagues to discuss a recent article that was in the National Journal. It was about the Pentagon's Acting Inspector General, Mr. Donald Mancuso. The article was written by Mr. George Wilson. Mr. Wilson was a senior defense reporter at the Washington Post for many years. He left the Washington Post in 1991 to write books. He is now a columnist with the National Journal.

Mr. Wilson is a top-notch reporter. He is respected for being very thorough and very fair. But, above all, he is respected for an uncanny ability to find the nub of a complex issue and expose it to public scrutiny in an interesting

and also informative way. He had a recent article in the National Journal that is no exception. It has exposed a very raw nerve. The article is entitled: "Tailhook May Soil Choice for Pentagon's Mr. Clean." It appeared in the January 22, 2000, issue of the National Journal on pages 260 and 261.

Mr. President, I ask unanimous consent to have that article printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. GRASSLEY. The article I refer to raises important questions, even new questions, about Mr. Mancuso's integrity and judgment. At some point down the road, this body may be called upon to confirm or not confirm Mr. Mancuso's nomination because it has been suggested that President Clinton is expected to nominate him to be the next Department of Defense Inspector General.

If that happens, then each Member of this body would need to weigh all the facts bearing on Mr. Mancuso's fitness to serve as the Pentagon's watchdog, which is also the Pentagon's top cop.

In October, my staff on the Judiciary Subcommittee on Administrative Oversight and the Courts issued, for me, a report on the Defense Criminal Investigative Service. I am going to refer to that, as it is always referred to, as the DCIS—Defense Criminal Investigative Service.

I strongly urge my colleagues to read this report. It substantiated allegations of misconduct on the part of senior DCIS management, including Mr. Mancuso, and at least one of his investigators, Mr. Mathew Walinsky. Mr. Mancuso at that time was Director of DCIS, and he was so from 1988 until 1997.

Since that report was issued in October, my staff has been inundated with new complaints about alleged misconduct by Mr. Mancuso and mismanagement at DCIS while Mr. Mancuso was the Director of DCIS. My staff is now in the process of evaluating these allegations to determine if they have merit. Once that review has been conducted, I may issue a second report.

Getting back to Mr. Wilson's article in the National Journal, by comparison, instead of my report opening up a new can of worms, Mr. Wilson's article has opened an old can of worms—in this case, Navy worms. It explores Mr. Mancuso's role in the investigation of misconduct at the infamous Tailhook convention in September 1991. By reopening this very unfortunate episode in naval history, Mr. Wilson has shed new light on Mr. Mancuso's fitness to move into the inspector general's slot.

Mr. Wilson reports that the U.S. Court of Military Appeals condemned Mr. Mancuso and the DCIS for, in their words, "heavy-handed investigative tactics that trampled constitutional rights." According to Mr. Wilson, Mr. Mancuso's tactics included "threats,

intimidation, falsification of interviews, and overreliance on lie detectors."

In an opinion issued on January 11, 1994, on the Tailhook case, the U.S. Court of Military Appeals denounced Mr. Mancuso's tactics. The court compared the Tailhook case review process, which was set up by Mr. Mancuso, to sort of an assembly line justice, where investigative and judicial functions were merged and blurred. "Merged" and "blurred" are words the court used. "Assembly line" are words the court used. The court called Mr. Mancuso's assembly line justice "troublesome."

Going on to quote the court:

At best, it reflects a most curiously careless and amateurish approach to a very high profile case by experienced military lawyers and investigators. At worst, it raises the possibility of a shadiness in respecting the rights of military members caught up in a criminal investigation that cannot be condoned.

That is what the U.S. Court of Military Appeals had to say. That is the highest military court in our land. It is often called the United States Court of Appeals of the Armed Forces. So this highest court has condemned Mr. Mancuso for "shadiness." The court said his practices were "careless and amateurish" and even "troublesome." The court said he and his investigators failed to respect the constitutional rights of members of the armed services.

I hope the Chair will agree that these are very serious charges about a person whom the President may nominate for our confirmation as inspector general of the Department of Defense. The court's criticism—again referring to the Court of Military Appeals—may help to explain why the Tailhook investigation was a total failure. The entire investigation probably cost the taxpayers close to \$10 million and involved several thousand interviews. Unfortunately, not one single naval aviator who faced an assault charge was ever convicted by a court-martial.

As the Director of DCIS, Mr. Mancuso led the Tailhook investigation. He is accountable for failing to conduct it as a professional. A legitimate question for my colleagues and for the President: Should that same man, a man who used shady investigative tactics, a man who failed to respect naval judicial process in Tailhook, be confirmed as the Pentagon's watchdog? It is legitimate to ask if Mr. Mancuso is the best person to fill that position.

I leave those thoughts with my colleagues over the next several weeks as this nomination may come up for consideration.

I yield the floor.

EXHIBIT NO. 1

[From the National Journal, January 22, 2000]

TAILHOOK MAY SOIL CHOICE FOR PENTAGON'S MR. CLEAN

(By George C. Wilson)

The man President Clinton is expected to nominate as inspector general of the Defense

Department—the Pentagon's top cop—is coming under increased scrutiny in the Senate for questionable official conduct. Questions surround his role in the Tailhook sexual assault investigation of the early 1990s and his handling of his own investigators, one of whom pleaded guilty to stealing a 13-year-old boy's identity to obtain a false passport.

Donald Mancuso, the Pentagon's acting inspector general and probable nominee for the permanent job, formerly led the Defense Criminal Investigative Service. DCIS, which conducts most of the fraud and misconduct investigations at the Defense Department, had taken over the Tailhook investigation in 1992 after the Navy was accused of botching it.

During the Tailhook investigation, naval aviators accused Mancuso's agents of heavy-handed tactics that trampled their constitutional rights. These tactics, they maintained, included threats, intimidation, falsification of interviews, and overreliance on lie detectors. In the end, no aviator was convicted at court-martial for misconduct at the Tailhook convention, which was held in September 1991 at the Las Vegas Hilton.

The U.S. Court of Military Appeals, in its review of the Tailhook cases, criticized military lawyers and the IG's investigators—who were supervised by Mancuso—for procedures that were "troublesome." The court faulted investigators for an approach that was "curiously careless and amateurish," and that didn't sufficiently respect the rights of suspects.

Several lawyers who defended Tailhook aviators told National Journal that they stand ready to cite examples of misconduct by DCIS agents if the Mancuso nomination moves forward. Their testimony could widen and escalate a battle over Mancuso that Sen. Charles Grassley, R-Iowa, began at the end of the past congressional session. White House attorneys had focused on Grassley's earlier objections, but they apparently had not looked into Mancuso's Tailhook role when they told National Journal recently that they saw no reason to recommend he not be nominated.

Grassley up to now had focused his objections on Mancuso's supposedly poor judgment while director of the Defense Criminal Investigative Service from 1988-97. Grassley accused Mancuso of coddling a deputy after the deputy confessed to stealing a dead boy's identity in an effort to get a false passport for still-mysterious reasons.

Defense Secretary William S. Cohen has mounted a stout defense of Mancuso and has told Grassley that none of the Senator's objections should bar him from advancement. However, the Tailhook connection, which Grassley's investigators have just begun to probe, may turn the Mancuso nomination into a "bolter"—pilot talk for an airplane that misses the arresting wires stretched across an aircraft-carrier deck and so fails to land. Grassley will do his best to exploit the Tailhook connection in hearings and on the Senate floor. Former Navy Secretary John W. Warner, R-Va., chairman of the Senate Armed Services Committee, which would hold confirmation hearings on a Mancuso nomination, is likely to plead with the President not to nominate anybody who would pull Congress back into the Tailhook swamp.

The U.S. Court of Military Appeals denounced the tactics of Mancuso's agents in an opinion issued on Jan. 11, 1994, on a Tailhook case against Navy Lt. David Samples. The defendant had been charged with participating in the "gantlet" in which drunken pilots groped, and in some cases assaulted, dozens of women who ventured down the third-floor hallway at the Hilton. Samples charged that he endured his own intensive gantlet of interrogations as one naval

officer after another advised him to tell what he knew and, in his view, guaranteed him complete immunity if he did. After undergoing the Navy interviews, he was immediately interrogated by DCIS in assembly line fashion.

In court testimony, Special Agent Matthew A. Walinsky of DCIS attributed the assembly line idea to DCIS Director Mancuso: "We felt that, or the director [of the] DCIS felt that, it was one of the ways that we could have a resolution in the case and be fair to everybody that was involved in [the] case, so that they would have a walk-away" from any further entanglement in the Tailhook mess.

The U.S. Court of Military Appeals assailed the arrangement: "The assembly line technique in this case that merged and blurred investigative and justice procedures is troublesome. At best, it reflects a most curiously careless and amateurish approach to a very high profile case by experienced military lawyers and investigators. At worst, it raises the possibility of a shadiness in respecting the rights of military members caught up in a criminal investigation that cannot be condoned."

Mancuso, when asked by National Journal to respond to the court's denunciation, said: "The quote [from the decision] was taken out of context and exhibits a lack of understanding of the technique being discussed. . . . DCIS played a minor role in the 'assembly line technique' as described in the opinion. The DCIS investigation of the Tailhook matter was handled thoroughly and professionally."

But Charles W. Gittins of Middletown, Va., a defense attorney in the Tailhook case, charged in an interview with National Journal that Mancuso's DCIS agents "routinely violated naval officers' rights with threats of retribution for failure to cooperate." Gittins said that Mancuso's supervision of his investigators "left much to be desired. I would have concern if Mancuso became IG about his integrity and commitment to the rule of law." He added he would welcome the chance to give such testimony to Congress.

Robert B. Rae of Virginia Beach, Va., another Tailhook defense attorney and a former U.S. attorney, said that Mancuso "abused his position [as DCIS director] and showed a general disregard for laws of military justice" during the Tailhook investigation. "He intentionally failed to comply with the judge's order to produce evidence and documents on several occasions. We need somebody [as inspector general] who makes the ethical decision, not the politically correct one. He [Mancuso] was politically motivated."

Mancuso told National Journal that "while I don't remember being directly involved with either of these defense counsels during the Tailhook investigation, it is not unusual for defense counsels to disagree with the government's investigation techniques. I categorically deny that I have ever intentionally failed to comply with any judge's order." He said that as DCIS director, he worked to ensure that both sides received all requested information promptly.

As Pentagon inspector general, Mancuso would be responsible for supervising 1,228 employees, including 323 criminal investigators, and for overseeing a budget of \$136.8 million annually. He would be paid a salary of \$118,400 a year.

Grassley is particularly vexed about what Mancuso did—and did not do—about Larry Joe Hollingsworth, a deputy at DCIS who was responsible for keeping agents in line, but who committed a felony that a hearing judge termed "bizarre." In 1992, Hollingsworth found in the records of a Florida library the obituary of Charles W. Drew, who

died at age 13. Hollingsworth decided to assume the boy's identity. And by posing as the deceased boy's half brother, Hollingsworth obtained the identification papers he needed to apply for a passport in Charles' name. He appended pictures of himself to the passport application and signed it in such a muddled way that the State Department investigated, leading to Hollingsworth's arrest, indictment, and confession to one count of fraud.

Why would a 46-year-old, \$92,926-a-year Pentagon executive with more than 20 years' experience investigating other people's crimes commit one himself? "In the last few years," Hollingsworth wrote right after his arrest, "I have seen repeated news stories about how easy it would be" to assume someone else's identity. "I decided to see if it was true. This was a Walter Mitty fantasy, however, for excitement and not to hurt anyone."

Special Agent Sean O'Brien of the State Department told investigators with Grassley's Senate Judiciary Administrative Oversight and the Courts Subcommittee that "there were at least 12 overt acts of fraud perpetrated by Mr. Hollingsworth over the course of one year." O'Brien told the investigators that "passport fraud is always committed in furtherance of a more serious crime . . ."

On April 29, 1996, Mancuso wrote, on assistant inspector general stationery, to federal Judge T.S. Ellis III of the U.S. District Court in Alexandria, VA., while the jurist was weighing what penalty to impose on Hollingsworth. "To this day," he wrote, "there is no evidence that Mr. Hollingsworth has ever done anything improper relating to his duties and responsibilities as a DCIS agent and manager. . . . It is our intention to consider removal action against him after the conclusion of the criminal charges. . . . I would ask that you also consider the severity of these administrative actions as you pronounce sentencing."

Grassley accused Mancuso of showing poor judgment in writing what the Senator considered a plea for leniency. Grassley also criticized Mancuso for letting Hollingsworth retire at 50 in 1996 with full pay, 12 years ahead of schedule—a decision that cost the taxpayers an extra \$750,000, Grassley said.

Mancuso denied asking for leniency. He told National Journal that that "my intent in writing the letter was to advise the judge of SA [Special Agent] Hollingsworth's past job performance while assigned to DCIS, not to ask for leniency. In fact, nowhere in my letter is the term 'leniency' used."

Hollingsworth, after pleading guilty, was sentenced in June 1996 to supervised probation for two years and was fined \$5,000, plus \$195.30 a month to pay for the cost of supervising him while on probation. He also had to serve 30 days of jail time on weekends, perform 200 hours of community service, and pay a \$50 special assessment.

The majority staff of Grassley's subcommittee on Nov. 2 filed a 64-page report highly critical of Mancuso's conduct. Cohen responded to Grassley on Dec. 28 that his staff had found nothing in the subcommittee's report to shake his "complete confidence in Mr. Mancuso's abilities and integrity. Nothing I have seen has caused me to doubt Mr. Mancuso's ability to ably, fairly, and honestly lead the Office of the Inspector General."

"Bill," Grassley wrote back to Cohen on Jan. 7, "you and I have known each other for many years, I know, if given an accurate report on the facts in the case, you would not defend the integrity of the acting IG."

Since vote-counters have apparently concluded that Grassley does not have enough Senate allies to defeat the nomination, the

White House intends to nominate Mancuso when Congress reconvenes. Will the stubborn Iowan resort to a filibuster, or will he place a simple hold on the nomination, in light of Tailhook and other charges? "I don't know yet," Grassley replied.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to be allowed to speak as if in morning business for 15 minutes.

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

A PRESCRIPTION DRUG BENEFIT FOR MEDICARE

Mr. DORGAN. Mr. President, I would like to speak for a few moments today about the call in the State of the Union Address for a prescription drug benefit to be added to the Medicare program.

In all of the discussions about the State of the Union and what is happening to the health of the American people, one of the underlying issues is that people are living longer and better lives. When people live longer and better lives, it means we have more strain on Medicare and on Social Security. But, of course, all of that is born of good news: People are living longer. At the start of the last century, citizens of the United States were expected to live, on average, to about 48 years of age. One hundred years later, in the year 2000, you are expected to live to be about 78 years of age—a 30-year increase in life expectancy. That is really quite remarkable.

What are the reasons for that? There are a lot of reasons: Better nutrition, new medical technologies, and life-saving prescription medicines that have been developed to extend life. There are a lot of reasons for the increased longevity.

In 1965, we created a Medicare program that has contributed substantially to the increase in longevity in this country. Prior to that time, 50 percent of senior citizens had no health care coverage at all—none. Medicare provided health care coverage to all senior citizens, and now 99 percent of older Americans in this country have basic health care protection through Medicare. That clearly has extended life and has allowed people to live longer and better lives. But in 1965 when Medicare was created, many of the prescription drugs that now exist for extending life simply weren't available. There was not, therefore, a need for a prescription drug benefit in Medicare.

The call now by the President and by Members of Congress, myself included,

Democrats and Republicans alike, is for a prescription drug benefit for the Medicare program. Why? Because senior citizens in this country comprise 12 percent of our population and consume 33 percent of the prescription drugs in our country.

Let me repeat that because it is important.

Twelve percent of our population are senior citizens, but yet they consume one-third of the prescription drugs.

The cost of prescription drugs last year increased nearly 16 percent—last year alone. Part of the reason for that increase was price inflation, and part of it was a dramatic increase in utilization. But we should, it seems to me, be especially concerned about senior citizens having access to the prescription drugs they need to extend and improve their lives.

As chairman of the Democratic Policy Committee, I have been holding hearings in various parts of the country on this very subject. For instance, I held a hearing with Senator SCHUMER in Westchester, NY, and a hearing recently with Senator DURBIN in Chicago. I guess I have held perhaps six or eight hearings on this subject.

It is heartbreaking sometimes to hear the stories told at these hearings. An oncologist came to a hearing I held. He told of one of his patients who was a senior citizen, a woman who had breast cancer. And he said: There is a medicine she needs to take following her surgery, chemotherapy, and radiation that will reduce the chances that she will have a recurrence of breast cancer. When I described this medicine to her, she said: What does it cost? The doctor told her what it cost. And she said: There isn't any way I can afford that medicine. I will just have to take my chances. I will just have to take my chances of the breast cancer recurring because I can't afford the medicine.

It breaks your heart to hear that.

Or to hear a senior citizen who said: When I go into the grocery store where I purchase my medications, the first stop for me must be the pharmacy counter because I must get my prescriptions filled, so then I will know how much money I have left for food. Only then will I know how much food I can buy.

Senior citizens will find in some circumstances that they take 4, 6, or 8, and in some cases 10 and 12, different kinds of medicines at the same time. Some of them are horribly expensive. Yet most older Americans have very little prescription drug coverage.

I would like to show some charts that describe these circumstances graphically, especially for senior citizens.

This chart shows that nearly a third of senior citizens spend \$1,500 a year on prescription drugs. These are people who are living on fixed incomes, and 70 percent of them have incomes of \$15,000 or less.

This chart shows that nearly 75 percent of Medicare beneficiaries have in-

adequate prescription drug coverage. In fact, 34 percent have no drug coverage at all—none, zero. So they must go to the drugstore to buy their prescription drugs, living on a fixed income, trying to balance the need to pay heat and light and rent and food, and then try to figure out how to pay for increasingly expensive prescription drugs. Many of them find they can't do it.

They tell me at these hearings some of the measures they are forced to take: I have heart trouble, or I have diabetes, they tell me, and what I do is buy the prescription drugs that the doctor says I must have, and cut the pills in half and take half the dose so it lasts twice as long. And they hope somehow that they will avoid medical problems by doing it. It breaks your heart to hear someone 85 years of age who knows he has to take medicine to deal with his heart disease and diabetes, but who says: I can't afford it so I don't take the medicine.

As this chart shows, this is especially a problem for older women. As you can see, the majority of women have no prescription drug coverage at all. That is a very serious problem.

This chart illustrates that rural beneficiaries are less likely to have prescription drug coverage across all income groups. I represent a rural State and the many hearings I have held in North Dakota confirm this fact.

We are going to be confronted in this Congress with the question of whether we should add a prescription drug benefit to the Medicare program. When I was in New York with Senator SCHUMER, Connie Pennucci, 77 years old, said she has no prescription drug benefits and pays \$200 a month out of pocket for the medications she needs to treat her arthritis and osteoporosis.

In Illinois about 2 weeks ago, a woman named Anita Milton told Senator DURBIN and I that she had a double lung transplant. Because of the way Medicaid works, she gets help to pay for her prescription drugs one month, but then the next month she has no drug benefits at all. I think she told us that her prescription drugs to prevent the rejection of her new lungs cost \$2,500 a month. Think of that, \$2,500 a month.

At that same hearing, this wonderful woman who had a double lung transplant was joined by two people who had heart transplants. They told us the cost of their prescription drugs that are necessary to prevent rejection of their transplanted hearts. Is all of this miracle medicine? Of course it is. But it is only miraculous if you can afford the prescription drugs that must be taken on a daily basis to ward off the rejection of the transplanted organ.

There is an urgent requirement, in my judgment, for all of us in Congress to join together to find a way to add a prescription drug benefit to Medicare. We should do it in a way that is voluntary for senior citizens. We should do it in a way that doesn't break the Treasury, and pharmaceutical prices

should be affordable. But we can do that. I hope Republicans and Democrats together will recognize the urgent need to do this.

I would like to address one other issue, and that is the issue of the price of prescription drugs. Why do prescription drugs cost so much, and what can we do about it? Let me say at the outset, I want the pharmaceutical industry to be successful. I want the drug companies to be successful. I want them to be profitable. I want them to continue to invest in new research and development to help discover new life-saving medicines and drugs. As you know, the federal government provides a substantial investment in pharmaceutical research and development through the National Institutes of Health and tax credits. A substantial amount of research and development for new medicines is publicly funded. But the pharmaceutical industry does private research and development.

I want them to be successful. But I also want them to price pharmaceutical drugs fairly for all of the American people. In virtually every other country in which you purchase a prescription drug made by a pharmaceutical company in a plant inspected by the Food and Drug Administration, the same pill in the same bottle made by the same company costs double, sometimes triple the amount in the United States than in virtually any other country in the world. I will give you some examples.

Let me go back to some of the medications most frequently used by older Americans who consume a third of the prescription drugs in our country. If they take Zocor, a cholesterol-reducing drug, the same drug in the same dosage and quantity costs \$106 in the United States, and only \$43 in Canada, \$47 in Mexico. These prices have been converted to U.S. dollars.

Or Prilosec, a drug for ulcers costs \$105 in the U.S., \$53 in Canada, and \$29 in Mexico.

Zoloft, a drug for depression, costs \$195 in America, \$124 in Canada, and \$155 in Mexico. The list goes on.

This chart shows it better. How much do we pay for prescription drugs? For every \$1 that American consumers pay for a prescription drug, that same drug would cost much less in other nations. For every dollar Americans spend for prescription medications, Canadian consumers pay 64 cents, the English pay 65 cents, the Swedes pay \$68 cents, and the Italians pay 51 cents.

Why do U.S. consumers pay the highest prices in the world for prescription drugs? The answer is because the pharmaceutical industry can charge as much as they want if they choose to do so—and they do.

I took a small group of senior citizens to Emerson, Canada, recently. They purchased prescription drugs at the pharmacy in Emerson. These are senior citizens with heart disease, osteoporosis, diabetes, and other illnesses. Guess what. We went 5 miles

across the border into Canada and there they could buy the same prescription drugs at a small percentage of the price of the prescription drugs in this country. These are the same pills, made by the same company, often actually made in the United States and then shipped 5 miles north into Canada. Yet, if U.S. consumers were to buy them in the United States, they are charged much higher prices.

Is that fair? No. If this is truly a global economy, then it seems to me that pharmacists in this country ought to be able to access those same drugs in any market in the world and pass the savings on to their customers. That would, in my judgment, force the pharmaceutical industry to reprice their products in the United States.

As I said when I started, I want the pharmaceutical industry to make money. I want them to do good pharmaceutical. The Wall Street Journal calls the profits of the pharmaceutical industry "the envy of the corporate world." Why? At least in part, it seems to me, it is because the U.S. consumer is charged very, very high prices for the same drug that is marketed in the rest of the world at a much lower cost. I have introduced a piece of legislation, the International Prescription Drug Parity Act, that I and a bipartisan group of cosponsors are going to try to get passed in this Congress to address this problem.

These issues of pharmaceutical drug costs and a prescription drug benefit in Medicare are very important issues. Lifesaving medicine is only able to save lives if people can afford to have access to that medicine. Too many Americans find these prices are out of their reach. Too many senior citizens living on fixed incomes are finding they are not able to afford the medicines that are necessary for them to prolong their lives, to improve their lives, and to treat their diseases or illness. We in Congress can do something about that. But I would say this. Even as we try to add a prescription drug benefit to Medicare, we must find a way to put some downward pressure on prescription drug prices and provide some fairness relative to what the rest of the world pays for the same prescription drugs.

Mr. President, I again thank the Senator from Iowa for the courtesy. I know the bankruptcy bill is on the floor.

I yield the floor.

Mr. SPECTER. Mr. President, parliamentary inquiry: Are we still in morning business?

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. It would be appropriate to extend morning business. Under the order we are to go to S. 625.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 15 minutes as in morning business.

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

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2015 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

YONGYI SONG

Mr. SPECTER. Mr. President, I want to say a few words about a distinguished Pennsylvanian, the librarian from Dickinson College in Carlisle, PA, Mr. Yongyi Song, who was greeted tumultuously in Philadelphia on Saturday afternoon when he returned from the People's Republic of China after having been held in custody there since August 7.

Mr. Yongyi Song came to the United States some 10 years ago and has become a world-renowned scholar on the Cultural Revolution. In addition to his regular duties at Dickinson College, he has published extensively on the Cultural Revolution.

Last August, he and his wife Helen made a trip to the People's Republic of China so that he could continue his research. While there, he was taken into custody on August 7. Thereafter, his wife was released, but on Christmas Eve he was charged with transmitting state secrets.

A careful analysis of the case raises very severe questions as to whether there was ever any substance to the charges. A campaign was waged by scholars and academicians and by colleges and universities across the land to obtain his release. Dickinson College retained a very distinguished attorney, Jerome Cohen, an expert in Chinese affairs, who took up the cause.

A resolution was submitted last Wednesday by this Senator with quite a number of cosponsors—Senator BIDEN, the ranking member on the Foreign Relations Committee, being the principal cosponsor; in addition, Senator SANTORUM and others.

After consultation with Secretary of State Albright and others in the State Department, I sought a meeting with the Chinese Ambassador, which I had last Friday late in the morning.

Before going to the meeting, I heard rumors that Yongyi Song might be released. While I met with the Chinese Ambassador, I was delighted to find that he handed me a piece of paper announcing Mr. Song's release, and gave me the word that Mr. Song would soon be on a Northwest airliner headed for Detroit, and ultimately for Philadelphia.

We thank the People's Republic of China and we thank the Chinese Ambassador for Mr. Yongyi Song's release. We regret that he ever was taken into custody. But when he returned and commented to the news media, on a galaxy of cameras—both television and still cameras—and to many newspaper reporters, Mr. Song commented that he was not physically abused. He said he

was subjected to a good bit of mental torture. He disputed the representations by the People's Republic of China that he had confessed or implicated others. But as Shakespeare would say, "All's well that ends well."

It has been reported that this is the first time there has been a release of anybody who was charged with stealing state secrets. It is my hope that this is a significant step forward for the People's Republic of China to recognize human rights. In an era when the People's Republic of China is seeking permanent most-favored-nation status and seeking entry into the World Trade Organization, it is my hope that they will accept at least minimal norms for due process, so that if someone is taken into custody, that person is entitled to confer with counsel, should be entitled to notice of the charges, should be entitled to an open trial, and should have the requirement that evidence be presented in an open forum before any determination of guilt.

The detention of Mr. Yongyi Song from August 7 until January 28, in my judgment, was excessive. But we are glad to have Yongyi Song back at his duties at Dickinson College and glad this has ended favorably. We do hope this is a first step in a continuing recognition by the People's Republic of China to give appropriate consideration to human rights.

Mr. President, I ask unanimous consent that a copy of the article entitled "Scholar Back in U.S. After China Detention" from The New York Times be printed in the RECORD.

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

[From the New York Times, Jan. 30, 2000]

SCHOLAR BACK IN U.S. AFTER CHINA DETENTION

(By Philip Shenon)

PHILADELPHIA, Jan. 29—An American-based Chinese scholar who had been jailed in China for nearly six months returned to the United States today to say that he had been "mentally tortured" by Chinese security agents who demanded that he confess to espionage and implicate others.

"They didn't torture me physically, but I should say that they mentally tortured me," the scholar, Song Yongyi, a research librarian at Dickinson College in Carlisle, Pa., said after he was reunited with his wife in a tearful scene at Philadelphia's international airport. "It was very ruthless."

"When I come back to the United States, I really feel at home now," said Mr. Song, who was taken into custody by the Chinese last summer, only weeks before he had been scheduled to be sworn in as an American citizen. "Even though China gave me birth, the United States gave me spirit."

In an airport news conference and in a separate interview, the 50-year-old librarian, a specialist in the documents of the murderous decade from 1966 to 1976 known as the Cultural Revolution, denied a claim by the Chinese government that he was freed after he confessed to spying.

"I did not confess to anything," he said, crediting his release to pressure on Beijing from members of Congress who threatened to hold up vital trade legislation, and from Western scholars who campaigned for his freedom.

Scholars had warned that his arrest threatened to jeopardize academic exchange programs that China had carefully cultivated with the United States and other Western countries since the late 1970's.

"I say thank you to all the American people, because without them I cannot get released," Mr. Song said, his eyes brimming with tears, which he said were among the first he had shed since childhood. "During the past 30 years, I never cry, but last night I cry all night."

He was met at the airport by his wife, Helen Yao, a jewelry designer, and Senator ARLEN SPECTER, the Pennsylvania Republican who introduced legislation demanding Mr. Song's release and granting him immediate American citizenship. He also threatened to block legislation intended to make way for China's entry into the World Trade Organization.

Mr. Song and his wife, who is also Chinese-born, were detained in August in Beijing, where he had been gathering yellowing Communist Party newspapers and handbills published during the Cultural Revolution, about which he has written two books and several articles. Ms. Yao was released in November and forced to leave China without her husband.

Mr. Song said today that the documents he had been gathering were published by the radicals known as the Red Guards and that they were available at the time to virtually everyone in China. He said there was nothing secret about them.

"You can purchase all those in public markets," he said. "You can purchase those in some book stores. This is not national security."

He said he argued the point with his guards over and over again. "I strongly argue that," he said in his sometimes broken English. "My question is: If you say this is a secret and I'm leaking the secret, then you should first say all the Chinese people are spies. Because they all touched those. They all know this, not only me."

The Cultural Revolution, in which millions of Chinese were persecuted as Mao tried to consolidate his power and "purify" the Communist Party, remains a subject of extreme sensitivity to Beijing, which continues to restrict access to official archives of the period.

During his early interrogations, Mr. Song said, his guards tried to coerce him with lies. He said they told him that his wife, who was being held in a separate detention center, was gravely ill, but that she could be freed for medical treatment if he confessed to spying.

"That was the worst moment of all," he said. "They say my wife is so sick and so weak, that I should think about my wife and how she could return home quickly."

When that did not work, he said, the guards tried to convince him that his wife had implicated him in spying and other crimes against the government. "Every time they question me, they say, your wife says such-and-such, your wife identifies such-and-such," Mr. Song said.

At one point, he said, security agents told him that his wife had identified him as a member of Falun Gong, the spiritual group that has been the subject of a vicious crackdown recently, and that he had smuggled its literature into China.

"I know nothing about Falun Gong," Mr. Song said, "I say, I believe this is not true. I say, bring my wife in. But then they become suddenly silent. They said, O.K., we move on to the next topic."

He said the experience of the last several months was far worse than his experience during the Cultural Revolution, when he was arrested and branded a counter-revolutionary.

"In the 1970's, I was beaten, I was tortured," he said. "But this was worse. With physical torture, they torture only you. This time, they arrest, and they try to mentally torture my wife. As a man, you feel so bad."

Mr. Song, who has bladder cancer that is in remission, said that he had repeatedly asked to see a doctor, but that his guards refused without explanation. "My health condition is not very good, and I asked them several times if I could get doctors to examine me, but they wouldn't," he said "As soon as I get home, I should see a doctor and get a full body examination."

As he set off from the airport after the news conference, Mr. Song was asked what he would do when he arrived home in Carlisle. He did not hesitate. "I think he will have some sweet talk with my wife," he said, his arm tightly around her shoulder.

He said Ms. Yao's confinement in China had changed her. "My wife became a very brave woman, so I'm very proud of her," he said. "Actually this is not her typical characteristic. The Chinese government, the Chinese national security police, they make a weak woman into a brave soldier."

Mr. SPECTER. I thank the Chair and my distinguished colleague from Iowa.

Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999—Resumed

Mr. SESSIONS. I believe the pending order of business is the bankruptcy bill.

The PRESIDING OFFICER. That is correct.

Mr. SESSIONS. I would like to talk about the pending bankruptcy bill and give my full and total support to the work of Senator GRASSLEY and others.

The PRESIDING OFFICER. The clerk will report the bill by title, since these will be the first comments.

The legislative clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Feingold modified amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SESSIONS. Madam President, I give my total support to this bill, which is a needed overhaul reform update and modernization of an act that is very important to America. It allows people every day—over a million a year—to totally wipe out debts that they owe, to start afresh and not pay people they have legally obligated themselves to pay. It is part of our historical constitutional process. We venerate that right to start anew.

Over the past years, we also have recognized there are a number of problems with the way bankruptcy is being handled. We believe we can make it better. I believe this bill does make it better. As a new Senator who has been here only 3 years, it has been somewhat frustrating to see that we cannot quite get a final vote on the bill. At one time or another, at the most inopportune moments, there has been a group of people who have come up with objections and delays, and we have now been on this for 3 years.

It has passed this body with over 90 votes. At one time it came out of the Judiciary Committee with a 16-2 vote. We have a good, broad, bipartisan bill that improves bankruptcy law, and it ought to be passed. The objections to this legislation have only been those of the most complex and minute nature. The overall aspects of this bill are sound. It has very little opposition.

Let me point out a few things.

Bankruptcies have increased 350 percent since 1980, during a time of great economic expansion. In 1980, there were 287,000 bankruptcies filed. In 1999, as this chart shows, there were 1,300,000 bankruptcies filed. And 1999, as the President told us the other night, was a great year for Americans economically.

How is this happening? Is this necessary? Are these all legitimate? What can we do about it? That is what this bill addresses.

I believe we do need reform because of an extraordinary increase in filings.

Some are saying we do not need this bill. There was an ad run in a local Washington newspaper that said: We do not need the bankruptcy legislation; we had a 7 percent drop last year in filings; so, therefore, you should just stop all the work that you have been doing.

I thought that was a silly ad. After a 350 percent increase, we have one of the best economic years ever and had a modest decline of 7 percent, and somehow that suggests we do not have a problem with filings? We do have a problem with filings. The numbers still are well over 1 million filings per year.

There is another reason we need bankruptcy reform. I am a lawyer. I served as a U.S. attorney. I am on the Judiciary Committee. I believe that the rule of law ought to be consistent and fair, worthy of respect. I also recognize that lawyers are strong advocates. I respect that. Sometimes they get unscrupulous and abuse the system, but generally what lawyers do is

take the law we pass and use it for everything they are worth to benefit their client.

That is what has happened with the bankruptcy system. Since 1978,—the last time we had bankruptcy reform—lawyers have learned how to manipulate the law. They have learned how to do things that have in many ways abused the operation of the system. It leads to hard feelings. It leads to a sense of unfairness and frustration when people feel their just debts are unfairly, without justification, wiped out and not paid because of a technicality in the bankruptcy law. People have to spend extraordinary sums of money to litigate an issue in bankruptcy court that should be decided easily by a clearly written statute. So we do have abuse of the system. No matter how many filings there are, we need a system that is fair for the filings that do occur. That is what we have worked on in these last several years.

We have a number of basic principles. If a person can pay the debts he or she justly obligated themselves to pay, that person should pay it or at least that portion of it they are able to pay. If they are unable to pay their debts, they ought to be able to wipe them out in bankruptcy.

What we are seeing today—and I am hearing this from people I talk to all over Alabama—is people who are making \$80,000, \$90,000, \$100,000 and could easily pay back all or part of their debts are going into bankruptcy and wiping out every debt they owe. Often they are not paying the people they previously agreed to pay when they undertook the debt and got the loan or the benefits from the gas station or the automobile dealership or the furniture store. When they got those benefits, they agreed to pay them. The creditors or businesses don't make as much money as the debtors do, and they are able to go into court and wipe that out. If you think that is not happening, I can assure you that it happens every day in America. We allow that under present bankruptcy law. There is a section called substantial abuse that a judge can use to reduce the abuses under current law, but what our hearings have found is that it is totally ineffective and is almost never utilized in the American bankruptcy system today.

What we are trying to do is legislate precisely what a substantial abuse of the system is. For those who can pay a part of their debts, they ought to pay them. What could be more fair?

What we have come up with is a system called needs-based bankruptcy. That is, to the extent to which you need bankruptcy relief, you get it. But if you don't need it and can pay your debts, you ought to pay some of them or part of them. So the way the act is written, if a person can pay 25 percent of their nonpriority unsecured claims—setting aside as a priority child support and alimony—if you can, after paying

that, pay 25 percent of your nonpriority unsecured claims, then you ought to pay those or \$15,000, whichever is less, and we give the debtor 5 years in which to pay that. That is the kind of thing I think is the right step.

To have a bright line rule and to try to make sure we are not clogging the court with too much work, and that we are having a fair system, we have in the act provisions that say, in effect, that if a person makes above the median American income, they can't be forced to pay back some or all of their debt. They can still file, as they always have, in straight bankruptcy.

For example, a family of four who makes \$44,000 is making the median income in America. If they are making \$43,000, the presumption that they ought to and they can pay back some of their debt, does not apply to them because they will be making below the median income. So the new rule change only affects those who are making above the median income in America today. We think that is fair and reasonable. If you are making above the median income and you can pay back some of your debts, many times to people who make less than you do, you ought to pay those debts. I think that is a good step in the right direction.

There are a number of other abuses in the system. I mentioned child support and alimony. Under current law, half a dozen categories of debt are given repayment priority over child support and alimony. The sponsors of this bill, Senators GRASSLEY and HATCH, made clear at the very beginning we were going to move child support and alimony up to No. 1—there would not be any debate about that—even higher than lawyers fees. Of course, the lawyers are not too happy about that, but that is what we think about it: child support ought to be tops. So how anybody could go around and suggest, as some have, that this legislation is unfair to women and children is beyond my comprehension. It is baffling to me. I wonder how anyone can make that complaint and not be doing it with the most deliberate intent to smear this legislation. I think they need to read the bill.

It gives the highest, unprecedented priority to child support. If an individual files bankruptcy and they owe alimony or child support, the moneys they have will go first to pay alimony and child support before it even pays the lawyer and the bankruptcy trustees.

I know that Senator GRASSLEY felt strongly about another reform in this bill. Many of the people who are owed money, creditors, by people who have filed bankruptcy get a legal notice that they are to appear in court. They have to go out and hire a lawyer to send them to the courthouse and fight over a \$2,000, \$3,500 claim. Oftentimes the lawyer's fees cost more than the person actually collects. This legislation makes clear that if you have a claim, you can go to court and represent yourself without having to hire a lawyer.

I am quite confident that in most cases for smaller claims the bankruptcy judges are going to give a fair hearing to those people. Many times they will not need to hire an attorney to represent them in bankruptcy court. That is going to save a lot of money, in my view, for people who need it and don't need to be wasting it on unnecessary court hearings and fees.

There has been a real problem with repeat filers. People are repeatedly filing in bankruptcy. That is extraordinarily frustrating to people who observe the system. We have a Federal bankruptcy commission made up of Federal judges and top bankruptcy experts that has expressed its concern about these repeat filings. We have good provisions that will eliminate some of the abuses in repeat filings, something that is long overdue.

I felt strongly about, and debated with Senator KOHL and others, the reform of the unlimited homestead exemption. In several States—Texas, Florida, for example—no matter how much money you owe, you can keep your house, no matter how valuable that house is. It is quite clever that some people realize this and go out and buy multimillion-dollar mansions, pour all their assets into those homes and call it their homestead. Then they go bankrupt and don't pay their accountant, their doctor, their lawyer or anybody else, and they are sitting in a multimillion-dollar home. That is not right. Why should people who are living in modest houses not get paid by somebody who is living in a house worth several million dollars? We have had hearings about that. We have newspaper articles that actually identify people by name who have moved to Florida, moved to Texas, buy these mansions, and don't pay the people they owe. So we have at least capped that exemption at the level of \$100,000. I think that is a bit high. However, the States can lower it. Some States have \$15,000 as all you can keep in a homestead; others have \$50,000. But the maximum now is \$100,000, instead of just allowing quite a number of States to have unlimited homesteads. In fact, they will do things such as move out of a State where they owe a lot of debt, pump all their money into a homestead in another State, declare bankruptcy, and pay nobody back home where they left. That is an abuse we have eliminated in the legislation as it is today.

We had a common problem with landlord-tenant. If anybody has managed an apartment duplex, or maybe has had a garage apartment or a few housing units, and rented those, you know how difficult the eviction process is. Each State in this country has a complex system of eviction procedures so that tenants cannot be unfairly removed from their premises. Sometimes these laws are pretty complex and it takes a good bit of effort before somebody can be removed if they don't pay their rent, or if they are using drugs on the premises, or destroying the property, or disrupting the neighborhood. It is very

difficult sometimes. But there is a procedure for it, and you can go to State court and evict someone.

We are finding that lawyers are running ads in the paper such as this: "Seven months free rent. Call me if you have a problem paying your rent. We guarantee you can live rent free for seven months." We have ads on that: "Seven months free rent, 100 percent guaranteed in writing. We guarantee you can stay in your apartment or house 2 to 7 months more without paying a penny of rent."

How can they do that? They are doing it because they get the person in and tell them to file bankruptcy, and usually they tell them to wait until the last step of the eviction process is about to be taken in State court, when the judge has heard the case and they are about to rule that you can be evicted, presumably. Then they file for bankruptcy.

What happens when you file an action in bankruptcy? It stays, or stops, automatically, all the proceedings in State court. So this stops the eviction proceeding, no matter how close it is to finality. And then the poor landlords—who opponents of the bill like to suggest are usually big wealthy people, but normally most of the landlords in America have smaller units of housing and don't have legal staffs and an ability to respond—now they have to go to bankruptcy court. The case is docketed, the judge sets a hearing, and somebody asks for a continuance, and they have to hire a lawyer. Now the tenant is fussing and saying he wasn't using drugs anyway and should not be kicked out. Now we have another trial going in Federal court over whether or not this person should be evicted. We found that, in California, 3,886 bankruptcy cases were filed simply to stop eviction proceedings by the sheriff's office in Los Angeles. That is an astounding number from just one county in America. It is this kind of ad that generates this kind of action.

I don't know for sure, but a lot of these people probably didn't need to file bankruptcy, but we are giving them a priority and advantages that other people who don't file bankruptcy don't get. It seems to me that, in effect, we are saying to a landlord: You have to be a private charity. You have to let this person stay in your premises for 7 months without paying rent before we can get him out of there, and we in the law can't do anything about it. That is the way the law is written.

Well, it is our job as Senators and Members of Congress to fix laws that have those kinds of loopholes. We are going to fix that one. We are not going to have that kind of abuse continuing to occur in America. It is not right. It is our responsibility to end this abuse. You can blame the lawyers all you want, but if the law allows them to do it, they can do it. It is our job to make the law, not the lawyers who are using it.

We have another idea that I thought about and believe in strongly. I have

visited, in my hometown of Mobile, AL, a credit counseling agency. I spent nearly a full day there. These agencies are in existence virtually in every town in this country. They are very popular. People, more than you know, have financial troubles. It is the leading cause of family breakup in America—financial disputes among spouses. What we need more than we need bankruptcy relief in America is a system to encourage people to be good money managers, to recognize what their income is, to set a budget, and have the whole family agree to it and stand by it. When that occurs, we can avoid many of the problems we now see.

I will note that I don't dispute at all that quite a number—perhaps well over half of bankruptcies that are filed—are filed because of things beyond people's ability to control. Maybe it is because of an automobile accident, or a serious medical bill, or a business failure, or maybe a mental illness or something else in the family. So there are reasons. But for a large number of Americans, they don't need to be this bad off in this time of economic growth. A lot of it is just a simple inability to understand how to manage their money.

A credit counseling agency will bring the entire family in, and they will sit around the table and prepare a budget for the family and help them agree to it and have them sign that agreement. They will help them decide what debts to pay first. The credit counseling agency will call creditors demanding payment and say: We are here working with this couple. If you will give us 3 months to take care of some other bills, we will start paying you. We will start paying you so much a month, and we will pay this debt down. Give us that chance.

Creditors are able to do that on a regular basis. They work out things for these families and help them to not only avoid bankruptcy, they help them to pay off their debts and help them to generate a lifestyle of good money management, which will continue in the future and perhaps cause them to avoid filing bankruptcy again in the future. We like that idea.

Our legislation says that before you file bankruptcy, you must at least visit and talk with a credit counseling agency to see if they may be able to help you with an alternative to bankruptcy. Frankly, lawyers are not doing that. Basically, what is happening with lawyers today is, they are running ads in the paper, and people are coming in and meeting with paralegals who fill out the form, and they file the bankruptcy; they tell them how much the fee is going to be, and then they tell them how to get the money for the fee, to use credit cards and everything else, and don't pay any debts, take the money you make and give it to me as a lawyer fee, and I will file for you as soon as the money is there. That is basically what is happening. It is not good. We need to be concerned about families and try to get them on the

right track of thinking about financial obligations and the need to repay them.

So there are some other matters in this bill—many more matters of great import. I am excited about it. I think it is overdue. I want to express my appreciation again for the leadership of Senator GRASSLEY. He has steadfastly, fairly, and in a bipartisan way, worked to move this bill to final passage.

I am convinced we are on the verge of that now. I thought we were previously. It slipped away from us. But we passed it twice in this body I think with overwhelming votes—one time, I believe with only one "no" vote.

We are going to pass this bill. It is a good bill. It will make our bankruptcy system a form of Federal court in which people who are unable to pay their debt can choose to go in and have those wiped out.

We are going to create a system that is better than the current system. The vast majority of filers will be able to wipe out all of the debt like they always have. But for those who can pay, they ought to be made to pay some of it and to allow the other abuses and costs that go with it to be eliminated.

Attorney fees and litigation can be eliminated. Some people are going to find maybe there is an alternative through a credit counseling agency rather than going through the process of filing bankruptcy. I think that will be a good step.

I am proud to have worked on this. I am proud to have worked with Senator GRASSLEY, whom I admire so greatly. I look forward to final passage and signing by the President of this important legislation.

Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Madam President, in a few moments, I will ask unanimous consent to proceed to the nuclear waste bill. However, I will withhold that request until Senator REID is able to reach the Chamber. I thought while we were waiting on his arrival I would go ahead and make some remarks about this very important legislation.

We will, for the information of all Senators, continue to work tomorrow on the bankruptcy reform package and the amendments that have been agreed to. We hope to make good progress tomorrow. We will have recorded votes on Tuesday, but as to exactly when we will be able to finish it will require some communication with both sides of the aisle. It could be that we will not be able to finish until sometime Wednesday. After that, of course, we hope to be on the nuclear waste issue.

NUCLEAR WASTE STORAGE

Mr. LOTT. Madam President, I urge my colleagues to allow the body to move forward with regard to the nuclear waste storage bill. More than 15 years ago, Congress directed the Department of Energy to take responsibility for the disposal of nuclear waste created by commercial nuclear powerplants and our Nation's defense programs. Today, there are more than 100,000 tons of spent nuclear fuel that must be dealt with.

Quite some time has now passed since DOE was absolutely obligated under the NWPA Act of 1982 to begin accepting spent nuclear fuel from utility sites.

All across this country, we have sites where nuclear waste products are in open pools, cooling pools. Many of those are filling up. A number of States have a major problem.

In my opinion, this is one of the most important environmental issues we have to face as a nation. We have to deal with this problem. There have been billions of dollars spent on it. There has been time put into thinking about the proper way to do it. States all across this country, from Vermont to Mississippi to Minnesota to Washington, believe very strongly that we need to address this issue.

Apparently today, DOE is no closer in coming up with a solution. This is totally unacceptable. This is, in fact, wrong, so say the Federal courts. The law is clear, and DOE has not met its obligation, so the Congress must act.

I am encouraged that Senator MURKOWSKI and his committee have addressed the issue and they have come up with a different bill than the one we considered the year before last. They have made concessions, they have made improvements, and I thought we had a bill that was going to be generally overwhelmingly accepted.

I do think when we get over procedural hurdles, when the final vote is taken on this nuclear waste disposal bill, the vote will probably be in the high seventies or eighties when it is actually voted on, and that is an important point. The Senate will vote by overwhelming numbers for this legislation, so we need to move through the process.

I know there is opposition from the Senators from Nevada, and they have to have an opportunity to make their case and offer amendments if they feel the need to do so, as well as other Senators. But I think it is so important that we cannot allow it to languish any longer. It is a bipartisan effort that came out of the committee. It is safe, practical, and it is a workable solution for America's spent fuel storage needs.

This is the proper storage of spent fuel, and it is not being done in a partisan way. It is dealt with as a safety issue. Where is DOE? Well, about where it is always, I guess. What is their solution? If not this, what?

They have not given us any answers or any indications of how they would

like to proceed with this. All of America's experience in waste management over the last 25 years of improving environmental protection has taught Congress that safe, effective waste handling practices entail using centralized, permitted, and controlled facilities to gather and manage accumulated waste.

I took the time to go to Sweden and France and to meet with officials from the private sector in Britain. I looked at how they have dealt with their waste problem. They have dealt with it. Sweden has; France has; Britain and Japan; but not the United States. Why? We are the most developed country in the world, yet we have not dealt with this very important issue. So after over 25 years of working with this problem, DOE has still not made specific plans.

The management of used nuclear fuel should capitalize on the knowledge and experience we have. Nearly 100 communities have this spent fuel sitting in their "backyards," and it needs to be gathered, accumulated, and placed in a secure and safe place. This lack of a central storage capacity could very possibly cause the closing of several nuclear powerplants.

These affected plants produce nearly 20 percent of America's electricity. Closing these plants does not make sense. But if we do not do something with the waste, that could be the result.

Nuclear energy is a significant part of America's energy future and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity. At the same time, nuclear power allows the Nation to directly and effectively address increasingly stringent air quality requirements.

I challenge my colleagues in the Chamber, on both sides of the aisle, to get this bill done. We spent a lot of time on it the year before last. We ran into the blue slip problem with the House. We will not have that problem with this bill.

The citizens in these communities are looking for us to act. The nuclear industry had already committed to the Federal Government about \$15 billion toward building the facility by 1998. The industry has continued to pay between \$40 and \$80 billion in fees for storage of this spent fuel.

It is time for the Federal Government to honor its commitment to the American people and to the power community. It is time for the Federal Government to protect these 100 communities to ensure that the Federal Government meets its commitment to States and electricity consumers. The 106th Congress must mandate completion of this program—a program that gives the Federal Government title to waste currently stored on-site at facilities across the Nation, a site for permanent disposal, and a transportation infrastructure to safely move the used fuel from plants to the storage facility.

Again, I have had people express concerns to me about how this can be done safely. I actually took the time to look at the equipment that is used to move this spent fuel in other countries, particularly in France, and they have done it safely, without a single incident—no problem ever. Again, they are doing it in France. Can't we do it in America?

Our foot dragging is unfortunate. It is unacceptable. Clearly, we must move this legislation. The only remedy to stop the delays—and it is a timely action—is for the Senate to consider this in the 106th Congress.

Let's move forward and get this legislation done.

Madam President, I see Senator REID is here.

UNANIMOUS CONSENT REQUEST—
S. 1287

Mr. LOTT. Madam President, I ask unanimous consent that the Senate proceed to the nuclear waste bill, S. 1287, following passage of the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I say to my friend, the majority leader, that on the surface it does appear that something needs to be done with nuclear waste. If you get under the surface, of course, there should be something done.

I am not going to give a long dissertation now on nuclear waste. We have had that in the past. But the fact of the matter is, really what should happen is, it should stay where it is. That is what the scientists say. It could be safely stored on site in dry cast storage containment, as is done in Calvert Cliffs, MD, for the next 100 years.

The nuclear power industry, which has created this fiasco, wants someone else to clean up their mess. They want it out of their hands. They want their hands washed of it.

The fact of the matter is, we are looking at this legislation. Senator MURKOWSKI is trying to come up with some alternative. I have been told by the minority on the Energy Committee that if that is the case, he is going to try to change the legislation that is now before this body. That is, the legislation now before this body would take the Environmental Protection Agency out of the mix; that is, the Environmental Protection Agency would not be setting the standards for Yucca Mountain, but it would be given to the Nuclear Regulatory Commission, which, in fact, is the one that does licensing. That really is literally having the fox guard the hen house.

In this legislation, we simply want things to remain the way they are—have the Environmental Protection Agency set the standards. But we understand there is a lot of agitation by the very powerful nuclear power industry, that wants to move this forward in spite of the fact that it could damage

the country. We understand that. We hope good sense will prevail because the President has said he will veto this legislation. I think that is the reason Senator MURKOWSKI, the chairman of the committee, wants to come up with something that is going to be such that it will not create a fight here on the floor.

As the majority leader knows, we have enough votes to sustain a Presidential veto. We hope we will not get to the point where that is necessary.

Will the leader again state what the request is?

Mr. LOTT. The consent would be for the Senate to proceed to the nuclear waste bill, S. 1287, following passage of the bankruptcy bill.

Mr. REID. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I understood the Senator would object.

I think it is very important, though, that we move this legislation forward.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Having heard the objection then, I move to proceed to S. 1287 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 180, S. 1287, the Nuclear Waste Amendments Act of 1999:

Trent Lott, Frank H. Murkowski, Jim Bunning, Thad Cochran, Kay Bailey Hutchison, Mike Crapo, Richard Shelby, Larry E. Craig, Craig Thomas, Judd Gregg, Jeff Sessions, Bob Smith of New Hampshire, Phil Gramm, Slade Gorton, Tim Hutchinson, and Don Nickles.

Mr. LOTT. Madam President, the cloture vote will occur on Wednesday, February 2. I will notify Members when the time has been established. Of course, I will confer with the Democratic leadership about the exact time.

In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and the cloture vote occur immediately following the passage of the bankruptcy bill after the use or yielding back of 30 minutes of debate time, equally divided in the usual form.

Mr. REID. Reserving the right to object to that request of the leader, I am confident that request will be granted. I cannot do it right now, but I am sure we will be able to—my colleague from Nevada is on an airplane. I want to be able to confer with him. I think we will be able to do that without a problem.

Mr. LOTT. We appreciate that and look forward to conferring with the

Senator on that. I will talk to Senator MURKOWSKI, too, about any plans he may have. I know he wants to get this done. But he is also sensitive to concerns that exist.

We will continue to work to find a way to make this happen.

Mr. REID. Mr. Leader, if I could say this, too. I say about Senator MURKOWSKI, we have been real adversaries on this issue, but I have to say that he has been a total gentleman about everything he has done on this. As bitter as are some of the pills he has asked us to swallow, the fact of the matter is he has never tried to surprise me. He has been very open and above board. I appreciate that very much about Senator MURKOWSKI.

Mr. LOTT. Madam President, we should go ahead and clarify, there was not objection to this?

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. I say to my friend, I do not know how, procedurally, we are going to go about doing this. I have to talk to Senator BRYAN before I can allow this to go forward. I cannot do that right now. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Let me revise that request and/or that notification and see if we can get unanimous consent that we have the cloture vote on Wednesday, February 3. We will notify Members exactly what the time will be. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and then not put in the limiting of the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Let me say, while I believe very strongly that this legislation needs to be passed and is an issue that has tremendous environmental consequences and concerns we have to address, I think the Senator from Nevada would also acknowledge that we have always been sensitive to the need for him and his colleague from Nevada to know what is going on, to not be surprised, have a chance to make their statements, offer amendments, and resist in every way. I am very sympathetic to the need for them to have that opportunity. We will protect their rights as we go forward. We appreciate the way the Senator has approached it also.

I now withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

Mr. LOTT. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Wellstone amendment to the bankruptcy legislation.

Mr. FEINGOLD. Madam President, I ask unanimous consent to speak for 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 8 minutes.

DECISION TO SUSPEND EXECUTIONS IN ILLINOIS

Mr. FEINGOLD. Madam President, earlier today, Governor George Ryan of Illinois made an announcement that is absolutely unprecedented for a sitting governor since the reinstatement of the modern death penalty almost 25 years ago. Governor Ryan plans to effectively block executions in Illinois by granting stays of all scheduled executions on a case-by-case basis until a State panel can examine whether Illinois is administering the death penalty fairly and justly. Governor Ryan is right to take this step, because real questions are being raised about whether innocent people are being condemned to die.

Since the U.S. Supreme Court's 1976 Gregg decision finding the death penalty constitutional, Illinois has executed 12 people and found 13 people on death row to be innocent. This is truly extraordinary. After condemning people to death, Illinois has actually found more death row inmates innocent than it has executed! Some of the innocent were exonerated based on a new DNA test of forensic evidence. Others successfully challenged their convictions based on inadequate representation by disbarred or suspended attorneys or a determination that crucial testimony of a jailhouse informant was unreliable. Illinois has exonerated 13 individuals but the numbers are sure to grow, as other cases continue to be investigated and appeals make their way through the courts.

What is even more troubling is that the lives of some of these 13 innocent people were saved not by the diligence of defense counsel or a jury or judge, but by a group of students taking a journalism class at Northwestern University. These Northwestern University students uncovered evidence, which led to the exoneration of people like Anthony Porter, who spent 15 years on death row and came within 2 days of execution. The criminal justice system failed to do its job. These students and their journalism professor—actors very much outside the criminal justice system—did the footwork to uncover exculpatory evidence. Governor Ryan supports the death penalty as a form of punishment in Illinois. I do not. But he has courageously acknowledged what many lawyers, scholars, and journalists have argued for some time: the criminal justice system in Illinois is broken and it must be fixed.

I applaud Governor Ryan for what is unfortunately unusual courage. Many political leaders, even those who may be personally opposed to the death penalty, nevertheless feel it is somehow "political suicide" to support a moratorium on executions. They fear being

labeled "soft on crime." But, last year, the Nebraska legislature passed a moratorium initiative, unfortunately, it was only to be vetoed later by the governor. But Governor Ryan—a Republican Governor and the Illinois chair of Republican Presidential hopeful George W. Bush's campaign—has decided he will lead the people of Illinois to expecting more from their criminal justice system. He has decided to hold out for what should be the minimum standard of any system of justice: that we do all that we can not to execute an innocent person.

As a result of the Governor's action, Illinois is the first of the 38 States with the death penalty to halt all executions while it reviews the death penalty procedure. But the problems of inadequate representation, lack of access to DNA testing, police misconduct, racial bias and even simple errors are not unique to Illinois. These are problems that have plagued the administration of capital punishment around the country since the reinstatement of capital punishment almost a quarter century ago. I hope the Federal government and the other 37 States with capital punishment follow the wisdom of Illinois and halt executions until they, too, review their administration of the death penalty. At the Federal level, I call on the President and the Attorney General to suspend executions until the Federal government reviews the administration of the Federal death penalty.

Are we certain that the Federal death penalty is being applied in a fair, just and unbiased manner? Are we certain that the Federal death penalty is sought against defendants free of even a hint of racial bias? Are we certain that the Federal death penalty is sought evenly from U.S. Attorney district to U.S. Attorney district across the Nation? I don't think we have a clear answer to these questions. Yet, these are questions, literally, of life or death.

There isn't room for even a simple mistake when it comes to the ultimate punishment, the death penalty. For a nation that holds itself to principles of justice, equality and due process, the Federal government should not be in the business of punishing by killing. As Governor Ryan's spokesperson aptly noted, "It's really not about politics. How could anyone be opposed to this when the system is so clearly flawed?"

Let us not let one more innocent person be condemned to die. Let us demand reform.

In a moment, I intend to offer an amendment to the bankruptcy bill. 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. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. FEINGOLD. Madam President, I ask unanimous consent that the pending Wellstone amendment be set aside so I may offer an amendment.

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

AMENDMENT NO. 2747

(Purpose: To make an amendment with respect to consumer credit transactions)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2747.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title XI, insert the following:

SEC. 11 . CONSUMER CREDIT TRANSACTIONS.

(a) DEFINITION.—Section 1 of title 9, United States Code, is amended—

(1) in the section heading, by striking "**and 'commerce' defined**" and inserting "**and 'commerce', 'consumer credit transaction', and 'consumer credit contract' defined**"; and

(2) by inserting before the period at the end the following: "**; 'consumer credit transaction', as herein defined, means the right granted to a natural person to incur debt and defer its payment, where the credit is intended primarily for personal, family, or household purposes; and 'consumer credit contract', as herein defined, means any contract between the parties to a consumer credit transaction.**";

(b) AGREEMENTS TO ARBITRATE.—Section 2 of title 9, United States Code, is amended by adding at the end the following: "**Notwithstanding the preceding sentence, a written provision in any consumer credit contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of the contract, or the refusal to perform the whole or any part thereof, shall not be valid or enforceable. Nothing in this section shall prohibit the enforcement of any written agreement to settle by arbitration a controversy arising out of a consumer credit contract, if such written agreement has been entered into by the parties to the consumer credit contract after the controversy has arisen.**"

Mr. FEINGOLD. Madam President, I rise today to introduce an amendment to the bankruptcy reform bill that will protect and preserve the American consumers' right to take their disputes with creditors to court. There is a troubling trend among credit card companies and consumer credit lenders of requiring customers to use binding arbitration when a dispute arises. Under this system, the consumer is barred from taking a dispute to court, even a small claims court.

While arbitration can certainly be an efficient tool to settle claims, it is credible and effective only when customers and consumers enter into it

knowingly, intelligently, and voluntarily. Unfortunately, that is not what is happening in the credit card and consumer credit lending business. One of the most fundamental principles of our civil justice system is each American's right to take a dispute to court. In fact, each of us has a right in civil and criminal cases to a trial by jury. A right to a jury trial in criminal cases is contained in the sixth amendment to the Constitution. The right to a jury trial in a civil case is contained in the seventh amendment, which provides, "In suits at common law where the value and controversy shall exceed \$20, the right of trial by jury shall be preserved."

It has been argued that Americans are overusing the courts. Court dockets across the country are said to be congested with civil cases. In response to these concerns, various ways to resolve disputes, other than taking a dispute to court, have been developed. Alternatives to litigating in a court of law are collectively known as "alternative dispute resolution," or ADR. Alternative dispute resolution includes mediation and arbitration. Mediation and arbitration can resolve disputes in an efficient manner because the parties can have their cases heard well before they would have received a trial date in a court. Mediation is conducted by a neutral third party, the mediator, who meets with the opposing parties to help them find a mutually satisfactory solution. Unlike a judge in a courtroom, the mediator has no independent power to impose a solution. No formal rules of evidence or procedure control mediation. The mediator and the parties mutually agree on how to proceed.

In contrast, arbitration involves one or more third parties—an arbitrator or arbitration panel. Unlike mediation but similar to a court proceeding, the arbitrator issues a decision after reviewing the merits of the case as presented by all parties. Arbitration uses rules of evidence and procedure, although it may use rules that are simpler or more flexible than the evidentiary and procedural rules that a party would follow or be subjected to in a court proceeding. And arbitration can be either binding or nonbinding.

Nonbinding arbitration means the decision issued by the arbitrator or arbitration panel takes effect only if the parties agree to it after they know what the decision is.

In binding arbitration, parties agree in advance to accept and abide by the decision, whatever it is. In addition, there is a practice of inserting arbitration clauses in contracts to require arbitration as the forum to resolve disputes before a dispute has even arisen.

Now, this is called mandatory arbitration. This means that if there is a dispute, the complaining party cannot file suit in court, and instead is required to pursue arbitration. It is binding, mandatory arbitration, and it therefore means that under the contract the parties must use arbitration

to resolve a future disagreement, and the decision of the arbitration panel is final. The parties have no ability to seek relief in court or through mediation. In fact, if they are not satisfied with the arbitration outcome, they are probably stuck with the decision. Even if a party believes the arbitrator did not consider all the facts or follow the law, the party cannot file a lawsuit in court. A basis to challenge a binding arbitration decision exists only where there is reason to believe the arbitrator committed actual fraud, which is a pretty unlikely scenario.

In contrast, if a dispute is resolved by a court, the parties can potentially pursue an appeal of the lower court's decision.

Madam President, because binding mandatory arbitration is so conclusive, this form of arbitration can be a credible means of dispute resolution only when all parties know and understand the full ramifications of agreeing to it. I am afraid that is not what is happening in our Nation's business climate and economy in a variety of contexts ranging from motor vehicle franchise agreements, to employment agreements, to credit card agreements. I am proud to have sponsored legislation addressing employment agreements and motor vehicle franchise agreements. In fact, I am the original cosponsor, with my distinguished colleague from Iowa, Senator GRASSLEY, the manager of the bankruptcy reform bill, of S. 1020, which would prohibit the unilateral imposition of binding, mandatory arbitration in motor vehicle dealership agreements with manufacturers. Many of our colleagues have joined us as cosponsors.

Similar to the problem in the motor vehicle dealership context, there is a growing, menacing trend of credit card companies and consumer credit lenders inserting binding, mandatory arbitration clauses in agreements with consumers. Companies such as First USA Bank, American Express, and Green Tree Discount Company unilaterally insert binding mandatory arbitration clauses in their agreements with consumers, often without the consumers' knowledge or consent.

The most common way the credit card companies have done so is often through the use of a "bill stuffer." Bill stuffers are the advertisements and other materials that credit card companies insert in envelopes with the customers' monthly statements. Some credit card issuers such as American Express have placed fine-print, mandatory arbitration clauses on bill stuffers. Let's take a look at what I am talking about.

I have in my hand a monthly statement mailing from American Express. Let's look inside.

First, we have the return envelope to pay your bill. And look at what is on the envelope. They have attached an advertisement.

So before you can mail your payment, you have to tear this advertise-

ment off the back of the envelope. Otherwise you won't be able to seal it shut.

Then, if you look at what else is in the envelope, here is the monthly statement. It is a multipage printed form, front and back.

On this occasion, even though there was very little activity on this particular account—one charge and one credit—the statement is six pages long. The first page contains information about how much you owe American Express, charges made, payments received, finance charges applied, and so on. The reverse side of the first page also contains some fine print information about the account.

Then, if you look at pages 3 and 4 they contain additional fine-print information about the account; for example, what to do if your card is stolen or lost, and a summary of your billing rights.

If you keep reading at this point, you look at pages 5 and 6. They are chock full of advertising material. Target stores urge you to shop with them. The State of North Carolina encourages you to plan your next holiday in North Carolina.

This past spring, in addition to an American Express cardholder being bombarded with all of this information, American Express cardholders also received this—For Your Information, "FYI, A Summary of Changes to Agreements and Benefits." The summary is 10 pages long.

In addition to the multipage statement of charges, terms, and advertising material, the cardholder received another multipage document with fine-print terms and conditions.

If my colleagues are like me and most Americans, I review the statement of charges for accuracy, look at how much I owe, rip off the bottom portion, stick it and my check in the return envelope, and mail it to American Express. I don't spend a lot of time reading all of the fine-print information about the account or the ad. I certainly would not spend time reading a 10-page summary of changes to my statement. At most, I might scan these other pages and bill stuffers, but I would not spend time reading them in detail.

Let's look at the summary of changes. As I said, it is called, "FYI, A Summary of Changes to Agreements and Benefits." When you look at their summary, there are two things that hit you: The cartoon in the middle and the big letters, "FYI" in the upper left side of the first page. FYI, for your information, to me and most Americans means that it contains some information that may be of interest to me but nothing that requires serious thought or action from me. In reality, however, the summary of changes is a complex, fine-print document that almost reads like a legal document. It talks about changes to various privileges of the American Express card membership, American Express Purchase Protection

Plan, Buyer's Assurance Plan, Car Rental Loss and Damage Insurance Plan, and Credit Protection Plan.

In addition, the summary contains an arbitration provision on page 2. Even though the document contains changes to the terms of the agreement with the cardholder—it actually changes the contract between the parties—it is simply labeled as an FYI, for your information, document. I find that troubling.

If we take a closer look at the arbitration provision, this arbitration provision is in condensed, fine print, to say the least. It is not exactly easy to read, even though this is an enlarged version of the original. The key clause in this arbitration provision is the following:

If arbitration is chosen by any party with respect to a claim, neither you nor we will have the right to litigate that claim in court or have a jury trial on that claim.

I will repeat that.

If the cardholder has a dispute with American Express, the cardholder cannot take the claim to court or have a jury trial on the claim. This provision took effect on June 1 of last year. So if you are an American Express cardholder and you have a dispute with American Express, as of June 1999, you can't take your claim to court—even small claims court. You are bound to use arbitration, and you are bound to live with the final arbitration decision.

In this case, you are also bound to use an arbitration organization selected by American Express, the National Arbitration Forum.

Unfortunately, American Express isn't the only credit card company imposing mandatory arbitration on its customers. First USA Bank, the largest issuer of Visa cards, with 58 million customers, has been doing the same thing since 1997.

Here is the bill stuffer distributed by First USA. This is the inside of a folded, one-page insert. As you can see, similar to the American Express summary, this is another fine-print, condensed set of terms and conditions. It covers a wide variety of topics, including information on finance charges, termination and foreign currency transactions. Here in the last column are the three paragraphs on the arbitration provision. The language is similar to the American Express language and states that the cardholders' dispute will be resolved by arbitration. The cardholder will not be able to go to a court to resolve the claim. No "if's," "and's," or "but's" about it. Just plain and simple. The cardholder, by virtue of continuing to simply use the First USA card, gives up the right to go to court, even small claims court, to resolve the dispute.

Unfortunately, this problem also extends beyond credit cards. It is also a growing practice in the consumer loan industry. Consumer credit lenders such as Green Tree Consumer Discount

Company are inserting mandatory arbitration clauses in their loan agreement. The problem is these loan agreements are usually adhesion contracts, which means that the consumer must either sign the agreement as is or forego a loan.

In other words, the consumer lacks the bargaining power to have the clause removed. More importantly, when signing on the dotted line of the loan agreement, the consumer may not even understand what mandatory arbitration means. The consumer in all likelihood does not understand that he or she has written away his or her right to go to court to resolve a dispute with the lender.

Arbitration in some ways, of course, is an efficient way to settle disputes. But it has to be entered into knowingly and voluntarily. That is not what is happening in either the consumer loan or credit card industries.

You might say that if consumers are not pleased with being subjected to a mandatory arbitration clause, consumers can cancel their credit card, or not execute on their loan agreement, and they can take their business elsewhere. Unfortunately, that is easier said than done. As I mentioned, First USA Bank, the Nation's largest Visa card issuer, is part of this questionable practice. In fact, the practice is becoming so pervasive that consumers may soon no longer have an alternative unless they forego use of a credit card or a consumer loan entirely. I think that is kind of a hefty price to pay to retain the longstanding right to go to court.

In my opinion, this is a decision that consumers should not be forced to make. Companies such as First USA, American Express, and Green Tree argue that they rely on mandatory arbitration to resolve disputes faster and cheaper than court litigation. The claim may be resolved faster, but is it really cheaper? Is it as fair as a court of law? I don't think so.

Arbitration organizations can charge exorbitant fees to the consumer who brings a dispute—often an initial filing fee plus hourly fees to the arbitrator or arbitrators involved in the case. These costs to consumers can be higher than bringing the matter to small claims court and paying a court filing fee.

For example, the National Arbitration Forum, the arbitration entity of choice for American Express and First USA, the National Arbitration Forum charges fees that are likely greater than if the consumer brought a dispute in small claims court. For a claim of less than \$1,000, the National Arbitration Forum charges the consumer a \$49 filing fee. In contrast, the consumer could have brought the same claim, in small claims court here in the District of Columbia and would have paid a fee of no more than \$10. In other words, the consumer pays a fee to the National Arbitration Forum that is nearly five times more than the fee for filing a claim with small claims court.

That is bad enough, but the National Arbitration Forum's competitors are

even worse. The American Arbitration Association charges a \$500 filing fee for claims of less than \$10,000, or more if the claim exceeds \$10,000, and a minimum filing fee of \$2,000 if the case involves three or more arbitrators. In addition to the filing fee, they also charge a hearing fee for holding hearings other than the initial hearing—\$150 to be paid by each party for each day of hearings before a single arbitrator, for \$250 if the hearing is held before an arbitration panel. The International Chamber of Commerce requires a \$2,500 administrative fee plus an arbitrator's fee of at least \$2,500, if the claim is less than \$50,000. These fees are greater if the claim exceeds \$50,000. This \$5,000 or more fee could very well be greater than the consumer's entire claim. So, as you can see, the consumer's dispute is not resolved more efficiently with arbitration. It is resolved either at greater cost to the consumer or not at all, if the consumer cannot afford the costs, or the costs outweigh the amount in dispute.

The unilateral imposition of mandatory arbitration also raises fairness concerns. As I demonstrated earlier, typical cardholders are not likely to ever notice the arbitration provision. But even if they notice the provision and read the fine print, consumers nevertheless may not understand that their right to court has just been stripped away. So, what we have here is a small number of people who will actually read the bill stuffer and an even smaller number who will understand what it means.

Another problem with mandatory, binding arbitration is that the lender gets to decide in advance who the arbitrator will be. In the case of American Express and First USA, they have chosen the National Arbitration Forum. All credit card disputes with consumers involving American Express or First USA are handled by them. What does this mean? If you think about it, the arbitrator has a financial interest in reaching an outcome that favors the credit card company. If the National Arbitration Forum develops a pattern of reaching decisions that favor the cardholder, wouldn't American Express or First USA strongly consider taking their arbitration business elsewhere? I think there is a very good chance, I would say there is a significant chance that would happen.

There has been one important ruling on the enforceability of mandatory arbitration provisions in credit card agreements. That ruling involved a mandatory arbitration provision announced in mailings to Bank of America credit card and deposit account holders. In a 1998 decision by the California Court of Appeals, which the California Supreme Court refused to review, the court ruled that the mandatory arbitration clauses unilaterally imposed on the Bank's customers were invalid and unenforceable. As a result of that decision, credit card companies

in California cannot impose mandatory arbitration in their disputes with customers. In fact, the American Express notice recognizes this fact and notes here at the bottom that the provision will not apply to California residents until further notice from the company. I think that was a wise, well-reasoned decision by the California appellate court, but Americans have no assurance that all courts will reach the same fair and reasonable decision.

My amendment extends the wisdom of the California appellate decision to every credit cardholder and consumer loan borrower in the country. It amends the Federal Arbitration Act to prohibit the unilateral imposition of mandatory, binding arbitration in consumer credit transactions. Let me be clear. I believe that arbitration can be an efficient way to settle disputes. I agree we ought to encourage alternative dispute resolution. But I also believe that arbitration is a fair way to settle disputes only when it is entered into knowingly and voluntarily by both parties to the dispute. My amendment does not prohibit arbitration of consumer credit transactions when entered into voluntarily and knowingly. It merely prohibits binding, mandatory arbitration imposed unilaterally without the consumer's knowledgeable and/or voluntary consent.

Credit card companies and consumer credit lenders are increasingly slamming the courthouse doors shut on consumers, often unbeknownst to them. This is grossly unjust. Let's restore fairness to the resolution of consumer credit disputes.

At some point I hope that my colleagues will join me in keeping the doors to the courthouse open to all American credit card users and consumer credit borrowers. At this time, however, I will not push for a vote on this issue. I have agreed to withdraw this amendment with the understanding from my friend from Iowa, Senator GRASSLEY, the manager of this bill and the chair of the Judiciary Subcommittee on Administrative Oversight and the Courts, that the issue of mandatory arbitration in consumer credit agreements will be part of a hearing to be held in the Courts Subcommittee on March 1. That hearing will address the Federal Arbitration Act and the problem of mandatory arbitration clauses inserted in contracts unilaterally. I appreciate Senator GRASSLEY's leadership and cooperation in reaching this accommodation. I look forward to working with him on this issue, as well as the broader issue of the growing, problematic trend of the unilateral imposition of mandatory arbitration in a variety of contracts.

I admire the leadership of the Senator on the overall issue in addition to the fact it has come up and is a serious problem in the consumer credit agreement area.

Mr. GRASSLEY addressed the Chair.

AMENDMENT NO. 2747 WITHDRAWN

Mr. FEINGOLD. Madam President, I withdraw the amendment and yield the floor.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I have had a chance to discuss this issue with the Senator from Wisconsin over a long period of time, both at the subcommittee level, the committee level, and during floor action on this bill which has been going on now since last October, with a long interim for a holiday break.

I appreciate what the Senator from Wisconsin is trying to do. We have joined together on a bill dealing with one aspect of this problem and that happens to be a bill which deals with arbitration in the automobile industry. As the lead Member of the Senate on alternative dispute resolution issues, I certainly do not want alternative dispute resolution to be used in unfair ways. So following up on the request of the Senator from Wisconsin that if we could make some sort of arrangement for his not offering his amendment at this time—and he has withdrawn it—I have scheduled a hearing in my judiciary subcommittee on our bill. I hope to air some of these other problems the Senator has raised.

I do have a great deal of sympathy for what the Senator from Wisconsin is attempting, but I think more ground-work needs to be done so we all have a better understanding of these issues before moving ahead at this time.

The bottom line, I say to the Senator from Wisconsin—and I hope he will answer yes or no—is that I wish to make sure he is working with us between now and our hearing so every commitment I have made in regard to his offering or not offering his arbitration amendment to this bill at this time is to his satisfaction.

Mr. FEINGOLD. Madam President, it is very much to my satisfaction. I am delighted to know we are going to look at a variety of contexts at this hearing, including this one with the credit card companies but also the one my colleague and I have had so much interest in regarding motor vehicles and also the employment discrimination area. To me, although I would be pleased to have this amendment on this bill, I think that is a good opportunity to point out the overall problem we have had, what my colleague described as the possibility arbitration would be used in a way that neither of us would like, that it would somehow become a method of unfairness instead of what we both hope, which is a way to resolve disputes more efficiently or economically, sometimes, than when you go to court. I think it is an excellent idea.

I look forward to working with the chairman in preparation for the hearing. I think it is a good way to work out all these issues, and, again, I thank the Senator from Iowa for being very

easy to work with on this and being very serious about getting something done.

Mr. SARBANES. Madam President, I express my appreciation to the managers of the bankruptcy bill, Senators LEAHY, TORRICELLI, GRASSLEY, and HATCH, for accepting and including an amendment I had planned to offer on the floor as part of the managers' amendment to S. 625. My amendment requires that a simple yet important disclosure be made on credit card bills to help protect consumers.

During the bankruptcy reform debate in the last Congress, the Senate examined whether the increased rate of consumer bankruptcies in the Nation resulted solely from consumers' access to an excessively permissive bankruptcy process, or whether other factors also contributed to this increase. Ultimately we concluded that the record increase in bankruptcy filings across the nation was due not only to the ease with which one can enter the bankruptcy system, but also to the unparalleled levels of consumer debt—especially credit card debt—being run up across the country. As Senator DURBIN noted, and as the CBO, FDIC, and numerous economists have found, the rate of increase in bankruptcy filings paralleled the rate of increase in consumer debt.

This is not a coincidence. Rather, increased bankruptcies proceed directly from the fact that Americans are bombarded daily by credit card solicitations that promise easy access to credit without informing their targets of the implications of signing up for such credit.

During our debate in the last Congress, the Senate also concluded that irresponsible borrowing could be reduced, and many bankruptcies averted, if Americans were provided with some basic information in their credit card materials regarding the consequences of assuming greater debt. A consensus emerged that credit card companies have some affirmative obligation to provide such information to consumers in their solicitations, monthly statements, and purchasing materials, in light of their aggressive pursuit of less and less knowledgeable borrowers.

As a result of this consensus, the Senate's bankruptcy bill in the last Congress—S. 1301—contained several provisions in the managers' amendment addressing credit card debt, and requiring specific disclosures by credit card companies in their payment and solicitation materials. These provisions, which I sponsored along with Senators DODD and DURBIN, were vital to the Senate's success in adopting balanced bankruptcy reform legislation by the overwhelming margin of 97-1.

Unfortunately, the House-Senate conference committee struck these disclosure provisions from its final conference report, leaving the bankruptcy bill again a one-sided document that failed to account for the role credit card companies play in the accumula-

tion of credit card debt and in increased consumer bankruptcy rates. As a result of the conference committee's actions, the conference report died in the waning days of the 105th Congress.

As we again debate bankruptcy legislation, it remains my firm belief that Congress must address both sides of the consumer bankruptcy equation—both the flaws in the bankruptcy system that make it easy for people to declare bankruptcy even if they have the ability to pay their debts, and the lending practices that encourage people with limited financial resources to accumulate debts that are beyond their ability to repay.

Last year, the Senate adopted an amendment to S. 625 that requires credit card issuers to give customers on their billing statements three disclosures: (1) warning that paying just the minimum monthly amount will increase the interest they pay and the time it takes to repay their balances; (2) a generic example; and (3) a toll-free number a customer can call for an estimate of how long he or she has to pay the minimum payment and the total payment to pay off his balance. However, the amendment contained an exception for certain credit card issuers that provide actual, instead of estimated, payment information. Such a credit card issuer would not have to disclose the warning, an example, or even the telephone number. This situation subverted the purpose of this section and distorted the balance contained in the original amendment.

My amendment would restore this balance by requiring some disclosures to be given by certain credit card issuers that have a toll-free number for informing customers of the actual number of months it takes to repay outstanding balances using minimum monthly payments requirement. It requires such credit card issuers to make two disclosures: (1) the telephone number and (2) a warning. My amendment requires the credit card bill to contain the statement, "Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: . . ."

If we are going to make it harder for individuals to file for bankruptcy, we need to make certain that they are informed about their credit decisions. The minimal warning contained in my amendment helps credit card customers who pay the minimum monthly amount on their credit card bills better understand how long it will take and how much they will pay to work off the balance. The Financial Literacy Center has calculated that a consumer who, for example, has a \$5,000 loan balance outstanding on which 17% interest is charged and who is paying 2% of the balance each month, will take 50 years to pay off the entire loan and end up paying \$33,447. That is a very long time and a significant burden that, with the disclosures in my amendment, debtors will be able to better appreciate.

My amendment helps consumers get important information that will enable them to analyze how to manage their credit card borrowing more effectively.

MORNING BUSINESS

Mr. GRASSLEY. Madam President, on behalf of the majority leader, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

NATIONAL BIOTECHNOLOGY MONTH

Mr. HATCH. Madam President, as we come to the end of the first month of the new millennium, I want to make a few remarks about the great promise of biotechnology in benefitting the American public. In fact, January 2000 has been very appropriately designated as Biotechnology Month.

In my view, this first century of the new millennium will be remembered by historians for revolutionary advances in biomedical research. It is fitting that in the next few months scientists will complete the mapping of the human genome—the basic blueprint of the structure of human beings. This event ranks very high in the technological achievements of mankind.

It is also noteworthy that this task required the confluence of some of the best minds in the medical sciences and computer technology. Frankly, the mapping of the human genome simply would not have been possible at this time absent the development of the low-cost, high-speed computers that have been available to scientists in recent years. Over the next few decades perhaps no more valuable cargo will travel down the information highway of the Internet than the gene maps.

This new knowledge will not sit idly in digital databases. For once the detailed genetic structure is known and accessible, researchers will be better able to understand the function of individual genes and complex interactions among collections of genes. Once both structure and function are ascertained, diagnostic tools, therapeutic agents and preventives such as vaccines can be more easily developed. It is the American public who stands to benefit most from this new knowledge and products.

It would be difficult to underestimate the effect that biotechnology will have on health care delivery and, more to the point, on the health status of the American public and our neighbors throughout the world. In the area of cancer, for example, we are positioned to make substantial gains in knowledge that will make traditional treatments obsolete. I am pleased that the University of Utah and Myriad Genetics, a small Salt Lake City biotech firm, are at the forefront of the battle against breast cancer. Their work on the BRCA-1 gene has contributed sub-

stantially to our understanding of how this terrible disease is triggered genetically. All of us wish success to these Utah scientists and their colleagues throughout the world in their efforts to curtail breast cancer.

Advances in biotechnology will also emanate from the medical device industry. For example, Paradigm Medical Industries, another Salt Lake City firm, is refining existing laser technology in order to develop a new "cold" laser that promises to reduce the adverse reactions rate associated with cataract surgery. While I may not be expert in all the scientific underpinnings of this new photon phacoemulsification system, I can say that since over 3 million cataract procedures are performed annually it is in the interest of the public to cut down on the current corneal burn rate of about 1,000 per day.

As a representative of the people of Utah, I am proud to report that my state is home to over 120 companies in the biosciences. These firms employ over 11,000 Utahns and an additional 2,500 individuals outside of Utah. Total annual revenues of these Utah bioscience firms is in excess of \$1.6 billion. The aggregate estimated market value of these firms exceeds \$8 billion.

The success of Utah in the exciting arena of biotechnology has been facilitated by the efforts the Utah Life Science Association—ULSA—and the State of Utah's Division of Business and Economic Development. I must commend the leadership of Governor Leavitt and Brian Moss of ULSA for their tireless efforts to promote the expansion of Utah's biotechnology sector.

Utah is certainly not alone in its activity in biotechnology. Nationally, there are over 1300 biotech companies. Collectively, these firms employ over 150,000 people. The biotechnology industry accounts for over \$10 billion in research and discovery activities annually and revenues of over \$18 billion.

Frankly, despite this impressive record of success, we have only scratched the surface of the future promise of this industry. About 90 biotechnology products have been approved by the Food and Drug Administration. More telling of the growing strength of this industry is the fact that over 350 biotechnology products are in late stage clinical trials. As these products move to the FDA approval stage, it seems foreseeable that in the next few years this research intensive sector, which recorded a net loss of \$5 billion in 1998, will move into and stay in the black.

As Chairman of the Judiciary Committee and as a Senator with a long time interest in health care, I can assure my colleagues that I will do all in my power to ensure that our intellectual property laws are structured in a way to help assure that the promising work in biotechnology laboratories can be delivered to the bedside of American patients in a fair and expeditious manner. To meet the goal of delivering new

therapies to the patients, we must also work to ensure that the FDA regulatory system promptly and consistently renders judgments based on science and that the laws affecting international trade do not result in unnecessary barriers to delivering these new breakthroughs worldwide.

In closing, I think it only fitting that the Senate has taken special note of the almost limitless frontier of biotechnology at the dawn of a new century and new millennium.

Ms. MIKULSKI. Madam President, I rise today in commemoration of January 2000, as National Biotechnology Month. In November, the Senate passed a resolution designating January 2000 as National Biotechnology Month.

Biotechnology is changing the face of medicine. The United States leads the world in biotechnology innovation. Approximately 1,300 biotech companies in this country employ more than 150,000 people. Biotech companies are on the cutting edge—working to develop innovative life-saving drugs and vaccines. The industry spent nearly \$10 billion on research and development in 1998 while revenues totaled \$18.4 billion. Product sales topped \$13 billion. The industry recorded a net loss of \$5 billion.

I'm proud that Maryland is home to over 200 biotechnology companies. Companies in Maryland are working to map the human genome and develop drugs to treat Alzheimer's, Parkinson's Disease, and diabetes. Biotechnology has grown in Maryland, in part because Maryland is a place for great medical innovations. Maryland is home to the "golden triangle"—private sector biotech companies, federal research laboratories, and universities. Maryland houses the National Institutes of Health (NIH), the Food and Drug Administration (FDA), other federal labs, outstanding academic research institutions such as Johns Hopkins University and the University of Maryland, and a growing number of biotech companies. The combination of these public and private sector entities creates a unique environment for research and new ideas to flourish.

Biotech companies will likely have an increasingly important role in providing medicines in the 21st century. The number of biotechnology drug approvals is increasing. More than 350 biotechnology medicines are already in late-stage clinical trials for heart ailments, cancer, and neurological diseases and infections. Some of these drugs will likely lead the way to improved health and well-being for millions of Americans. I salute the biotechnology companies in Maryland and across the country as they work to improve the lives of patients everywhere.

Mr. CRAIG. Madam President, I rise today on behalf of myself and my colleague Senator HARRY REID, and Senators ASHCROFT, BENNETT, BREAU, CRAPO, GRASSLEY, MURRAY, ROBERTS, ROBB, and SARBANES to recognize January 2000 as National Biotechnology Month.

It is fitting that in the first month of this new year, at the start of a new century, we look to biotechnology as our greatest hope for the future.

Mapping the human genome, for example, is ahead of schedule and nearly complete. That achievement, begun 10 years ago, will rank as one of the most significant advances in health care by accelerating the biotechnology industry's discovery of new therapies and cures for our most life-threatening diseases.

Biotechnology not only is using genetic research to create new medicines, but also to improve agriculture, industrial manufacturing and environmental management.

The United States leads the world in biotechnology innovation. There are approximately 1,300 biotech companies in the United States, employing more than 150,000 people. The industry spent nearly \$10 billion on research and development in 1998. Although revenues totaled \$18.4 billion, the industry recorded a net loss of \$5 billion because of the expensive nature of drug development.

In 1999, the U.S. Food and Drug Administration (FDA) approved more than 20 biotechnology drugs, vaccines and new indications for existing medicines, pushing the number of marketed biotech drugs and vaccines to more than 90. Total FDA biotech approvals from 1982 through 1999 reach more than 140 when adding clearances for new indications of existing medicines. The vast majority of new biotech drugs were approved in the second half of the 1990s, demonstrating the biotechnology industry's surging proficiency at finding new medicines to treat our most life-threatening illnesses.

Biotechnology is revolutionizing every facet of medicine from diagnosis to treatment of all diseases. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment. The implications for health care are as great as any milestone in medical history. We expect to see great strides early in this century.

A devastating disease that has stolen many of our loved ones, neighbors and friends is cancer. Biotechnology already has made significant strides in battling certain cancers. This is only the beginning.

The first biotechnology cancer medicines have been used with surgery, chemotherapy and radiation to enhance their effectiveness, lessen adverse effects and reduce chances of cancer recurrence.

Newer biotech cancer drugs target the underlying molecular causes of the disease. Biotech cancer treatments under development, such as vaccines that prevent abnormal cell growth, may make traditional treatments obsolete. In addition, gene therapy is being studied as a way to battle cancer by starving tumor cells to death.

Many biotech drugs are designed to treat our most devastating and intrac-

table illnesses. In many cases these medicines are the first ever therapies for those diseases. For example, advancements in research have yielded first-of-a-kind drugs to treat multiple sclerosis and rheumatoid arthritis as well as cancer.

Other medicines in clinical trials block the start of the molecular cascade that triggers inflammation's tissue damaging effects in numerous disease states. In diseases, such as Alzheimer's, Parkinson's and Huntington's, clinical trials are under way to test a variety of cell therapies that generate healthy neurons to replace deteriorated ones. Recent breakthroughs in stem cell research have prompted experts to predict cures within 10 years for some diseases, such as Type I (Juvenile) Diabetes and Parkinson's.

With more than 350 biotechnology medicines in late-stage clinical trials for illnesses, such as heart ailments, cancer, neurological diseases and infections, biotechnology innovation will be the foundation not only for improving our health and quality of life, but also lowering health care costs.

In the past 2 years Congress has increased funding for the National Institutes of Health's basic research programs by 15 percent per year. We are 40 percent of the way toward doubling the NIH budget. Health-care research, however, is not one-sided. The public funds we provide are for basic research. The private sector takes this basic science and then spends many times more than what the government has contributed to create new drugs and get them to patients. In today's world, biotechnology companies are among the greatest innovators and risk takers.

Biotechnology also is being used to improve agriculture, industrial manufacturing and environmental management. In manufacturing, the emphasis has shifted from the removal of toxic chemicals in production waste streams to replacement of those pollutants with biological processes that prevent the environment from being fouled. And because these biological processes are derived from renewable sources they also conserve a traditional energy resource. Industrial biotechnology companies are the innovators commercializing clean technologies and their progress is accelerating at an astonishing rate.

In agricultural biotechnology, crops on the market have been modified to protect them from insect damage thus reducing pesticide use. Biotech crops that are herbicide tolerant enable farmers to control weeds without damaging the crops. This allows farmers flexibility in weed management and promotes conservation tillage. Other biotech crops are protected against viral disease with the plant equivalent of a vaccine.

The number of acres worldwide planted with biotech crops soared from 4.3 million in 1996 to 100 million in 1999, of which 81 million acres were planted in the United States and Canada. Accept-

ance of these crops by farmers is one indication of the benefits they have for reducing farming costs and use of pesticides while increasing crop yields.

Biotech crops in development include foods that will offer increased levels of nutrients and vitamins. Benefits range from helping developing nations meet basic dietary requirements to creating disease-fighting and health-promoting foods.

Biotechnology is improving the lives of those in the U.S. and abroad. The designation of January 2000 as National Biotechnology Month is an indication to our constituents and their children that Congress recognizes the value and the promise of this technology. Biotechnology is a big word that means hope.

Mr. HARKIN. Madam President, I am pleased to join my Senate colleagues in recognizing January as National Biotechnology Month. At the dawn of this new century, it is fitting for us to recognize the promise and potential of biotechnology.

With the mapping of the human genome, we are on the brink of critical advances in health care and medical discovery. These advances can become new cures and new treatments, new industrial products, and improved agricultural products. Biotechnology is changing medical practice the way diseases are diagnosed to the way they are treated. By helping us to understand life at the molecular level, biotechnology can help eliminate the guesswork of disease management and treatment.

Biotechnology researchers have already made dramatic strides in confronting some of our most devastating and tragic diseases, from cancer to multiple sclerosis to Alzheimers. Recent breakthroughs in human embryonic stem cell research have given us cause to predict cures for diseases such as Parkinsons, juvenile diabetes and spinal cord injury.

As Ranking Member of the Labor, Health and Human Services and Education Appropriations subcommittee, I have been a long-time advocate for health research. Last year, ARLEN SPECTER and I took the lead in providing the National Institutes of Health (NIH) with a \$2.3 billion increase, the largest in NIH history, bringing the agency's overall budget to \$17.9 billion. This year, we plan to introduce a resolution calling for a \$2.7 billion increase—keeping our commitment to double NIH funding over five years.

NIH provides funding for the basic science that underpins the important research and development done by the biotechnology industry. This strong public-private partnership has made our country the world leader in the area of biotechnology innovation. There are approximately 1300 biotech companies in the United States, employing more than 150,000 people. In my own state of Iowa, we have approximately 180 companies, with more than

10,000 employees. In 1999, the Food and Drug Administration approved 22 biotechnology drugs, vaccines and new indications for existing medicines. We currently have more than 90 biotech drugs and vaccines on the U.S. market. And I know this is only the beginning.

In addition to its medical applications, biotechnology offers many exciting possibilities in the field of agriculture as well. Through biotechnology scientists are already developing new varieties and strains of plants and animals that will help to solve myriad problems and challenges relating to agriculture. The results of advances in agricultural biotechnology, impressive as they already are, represent merely the infancy of this promising scientific field.

The fact that over 800 million of our fellow citizens on this planet suffer from hunger or undernourishment points to the tremendous challenge we face to produce enough food for an ever growing population. As it has in the past, biotechnology will contribute tremendously to meeting that challenge, through increased yields and production, improved productive efficiency and enhanced suitability for difficult environments. Developing new plant varieties that are more tolerant of drought or soil salinity would help to increase food production in areas of the world where people are now going hungry.

Biotechnology also promises to help solve environmental challenges in agriculture. For example, plants that are inherently resistant to diseases or insects reduce the amount of pesticides that would otherwise be applied and enter the environment. Biotechnology can also help to reduce the amount of tillage that is needed, thereby reducing energy consumption and soil erosion.

Thus far biotechnology has been applied for the most part at the level of the farm, and has not been perceived by consumers as directly benefitting them to a significant degree. That is about to change. We are already seeing the development of new strains of plants that have specific traits to improve the nutritional quality of foods derived from them. Work at Iowa State University, for example, has developed soybeans that produce a soybean oil with lower saturated fat than conventional soybeans. We are not far from having rice that contains Vitamin A, which would alleviate a great deal of human suffering in developing countries.

Perhaps the most fascinating area of biotechnology involves the potential for developing new crops and livestock designed to produce a variety of raw materials and substances, likely to be of high value, for use in very specific applications, including medicine. We can produce from plants everything we now rely on petroleum to produce: energy and industrial raw materials for a wide range of products. I believe there will be real economic opportunities for farmers in producing these higher

value crops and animals, and for rural communities in processing them.

To be sure, if agricultural biotechnology is to meet its potential, we must ensure that all questions about its safety for consumers and for the environment are fully answered. I believe that those questions can and will be answered satisfactorily, using the best sound science available.

Mrs. FEINSTEIN. Madam President, as January 2000, National Biotechnology Month, comes to a close, I want to recognize the importance of the biotechnology to the nation and to commend this industry for its innovations in disease diagnosis, treatment, and prevention.

The United States is the leader in the biotechnology industry, and I am proud to say that California has the nation's largest concentration of health care technology companies. California, alone, is home to over 2,500 biomedical companies and employs over 241,000 people in health care technology and biomedical and clinical research fields. California's health care technology companies are producing leading edge products, for example, the first new therapy for cystic fibrosis in 30 years, Genetech; technology that enables doctors to do heart surgery without opening the chest cavity, Heartport; a cancer drug that is genetically engineered and stimulates the bone marrow to produce important white blood cells, Amgen; linear accelerators for treating cancer, Varian; and intraocular eye lenses, Allergan.

Biotechnology has enabled us to reduce hospital stays, to detect cancer and other life-threatening illnesses earlier in order to begin treatments earlier; to attack diseases cell by cell to eliminate unnecessary side effects, and to use vaccines to prevent abnormal cell growth. This is a critical time in biotechnology, as scientists continue to make strides in cellular and genetic research, and I am hopeful that this work will improve our health and well-being. I am confident that as this industry continues to grow, we will see treatments to greatly improve the lives of millions of Americans, and we will see cures to illnesses that we did not think were possible.

I commend the more than 150,000 employees of the biotech industry nationwide and join them in observing January as National Biotechnology Month.

Mr. WYDEN. Madam President, I rise today in recognition of National Biotechnology Month. Biotechnology has produced drugs that hold the promise for many to live healthier lives. Biotechnology also holds enormous promise to make even more profound contributions to public health in the future.

For example, biotechnology strategies include the development of cancer vaccines as well as drugs that target specific cancer antigens to stimulate a patient's own immune system to kill tumor cells. There are so many other diseases that devastate families, like

Alzheimers and heart disease, which biotechnology could be applied to successfully.

The Federal government has increased funding for basic scientific research. Private sector investments and small business development should also be encouraged. As remarkable as some of its achievement so far, biotechnology is only beginning. It is appropriate to begin the 21st Century with National Biotechnology Month because biotechnology holds so much promise for medicine and improving the quality of life.

SUPER BOWL CHAMPION, ST. LOUIS RAMS

Mr. FITZGERALD. Madam President, it is with great pride that I rise today with my distinguished colleagues to express my sincere congratulations to the Super Bowl XXXIV Champion St. Louis Rams. In the aftermath of a heart-stopping NFC division victory over the Tampa Bay Buccaneers and an outstanding regular season record of 13 wins and 3 losses, the St. Louis Rams increased their intensity to win Super Bowl XXXIV, bringing home the most prized possession in the National Football League, the Lombardi Trophy. In an extraordinary effort and show of heart, the Rams countered the incredible second-half push by the Tennessee Titans in a game that more than lived up to its billing of "Super" and made history on Sunday, January 30, 2000, by pulling out a thrilling victory by the score of 23-16, becoming the Super Bowl XXXIV Champions.

This was Coach Dick Vermeil's third year as head coach of the Rams. Coach Vermeil previously led the Philadelphia Eagles to the Super Bowl in 1980, but had been away from coaching for almost 15 years. The passionate 63 year old coach showed he still had the stuff it takes to lead this team of stars to the championship. The fans of professional football have appropriately awarded Coach Vermeil by voting him the Staples Coach of the Year, the only NFL honor determined solely by a vote of the fans.

The three-year path to glory began slowly, with 9 wins and 23 losses over the previous two seasons, including just 4 victories last season, but the team turned it around this year. While the Rams were truly a team that played well together all year, this triumphant season can be attributed to the performance of several key players, including six players that were chosen to start in the Pro Bowl.

Kurt Warner, stepping in as the starter after Trent Green was injured in an early preseason game, enjoyed one of the best years ever for an NFL quarterback, throwing for 4,353 yards, 41 touchdowns and only 13 interceptions, a performance worthy of being awarded the NFL's Most Valuable Player and the Pro Bowl starting quarterback. This remarkable individual, in just his second season in the NFL, was

bagging groceries in Waterloo, Iowa, just five years ago. While setting passing and scoring records in the Arena Football League for 3 seasons and one season in the NFL Europe, he never gave up his dream of playing in the NFL. Last night, he helped to bring the dream of a Super Bowl championship home to St. Louis.

Marshall Faulk, one of the league's premier running backs, set an NFL record this season for combined rushing and receiving yards from the line of scrimmage in a single season with 2,429, in addition to scoring 12 touchdowns. He was also chosen to start in the Pro Bowl.

All season long, the team benefitted from a stellar group of talented receivers, led by Isaac Bruce, who will join his teammates in the Pro Bowl; Torry Holt; Az-zahir Hakim; and Ricky Proehl. Proehl, you may remember, caught a clutch game-winning touchdown in the closing minutes of the Rams' win last week over the Tampa Bay Buccaneers, while Bruce made a truly spectacular play in the fourth-quarter of the Super Bowl by catching a 73 yard touchdown pass that sealed the championship. These stars helped the Rams to establish early on that they were an offensive-minded team, scoring a total of 526 points this season, the third-most in NFL history.

But as the saying goes, "Defense wins championships," and the Rams proved this adage, by leading the NFL in rushing defense, and ranking sixth in the league in overall defense. This season, the Rams' defensive end, Kevin Carter, led the league with 17 quarterback sacks and earned his first start in the Pro Bowl. After only 5 years in the league, this outstanding defender has developed a well-documented work ethic that has helped him achieve more sacks over the past two seasons than anyone else in the league.

We all know that to be champions requires a strong commitment to work harder and be more disciplined than the rest. The Rams' Super Bowl win is a credit to the extraordinary efforts by the entire Rams' organization. After moving to St. Louis in 1995, the management went to work in hiring excellent personnel and a committed coaching staff. This season, the organization's slogan was aptly and accurately versed: "Gotta go to work!" With the whole organization working as one cohesive unit and regularly working well beyond the hours of 9 to 5, they showed us just how much can be accomplished when everyone works together for a common goal and is committed to doing more than his or her fair share.

We would be remiss if we overlooked another admirable quality of this fine organization, and that is the commitment to the community. When the Rams relocated to St. Louis in 1995, the team identified community involvement as one of the top priorities. Since that time, many charitable organizations have benefitted from the time and resources of these big-hearted ath-

letes, as various Rams players have dedicated dollars for every touchdown, interception, field goal, sack and more. Some examples of how these stars contribute to the community include:

1. The defensive line—donating \$500 for every quarterback sack to a local homeless shelter.

2. Wide receiver Isaac Bruce—donating \$500 for every touchdown to Edgewood's Childhaven, an educational center for children with learning disabilities.

3. Running back Marshall Faulk—continuing the "Marshall Plan" that began in Indianapolis by donating \$2,000 for every touchdown that he scores to the Marshall Faulk Foundation.

4. Quarterback Trent Green—donating \$300 for every Rams passing touchdown to the Trent Green Family Foundation.

5. Safety Keith Lyle—donating \$500 for every interception to local literacy programs.

6. Kicker Jeff Wilkins—donating \$50 for every field goal to Cardinal Glennon Children's Hospital.

7. Tight end Roland Williams—donating \$86 for every catch to the Roland Williams Youth Life Line Foundation which supports children in Roland's hometown.

Most of these players have also been successful in receiving matching commitments from local businesses and individuals, helping to foster a true sense of community. In addition, each year, players make countless appearances at local schools, hospitals and youth centers to use their influence with children to stress the importance of education and making proper choices in life.

The hard work and dedication of the Rams to their team and the people of the St. Louis metropolitan area deserves our highest commendations. So, on behalf of myself and the good people of my state of Illinois, I congratulate Coach Dick Vermeil, Super Bowl Most Valuable Player Kurt Warner, Marshall Faulk, Isaac Bruce, and the entire St. Louis Rams team on an outstanding performance.

Coach Vermeil, players, and fans: congratulations on a great season and an outstanding victory.

REPEAL OF THE EFFECTIVE CAPITAL GAINS TAX INCREASE IN THE TAX RELIEF EXTENSION ACT OF 1999

Mr. ABRAHAM. Madam President, I rise today to speak in favor of S. 2005 which would repeal the effective capital gains tax increase contained in the Tax Relief Extension Act of 1999. This legislation would protect small business owners from paying taxes on money not actually received.

Overlooked in last year's legislation was a provision that repealed the installment method for accrual method taxpayers when assets or entire businesses are sold. Under this new meth-

od, the seller of an asset or business is required to pay taxes on total gains in the first year of the sale, no matter when the actual proceeds are received. S. 2005 would revert this practice to its previous method in which the seller of an asset only paid taxes on the profits from the installment received in that year if he or she should receive payments in increments.

While this tax measure provides for only modest tax revenue, the negative impact on small business owners that this measure affects is quite significant. In effect, this tax increase cripples seller financing of small businesses and prevents thousands of men and women from purchasing small businesses. By potentially reducing the sale price of small businesses by up to 20 percent or more, small business owners will be much less likely to sell their businesses. Larger publicly traded corporations are not impacted as they tend to use other financing methods involving cash or stock transactions. So, this tax increase unfairly targets small business owners already overwhelmed with federal taxes and regulations.

Madam President, it makes common sense that taxes should only be paid when profits are realized—and not on money that will not be collected for years to come. Small businesses are an important provider of new jobs and a driving force in this nation's economy. We must not penalize or restrict such a vibrant source of innovation, invention and creativity that has enabled the United States to realize previously unimaginable prosperity.

I urge my colleagues in the Senate to join me in support of this legislation so essential in the success of this great nation.

MESSAGES FROM THE PRESIDING

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO THE CONGRESS ON THE STRATEGIC CONCEPT OF NATO—MESSAGE FROM THE PRESIDENT—PM 79

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Pursuant to the authority vested in me as President of the United States,

including by section 1221(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), I hereby determine and certify that the new NATO Strategic Concept imposes no new commitment or obligation on the United States. Further, in accordance with section 1221(c) of the Act, I transmit herewith the attached unclassified report to the Congress on the potential threats facing the North Atlantic Treaty Organization.

WILLIAM J. CLINTON.
THE WHITE HOUSE, January 31, 2000.

MESSAGE FROM THE HOUSE

At 12:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. RES. 402

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

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-7013. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting pursuant to law, the report of a rule entitled "Approval of Post-1996 Rate of Progress Plan: Indiana" (FRL #6523-6), received January 18, 2000; to the Committee on Environment and Public Works.

EC-7014. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6525-5), received January 18, 2000; to the Committee on Environment and Public Works.

EC-7015. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" (FRL #6526-6), received January 18, 2000; to the Committee on Environment and Public Works.

EC-7016. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting pursuant to law, the report of a rule entitled "Amendments for Testing and Monitoring Provisions" (FRL #6523-6), received January 18, 2000; to the Committee on Environment and Public Works.

EC-7017. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Notice of Availability; 1999 Update of Ambient Water Quality Criteria for Ammonia"; to the Committee on Environment and Public Works.

EC-7018. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Commonwealth of Puerto Rico Authorization Application"; to the Committee on Environment and Public Works.

EC-7019. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Missouri's Authorization Application"; to the Committee on Environment and Public Works.

EC-7020. A communication from the President, Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the 1999 consolidated annual report; to the Committee on Governmental Affairs.

EC-7021. A communication from the President, U.S. Institute of Peace, transmitting, pursuant to law, the consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal years 1997 and 1998; to the Committee on Governmental Affairs.

EC-7022. A communication from the Inspector General, Social Security Administration, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC-7023. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7024. A communication from the Secretary of Education, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7025. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7026. A communication from the Special Counsel, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7027. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7028. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7029. A communication from the Special Counsel, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7030. A communication from the Chairman, and the General Counsel, National Labor Relations Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7031. A communication from the Chairman, Commodity Futures Trading Commission, transmitting, pursuant to the Federal

Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7032. A communication from the Deputy Director, Federal Mediation and Conciliation Service, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7033. A communication from the Chairwoman, National Mediation Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7034. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7035. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7036. A communication from the Secretary of Transportation, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7037. A communication from the Chair, Federal Labor Relations Authority, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7038. A communication from the Archivist, National Archives, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7039. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7040. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7041. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7042. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7043. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7044. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7045. A communication from the Independent Counsel, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7046. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to the Federal Manager's

Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7047. A communication from the Director, Office of Personnel Management, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7048. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7049. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7050. A communication from the Chairwoman, Equal Employment Opportunity Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7051. A communication from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the quarterly Selected Acquisition Reports as of September 30, 1999; to the Committee on Armed Services.

EC-7052. A communication from the Secretary of Defense, transmitting, pursuant to law, the semi-annual report on audit and investigative activities for the period ending September 30, 1999; to the Committee on Governmental Affairs.

EC-7053. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of OMB Final Sequestration Report for fiscal year 2000, referred jointly pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business; Veterans' Affairs; Intelligence; and Rules and Administration.

EC-7054. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amortization of Intangible Property" (RIN1545-AS77) (TD 8865), received January 24, 2000; to the Committee on Finance.

EC-7055. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Plans Compliance Resolution System" (Rev. Proc. 2000-16), received January 24, 2000; to the Committee on Finance.

EC-7056. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Termination of Puerto Rico and Possession Tax Credit; New Lines of Business Prohibited" (RIN1545-AV68) (TD 8868), received January 24, 2000; to the Committee on Finance.

EC-7057. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Master and Prototype Plan Program" (Rev. Proc. 2000-20), received January 24, 2000; to the Committee on Finance.

EC-7058. A communication from the Chief, Regulations Unit, Internal Revenue Service,

Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (RIN1545-AS77) (TD 8865), received January 24, 2000; to the Committee on Finance.

EC-7059. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stock Transfer Rules" (RIN1545-AX64) (TD 8863), received January 24, 2000; to the Committee on Finance.

EC-7060. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stock Transfer Rules" (RIN1545-AI32) (TD 8862), received January 24, 2000; to the Committee on Finance.

EC-7061. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Amend 31 CFR Part 317 to Permit Non-Federally Chartered Credit Unions to Serve as Issuing Agents for United States Savings Bonds", received January 24, 2000; to the Committee on Finance.

EC-7062. A communication from the Administrator, Federal Aviation Administration, and the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to Subsonic Noise Reduction Technology; to the Committee on Commerce, Science, and Transportation.

EC-7063. A communication from the Attorney-Adviser, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Roof Crush Resistance. Final Rule, Partial Response to Petitions for Reconsideration; Technical Amendment" (RIN2127-AH74), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7064. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licenses to Engage in Two-Way Transmissions" (MM Docket 97-217) (FCC 99-178), received January 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7065. A communication from the Senior Attorney, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Petition for Declaration Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717" (FCC 98-2224) (CC Doc. 96-98), received January 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7066. A communication from the Deputy Assistant Administrator for Weather Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Collaborative Science, Technology, and Applied Research (CSTAR) Program" (RIN0648-ZA76), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7067. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ambassador Construction Fireworks, Hudson River, Anchor-

age Channel (CGD01-99-180)" (RIN2115-AA97) (1999-0074), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7068. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Willamette River, Portland, OR (CGD13-99-046)" (RIN2115-AA97) (1999-0073), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7069. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Lake Erie-Maumee River, OH (CGD09-99-085)" (RIN2115-AA97) (1999-0072), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7070. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Eagle Harbor, Bainbridge Island, WA (CGD13-98-004)" (RIN2115-AE84) (1999-0006), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 2014. A bill to provide technical corrections to chapter 1513 of title 36, United States Code, relating to the National Fallen Firefighters Foundation; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 2015. A bill to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 2016. A bill to authorize appropriations for, and to improve the operation of, the Nuclear Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BUNNING:

S. 2017. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made to tobacco growers pursuant to Phase I or II of the Master Settlement Agreement between a State and tobacco product manufacturers; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB:

S. Res. 248. A resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 249. A resolution to authorize testimony, document production, and legal representation in *Thomas Dwyer v. City of Pittsburgh*, et al; considered and agreed to.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself
and Mr. HARKIN):

S. 2015. A bill to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; to the Committee on Health, Education, Labor, and Pensions.

STEM CELL RESEARCH ACT OF 2000

Mr. SPECTER. Mr. President, I have sought recognition to send to the desk, on behalf of Senator HARKIN and myself, a bill captioned the "Stem Cell Research Act of 2000." It is being introduced after a series of four hearings, which have been conducted in the Appropriations Subcommittee on Labor, Health, Human Services, and Education, which I chair and on which Senator HARKIN is the ranking Democrat.

The subject has been a very important one because approximately 15 months ago, there were disclosures about stem cell research which provided an opportunity for a veritable fountain of youth. The scientific discoveries have found that from the stem cells, new cells may be created which have the potential to cure a great many severe maladies. For example, on Parkinson's disease, stem cells are enormously helpful. There is potential for cures on Alzheimer's, on heart ailments, and really on the whole range of human ailments, illnesses, and diseases.

There has been a limiting factor on the use of stem cells because of a provision, which was inserted many years ago into the appropriations bill for our subcommittee, which limits Federal funding on research relating to stem cells.

The Department of Health and Human Services has handed down a ruling which would permit federal scientists to conduct research on stem cells that have been derived by private sources.

The concern has been that the human embryo, subjected to scientific research, would potentially destroy life. The fact is that the only human embryos which are used as a basis for stem cell research are human embryos from discarded in vitro fertilization clinics. It is not a matter of using a human embryo which has the potentiality for life to extract the stem cells because these are embryos which have been discarded.

Notwithstanding the legal opinion handed down by the general counsel of the Department of Health and Human Services, it is our view that there are still undue restrictions on scientific research from existing law. That is why this legislation has been introduced. It will eliminate the ban on the use of Federal funding for the research on stem cells.

There are a number of very important restrictions.

First, the research would not apply to the creation of human embryos for research purposes.

Second, the research would not result in the cloning of a human being.

Third, it would be unlawful for any person receiving Federal funds to knowingly acquire, receive, or transfer any human embryos for valuable consideration, even if the transfer affected interstate commerce.

These limitations have been engrafted into the legislation to be sure this kind of inappropriate conduct is being prohibited.

The legal opinion issued by the Department of Health and Human Services covers the statutory prohibition on the use of funds, stating that human embryo research would not apply to research utilizing human pluripotent stem cells because such stem cells do not constitute a human embryo. However, applying the Federal funding solely to pluripotent stem cells is not sufficient because there ought to be an opportunity for broader research, as I have suggested.

The controversy on stem cell research is very similar to the controversy which had existed on prohibiting research on fetal tissue when many people advanced the argument that it would induce abortions to secure fetal tissue. It soon became readily apparent that the research on fetal tissue was from discarded fetal tissue and that, in fact, there would not be an inducement of abortions to produce fetal tissue for research purposes. That is very similar, almost identical, except for what is involved with the issue of human embryos. Human embryos which will not be used for research for stem cells where there is any possibility that they might produce life and may be used only from discarded embryos, similarly to the discarded fetal tissue.

When the appropriations bill was considered last fall, a provision was inserted into the committee report which would eliminate the prohibition of use of funds for research on stem cells. When it became apparent that this provision would likely stall the progress of the appropriations bill, an agreement was reached to remove that provision in committee before the bill got to the floor under an arrangement with our distinguished majority leader, Senator LOTT, who agreed to bring up the legislation as a freestanding bill. That is the legislation Senator HARKIN and I are introducing today.

We intend to have an additional hearing within the next several weeks so that the stage will be set by late February or early March to proceed with the schedule of this bill as a freestanding measure and so that the Senate may vote up or down and the House of Representatives may ultimately have an opportunity to vote as well.

Over the past 14 months, the Labor, Health and Human Services and Education Subcommittee which I chair, held four hearings, the latest on November 4, 1999, to discuss the advances in stem cell research made by two research teams. One team, led by Dr.

James Thompson at the University of Wisconsin, and the other headed by Dr. John Gearhart at Johns Hopkins University. Stem cell research is one area that holds particular promise for the development of future medical treatment and cures. Stem cells originating in an embryo have the unique ability, for a very limited period of time, to become any cell type of the body. This power, if harnessed by science, could lead to replacement therapies for failing cells, for example, or lead to organ tissues that could be implanted into a patient. Scientists are just beginning preliminary research into the potential practical applications of this line of work. At a Senate hearing convened by my subcommittee on December 2, 1998, Dr. Gearhart testified that he has been able to induce some stem cells to grow into nerve cells. Other scientists also stated that cures for Parkinson's, Alzheimer's, heart disease, diabetes, and other diseases and illnesses that plague mankind could be greatly accelerated by stem cell research. Some scientists, for example, believe that stem cell research could lead to tangible benefits to Parkinson's Disease patients in as soon as 7 to 10 years.

What has been delaying the advancement of this new line of research is a provision in the Labor-HHS appropriations bill that prohibits research on human embryos. On January 15, 1999, the Department of Health and Human Services issued a legal opinion finding that the statutory prohibition of the use of funds appropriated to HHS for human embryo research would not apply to research utilizing human pluripotent stem cells because such cells do not constitute a human embryo. But even this limited use of stem cells may be blocked by those who misunderstand its purpose. According to Dr. Harold Varmus, the former head of the National Institutes of Health, research on stem cells is not the same as research on human embryos. Stem cells do not have the capacity to develop into a human being.

While I applaud the HHS ruling, I do not believe that it goes far enough. To achieve the greatest and swiftest benefits, Federal researchers need their own supply of stem cells. Therefore, I am proposing this legislation to enable Federally-funded researchers to derive their own stem cells from spare embryos obtained from in vitro fertilization clinics. Allowing scientists to conduct human stem cell research would greatly accelerate advances in many avenues of study and, in collaboration with private industry, expedite the production and availability of new drugs and treatments. Enacting such legislation would clarify the boundaries governing Federally-funded researchers and make clear the commitment of this Congress to biomedical research.

Let me review the key provisions of this bill:

It would amend the Public Health Service Act and give permanent authority to the Secretary of Health and

Human Services to conduct, support, or fund research on human embryos only for the purpose of generating stem cells. Human embryonic stem cells may be derived and used in research only from embryos that would otherwise be discarded and donated by in vitro fertilization clinics and only with the written informed consent of the donors.

The Secretary shall issue guidelines governing human stem cell research, including definitions and terms used in such research.

All Federal research protocols and consent forms involving human pluripotent stem cell research shall be reviewed and approved by an institutional review board.

The Secretary shall annually submit to the Congress a report describing the activities carried out under this section during the preceding fiscal year, including whether and to what extent research has been conducted in accordance with this purpose.

The following restrictions would apply:

(A) The research shall not result in the creation of human embryos for research purposes.

(B) The research shall not result in the cloning of a human being.

(C) It shall be unlawful for any person receiving Federal funds to knowingly acquire, receive, or transfer any human embryos for valuable consideration if the transfer affects interstate commerce.

We have heard very compelling testimony from many individuals who are hoping for treatments and cures from stem cell research. One individual, Mr. Richard Pikunis of Malvern, New Jersey, a 27 year-old stricken with Parkinson's Disease, told the Subcommittee how the disease has affected every facet of his young life—from law school graduation to the birth of his son. Dr. Douglas Melton, a prominent professor at Harvard, told of the struggles of his son afflicted with juvenile diabetes. We also heard from Michael J. Fox, who implored us to do more for people with Parkinson's disease. Mr. Fox told of his daily medication routine and progressing physical and mental exhaustion. He asked for the Subcommittee's help to eradicate the disease so that he could dance at his children's weddings. Mr. Fox has just recently announced that he is leaving his popular television series to devote more time to his family and to advocate for more research on finding a cure for Parkinson's disease.

Mr. President, these are just a few of the voices pleading with us to allow this research to move ahead. While stem cell research does not guarantee that a cure will be found, without it the opportunity to halt their suffering may be denied then. The enactment of this legislation as soon as possible could give thousands of individuals a chance to see a cure within their lifetime.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2015

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 "Stem Cell Research Act of 2000".

SEC. 2. RESEARCH ON HUMAN EMBRYONIC STEM CELLS.

Part G of the Title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 498B the following:

"SEC. 498C. RESEARCH ON HUMAN EMBRYONIC STEM CELLS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may only conduct, support, or fund research on, or utilizing, human embryos for the purpose of generating embryonic stem cells in accordance with this section.

"(b) SOURCES OF EMBRYONIC CELLS.—For purposes of carrying out research under paragraph (1), the human embryonic stem cells involved shall be derived only from embryos that otherwise would be discarded that have been donated from in-vitro fertilization clinics with the written informed consent of the progenitors.

"(c) RESTRICTIONS.—

"(1) IN GENERAL.—The following restriction shall apply with respect to human embryonic stem cell research conducted or supported under subsection (a):

"(A) The research involved shall not result in the creation of human embryos.

"(B) The research involved shall not result in the reproductive cloning of a human being.

"(2) PROHIBITION.—

"(A) IN GENERAL.—It shall be unlawful for any person receiving Federal funds to knowingly acquire, receive, or otherwise transfer any human gametes or human embryos for valuable consideration if the acquisition, receipt, or transfer affects interstate commerce.

"(B) DEFINITION.—In subparagraph (A), the term 'valuable consideration' does not include reasonable payments associated with transportation, transplantation, processing, preservation, quality control, or storage.

"(d) GUIDELINES.—

"(1) IN GENERAL.—The Secretary, in conjunction with the Director of the National Institutes of Health, shall issue guidelines governing human embryonic stem cell research under this section, including the definitions and terms used for purposes of such research.

"(2) REQUIREMENTS.—The guidelines issued under paragraph (1) shall ensure that—

"(A) all Federal research protocols and consent forms involving human embryonic stem cell research must be reviewed and approved by an institutional review board; and

"(B) the institutional review board is empowered to make a determination as to whether or not the proposed research is in accordance with National Institutes of Health Guidelines for Research Involving Human Pluripotent Stem Cells.

"(e) REPORTING REQUIREMENTS.—Not later than January 1 2001, and each January 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section."

Mr. HARKIN. Mr. President, I am pleased to join my distinguished colleague, Senator SPECTER, in the introduction of the "Stem Cell Research Act of 2000." I want to commend Senator SPECTER for having the leadership and foresight to introduce legislation which will broaden federally-funded scientists to pursue stem cell research, under certain, limited conditions.

From enabling the development of cell and tissue transplantation, to improving and accelerating pharmaceutical research and development, to increasing our understanding of human development and cancer biology, the potential benefits of stem cell research are truly awe-inspiring.

Stem cells hold hope for countless patients through potentially lifesaving therapies for Parkinson's, Alzheimers, stroke, heart disease and diabetes. Also exciting is the possibility that researchers may be able to alter stem cells genetically so they would avoid attack by the patient's immune system.

But all of these potential benefits could be delayed or even denied to patients without a healthy partnership between the private sector and the federal government.

While market interest in stem cell technology is strong, and private companies will continue to fund this research, the government has an important role to play in supporting the basic and applied science that underpins these technologies. The problem is that early, basic science is always going to be underfunded by the private sector because this type of research does not get products onto the market quickly enough. The only way to ensure that this research is conducted is to allow the NIH to support it.

The Department of Health and Human Services ruled last year that under the current ban on human embryo research, federally-funded scientists can conduct stem cell research if they use cell lines derived from private sources. This is a positive step forward, but it continues to handicap our researchers in the pursuit of cures and therapies that will help our citizens.

Last fall, the National Bioethics Advisory Commission (NBAC) released its final report, "Ethical Issues in Human Stem Cell Research." The Commission concluded that stem cell research should be allowed to go forward with federal support, as long as researchers were limited to only two sources of stem cells: fetal tissue and embryos resulting from infertility treatments. And they recommended that federal support be contingent on an open system of oversight and review.

NBAC also arrived at the important conclusion that it is ethically acceptable for the federal government to finance research that both derives cell lines from embryos and that uses those cell lines. Their report states, "Relying on cell lines that might be derived exclusively by a subset of privately funded researchers who are interested in

this area could severely limit scientific and clinical progress."

The Commission goes on to say that "scientists who conduct basic research and are interested in fundamental cellular processes are likely to make elemental discoveries about the nature of ES [embryonic stem] cells as they derive them in the laboratory."

NBAC's report presents reasonable guidelines for federal policy. Our bill bans human embryo research, but allows federally-funded scientists to derive human pluripotent stem cells from human embryos if those embryos are obtained from IVF clinics, if the donor has provided informed consent and the embryo was no longer needed for fertility treatments. The American Society of Cell Biology estimates that 100,000 human embryos are currently frozen in IVF clinics, in excess of their clinical need.

In addition, our language requires HHS and NIH to develop procedural and ethical guidelines to make sure that stem cell research is conducted in an ethical, sound manner. As it stands today, stem cell research in the private sector is not subject to federal monitoring or ethical requirements.

Stem cell research holds such hope, such potential for millions of Americans who are sick and in pain, it is morally wrong for us to prevent or delay our world-class scientists from building on the progress that has been made.

As long as this research is conducted in an ethically validated manner, it should be allowed to go forward, and it should receive federal support. That is why Senator SPECTER and I have joined together on legislation that will allow our nation's top scientists to pursue critical cures and therapies for the diseases and chronic conditions which strike too many Americans. I urge my Senate colleagues to join us in supporting this bill.

By Mr. DOMENICI:

S. 2016. A bill to authorize appropriations for, and to improve the operation of, the Nuclear Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

THE NUCLEAR REGULATORY COMMISSION AUTHORIZATION AND IMPROVEMENTS ACT OF 2000

Mr. DOMENICI. Mr. President, I rise today to introduce legislation important to the energy security of our country. This legislation entitled the "Nuclear Regulatory Commission Authorization and Improvements Act of 2000" not only includes provisions authorizing the annual funding for the Nuclear Regulatory Commission (NRC), but makes essential amendments to the Atomic Energy Act of 1954.

Mr. President, the legislation I am introducing today will assist the NRC in its efforts to achieve greater efficiencies and eliminate outdated restrictions within our nuclear energy sector. As mentioned, this legislation

includes several amendments to the Atomic Energy Act, including the following:

Eliminating provisions in current law that preclude any foreign ownership of power and research reactors located in the United States. These outdated provisions are a significant obstacle to foreign investment or participation in the U.S. nuclear power industry and its restructuring. No valid reasons exist to prohibit investors from countries such as the United Kingdom from participating in the ownership of nuclear plants in this country. The provisions in current law that protect U.S. security interests are unchanged by my legislation.

Eliminating the current statutory requirement that the NRC conduct an antitrust review in connection with licensing actions. Other federal agencies already have comprehensive responsibility to enforce antitrust laws affecting electric utilities. Requiring the NRC to do independent antitrust evaluations for licensing actions is redundant, time-consuming and unnecessary.

Simplifying the hearing requirements in a proceeding involving an amendment to an existing operating license, or the transfer of an existing operating license. The amendment provides that the Commission should not use formal adjudicatory procedures in such cases, but rather should comply with the informal rulemaking requirements contained in the Administrative Procedure Act.

Giving the NRC the authority to establish such requirements it deems necessary to ensure that non-licenses fully comply with their obligations to provide funding for nuclear plant decommissioning. This includes jurisdiction over non-licensees, i.e., those who have transferred their license but retain responsibility for decommissioning.

The proposed package also includes legislative provisions sought by the NRC. The foreign ownership and antitrust review changes just mentioned were included in the NRC's legislative proposals last year. Other provisions requested by the NRC should serve to enhance nuclear safety and physical security, increase efficiency, and enhance the economic use of Commission resources.

These changes are necessary to ensure that nuclear energy remains part of our nation's energy portfolio. Nuclear energy is a vital ingredient for providing U.S. base load capacity based on economic, environmental and electricity needs.

Mr. President, I am sure everyone is aware of my strong commitment to nuclear energy. This conviction is well-founded. One need only consider a few simple facts to find justification for my position.

Ensuring diversity and reliability in our nation's future energy portfolio is a critical national security concern. As just one example, our increasing dependence on imported fossil fuel is a

cause for concern. Last year oil imports accounted for 54% of U.S. oil consumption. This dependence could create a national security crisis. This dependence may also contribute to an environmental crisis.

Similarly, although we continue to invest in renewable energy resources, the hard facts demonstrate that renewables alone cannot obtain sufficient energy generation to meet future needs.

An article by Richard Rhodes and Denis Beller in the most recent edition of *Foreign Affairs* argues the case for nuclear energy in detail. Mr. President, allow me briefly to review some facts found in this article that address some very important questions. These repeat the same points I made in a speech at Harvard in October of 1997 and have made many times since.

First, what estimated energy demands will the world face?

A 1999 report by the British Royal Society and Royal Academy of Engineering estimates that the consumption of energy will at least double in the next 50 years and grow by a factor of up to five in the next century.

The OECD projects 65% growth in world energy demand by 2020.

How can nuclear energy play a role in meeting future energy needs?

The anti-nuclear groups are dead wrong. Nuclear power is neither dead nor dying. France generates 79 percent of its electricity with nuclear power; Belgium, 60 percent; Sweden, 42 percent; Japan 34 percent; and the United States, 20 percent. The United States remains the largest producer of nuclear energy in the world, and the U.S. nuclear industry generated nine percent more nuclear electricity in 1999 than 1998. In order to sustain economic growth, China has plans for as many as 100 nuclear power plants, and South Korea will more than double its capacity by building 16 new plants.

Nuclear power's advantage is the ability to generate a vast amount of energy from a minute quantity of fuel. For example, whereas one kilogram of firewood can produce one kilowatt-hour of electricity and the ratio for oil is one-to-four, one kilogram of uranium fuel in a modern light-water reactor generates 400,000 kilowatts of electricity, even without recycling.

Nuclear safety and efficiency have improved dramatically in the last decade. For example, the average U.S. capacity factor in 1998 was 80 percent, compared to 58 percent in 1980 and 66 percent in 1990. The average production costs for nuclear energy are now at just under two cents per kilowatt-hour, while electricity produced from gas costs almost three and a half cents per kilowatt-hour. Most importantly, radiation exposure to workers and waste produced per unit of energy have hit new lows.

What about the risks from radioactivity?

Good evidence exists that exposure to low doses of radioactivity actually improves health and lengthens life

through stimulation of the immune system. Unfortunately, U.S. standards, in particular those established by the Environmental Protection Agency, rely on a theory—the “linear no-threshold” theory (LNT)—that predicts exposure to trivial levels of radiation increases the risk of cancer. One should keep in mind that the levels argued to increase risk of cancer by this model are considerably less than preexisting natural levels of background radiation. Furthermore, this theory is by no means accepted by the entire scientific community.

According to recent studies by the Harvard School of Public Health, a 1,000 megawatt coal-fired power plant releases about 100 times as much radioactivity into the environment as a comparable nuclear plant. However, the same standards for radioactive releases do not apply to coal and nuclear plants. And, experts on coal geology and engineering have concluded that “radioactive elements in coal and fly ash should not be sources of alarm.”

Can we not place more reliance on renewables?

Even if robustly subsidized, renewables will only move from their present 0.5 percent share to claim no more than five to eight percent by 2020.

The U.S. leads in renewable energy generation, but such production declined by 9.4 percent from 1997 to 1998: hydro by 9.2%, geothermal by 5.4%, wind by 50.5%, and solar by 27.7%.

Are we making smart investments for U.S. energy security?

Federal R&D investment per thousand kilowatt was only five cents for nuclear and coal, 58 cents for oil, and 41 cents for gas; however, it was \$4,769 for wind and \$17,006 for photovoltaics.

In brief, we need nuclear. Our economic growth and security depend on it. The benefits of nuclear outweigh the risks. Renewables cannot fill the gap—either between today’s demands and future needs or today with nuclear and today without. Not only are coal, gas and oil finite resources, but their use is harmful to human health and the environment.

Mr. President, we must not fail to ensure that nuclear is part of our energy mix. Our nation’s energy future must include nuclear in order to be sufficiently diverse, reliable and adequate to meet future energy needs.

The legislation I am offering today will help ensure that nuclear remains part of our energy mix.

Deregulation of the electric utility industry increases the need to keep operating costs low enough to be competitive. For this reason, nuclear energy’s future rides on decreasing costs of regulation, especially that of the Nuclear Regulatory Commission.

With gentle prodding and some more overt tactics from the Congress, positive changes at the NRC have been forthcoming.

While holding fast to its primary health and safety mission, the NRC needed to move from a traditional de-

terministic approach to a more risk-informed and performance-based approach to regulation. In brief, the NRC needed to achieve a rapid transition to an entirely different regulatory framework, streamline its processes, and offer clear definitions, standards, and requirements.

Let me briefly highlight two of the milestones of the past year:

Reactor Oversight.—The NRC commenced with a pilot program for the new reactor licensee oversight process. This process will replace the current inspections, assessment and enforcement processes.

Plants will be evaluated in three key areas: reactor safety, radiation safety and security safeguards. Twenty “performance indicators” will assess overall performance in each area. Most stakeholders view this as a big step toward more consistent and objective assessments.

The NRC plans full implementation of this inspection regime for all nuclear plants this year.

Licensing Actions.—The NRC continued completion of licensing actions at a rate greater than NRC Performance Plan output measures and continued to reduce the licensing action inventory.

For instance, one indicator of greater efficiency in licensing actions is the age of the inventory. 1999 showed consistent improvements in turnaround time. For fiscal year 1998, the NRC licensing action inventory included 65.6% of licensing actions that were less than 1 year old; 86% that were less than 2 years old; and 95.4% that were less than 3 years old. By October 1999, 95% of the licensing action inventory was less than 1 year old; and 100% was less than two years old.

These are just two examples. With Congress and industry demanding regulatory change, the agency is responding. All elements of change, especially the overall shift from a deterministic to a risk-informed paradigm, remain work-in-progress. I believe, however, the general consensus is that the last couple years have been very positive.

At the same time, the NRC needs our assistance in removing outdated and unnecessary statutory provisions. This legislation will achieve that.

Mr. President, I close with the same thoughts as Richard Rhodes and Denis Beller: “Nuclear power is environmentally safe, practical, and affordable. It is not the problem—it is one of the best solutions.”

Mr. President, I ask unanimous consent that a copy of the legislation and the Foreign Affairs article entitled “The Need for Nuclear Power” by Dr. Rhodes and Dr. Beller be printed in the RECORD.

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

S. 2016

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 “Nuclear Regulatory Commission Authorization and Improvements Act of 2000”.

SEC. 2. DEFINITIONS.

Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended—

(1) in subsection f., by striking “Atomic Energy Commission” and inserting “Nuclear Regulatory Commission”; and

(2) by adding at the end the following:

“(kk) NUCLEAR DECOMMISSIONING OBLIGATION.—The term ‘nuclear decommissioning obligation’ means an expense incurred to ensure the continued protection of the public from the dangers of any residual radioactivity or other hazards present at a facility at the time the facility is decommissioned, including all costs of actions required under rules, regulations and orders of the Commission for—

“(1) entombing, dismantling and decommissioning a facility; and

“(2) administrative, preparatory, security and radiation monitoring expenses associated with entombing, dismantling, and decommissioning a facility.”.

SEC. 3. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking “; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia”.

SEC. 4. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking “c. Each such” and inserting the following:

“c. LICENSE PERIOD.—

“(1) IN GENERAL.—Each such”; and

(2) by adding at the end the following:

“(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.”.

SEC. 5. ELIMINATION OF FOREIGN OWNERSHIP PROHIBITIONS.

(a) COMMERCIAL LICENSES.—Section 103d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended in the second sentence—

(1) by inserting “for a production facility” after “license”; and

(2) by striking “any any” and inserting “any”.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT LICENSES.—Section 104d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended in the second sentence by inserting “for a production facility” after “license”.

SEC. 6. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

“(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.”.

SEC. 7. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by striking “g.” and inserting “(g)(1)”; and

(2) by striking “this Act;” and inserting “this Act; or”; and

(3) by adding at the end the following:

“(2) accept, hold, utilize, sell, and administer gifts of real and personal property for the purpose of aiding or facilitating the work of the Commission.”.

(b) NUCLEAR REGULATORY COMMISSION FUND.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

“SEC. 170C. NUCLEAR REGULATORY COMMISSION FUND.

“(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ‘Nuclear Regulatory Commission Fund’ (referred to in this section as the ‘Fund’).

“(b) DEPOSITS IN FUND.—Any gift accepted under section 161g.(2), or net proceeds of the sale of such a gift, shall be deposited in the Fund.

“(c) USE.—

“(1) IN GENERAL.—Amounts in the Fund shall, without further Act of appropriation, be available to the Chairman of the Commission.

“(2) CONSISTENCY WITH GIFT.—Gifts accepted under this section 161g.(2) shall be used as nearly as possible in accordance with the terms of the gift, if those terms are not inconsistent with this section or any other applicable law.

“(d) CRITERIA.—

“(1) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

“(2) CONSIDERATIONS.—The criteria under paragraph (1) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.”.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 2(b)) is amended by adding at the end the following:

“Sec. 170B. Uranium supply.

“Sec. 170C. Nuclear Regulatory Commission Fund.”.

SEC. 8. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 7(b)(1)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

“(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;” and

(2) by adding at the end the following:

“SEC. 170D. CARRYING OF FIREARMS.

“(a) AUTHORITY TO MAKE ARREST.—

“(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an indi-

vidual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

“(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

“(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

“(B) in the enforcement of—

“(i) a law regarding the property of the United States in the custody of the Department of Energy, the Commission, or a contractor of the Department of Energy or the Commission or a licensee or certificate holder of the Commission;

“(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

“(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

“(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

“(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

“(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.”.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 7(b)(2)) is amended by adding at the end the following:

“Sec. 170D. Carrying of firearms.”.

SEC. 9. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking “or which operates any facility regulated or certified under section 1701 or 1702.”;

(2) by striking “section 483a of title 31 of the United States Code” and inserting “section 9701 of title 31, United States Code.”; and

(3) by inserting before the period at the end the following: “; and commencing on October 1, 2000, prescribe and collect from any other Government agency, any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law”.

SEC. 10. HEARING PROCEDURES.

Section 189 a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

“(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

“(i) to develop a sufficient record; or

“(ii) to achieve fairness.”.

SEC. 11. HEARINGS ON LICENSING OF URANIUM ENRICHMENT FACILITIES.

Section 193(b)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2243(b)(1)) is amended by striking “on the record”.

SEC. 12. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting “or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act” before the period at the end.

SEC. 13. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking “storage facility” and inserting “storage, treatment, or disposal facility”;

(2) in paragraph (3)—

(A) by striking “such a utilization facility” and inserting “a utilization facility licensed under this Act”; and

(B) by striking “or” at the end;

(3) in paragraph (4)—

(A) by striking “facility licensed” and inserting “or nuclear fuel fabrication facility licensed or certified”; and

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

(4) by adding at the end the following:

“(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility;”.

SEC. 14. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

The Atomic Energy Act of 1954 is amended by inserting after section 241 (42 U.S.C. 2015) the following:

“SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

“(a) DEFINITION OF FACILITY.—In this section, the term ‘facility’ means a commercial nuclear electric generating facility for which a nuclear decommissioning obligation is incurred.

“(b) DECOMMISSIONING OBLIGATIONS.—After public notice and in accordance with section 181, the Commission shall establish by rule, regulation, or order any requirement that the Commission considers necessary to ensure that a person that is not a licensee (including a former licensee) complies fully with any nuclear decommissioning obligation.”.

SEC. 15. CONTINUATION OF COMMISSIONER SERVICE.

Section 201(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(c)) is amended—

(1) by striking “(c) Each member” and inserting the following:

“(c) TERM.—

“(1) IN GENERAL.—Each member”; and

(2) by adding at the end the following:

“(2) CONTINUATION OF SERVICE.—A member of the Commission whose term of office has expired may, subject to the removal power of the President, continue to serve as a member until the member’s successor has taken office, except that the member shall not continue to serve beyond the expiration of the next session of Congress after expiration of the fixed term of office.”.

SEC. 16. LIMITATIONS ON ACTIONS RELATING TO SOURCE, BYPRODUCT, AND SPECIAL NUCLEAR MATERIAL.

(a) DEFINITION OF FEDERALLY PERMITTED RELEASE.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by striking the period at the end

and inserting “, or any release of such material in accordance with regulations of the Nuclear Regulatory Commission following termination of a license issued by the Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or by a State acting under an agreement entered into under section 274b. of that Act (42 U.S.C. 2021b.).”.

(b) LIMITATION ON ACTIONS.—Section 121(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(b)) is amended by adding at the end the following:

“(3) LIMITATION ON ACTIONS RELATING TO SOURCE, BYPRODUCT, AND SPECIAL NUCLEAR MATERIAL.—No authority under this Act may be used to commence an administrative or judicial action with respect to source, special nuclear, or byproduct material that is subject to decontamination regulations issued by the Nuclear Regulatory Commission for license termination under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or by a State that has entered into an agreement under section 274b. of that Act (42 U.S.C. 2021b.) unless the action is requested by the Nuclear Regulatory Commission or, in the case of material under the jurisdiction of a State that has entered into such an agreement, the Governor of the State.”.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

(a) IN GENERAL.—

(1) SALARIES AND EXPENSES.—There is authorized to be appropriated to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875) \$465,400,000 for fiscal year 2001, to remain available until expended, of which \$19,150,000 is authorized to be appropriated from the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222).

(2) OFFICE OF INSPECTOR GENERAL.—There is authorized to be appropriated to the Office of Inspector General of the Nuclear Regulatory Commission \$6,000,000 for fiscal year 2001, to remain available until expended.

(b) ALLOCATION OF AMOUNTS AUTHORIZED.—

(1) IN GENERAL.—The amounts authorized to be appropriated under subsection (a)(1) shall be allocated as follows:

(A) NUCLEAR REACTOR SAFETY.—\$210,043,000 shall be used for the Nuclear Reactor Safety Program.

(B) NUCLEAR MATERIALS SAFETY.—\$63,881,000 shall be used for the Nuclear Materials Safety Program.

(C) NUCLEAR WASTE SAFETY.—\$42,143,000 shall be used for the Nuclear Waste Safety Program.

(D) INTERNATIONAL NUCLEAR SAFETY SUPPORT PROGRAM.—\$4,840,000 shall be used for the International Nuclear Safety Support Program.

(E) MANAGEMENT AND SUPPORT PROGRAM.—\$144,493,000 shall be used for the Management and Support Program.

(2) LIMITATION.—The Nuclear Regulatory Commission may use not more than 1 percent of the amounts allocated under paragraph (1) to exercise authority under section 31a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) to make grants and enter into cooperative agreements with organizations such as universities, State and local governments, and not-for-profit institutions.

(3) REALLOCATION.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), any amount allocated for a fiscal year under any subparagraph of paragraph (1) for the program referred to in that subparagraph may be reallocated by the Nuclear Regulatory Commission for use in a program referred to in any other such subparagraph.

(B) LIMITATION.—

(i) ADVANCE NOTIFICATION.—The amount made available from appropriations for use for any program referred to in any subparagraph of paragraph (1) may not, as a result of a reallocation under subparagraph (A), be increased or decreased by more than \$1,000,000 for a quarter unless the Commission provides advance notification of the reallocation to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(ii) CONTENTS.—A notification under clause (i) shall contain a complete statement of the reallocation to be made and the facts and circumstances relied on in support of the reallocation.

(C) USE OF CERTAIN FUNDS.—Funds authorized to be appropriated from the Nuclear Waste Fund—

(i) may be used only for the high-level nuclear waste activities of the Commission; and

(ii) may not be reallocated for other Commission activities.

(c) LIMITATION.—No authority to make payments under this section shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 18. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall be effective on the date of enactment of this Act.

(b) DECOMMISSIONING AND LICENSE REMOVAL.—The amendments made by sections 14 and 16 take effect on the date that is 180 days after the date of enactment of this Act.

[From Foreign Affairs, January-February, 2000]

THE NEED FOR NUCLEAR POWER

(By Richard Rhodes and Denis Beller)

A CLEAN BREAK

The world needs more energy. Energy multiplies human labor, increasing productivity. It builds and lights schools, purifies water, powers farm machinery, drives sewing machines and robot assemblers, stores and moves information. World population is steadily increasing, having passed six billion in 1999. Yet one-third of that number—two billion people—lack access to electricity. Development depends on energy, and the alternative to development is suffering: poverty, disease, and death. Such conditions create instability and the potential for widespread violence. National security therefore requires developed nations to help increase energy production in their more populous developing counterparts. For the sake of safety as well as security, that increased energy supply should come from diverse sources.

“At a global level,” the British Royal Society and Royal Academy of Engineering estimate in a 1999 report on nuclear energy and climate change, “we can expect our consumption of energy at least to double in the next 50 years and to grow by a factor of up to five in the next 100 years as the world population increases and as people seek to improve their standards of living.” Even with vigorous conservation, would energy production would have to triple by 2050 to support consumption at a mere one-third of today’s U.S. per capita rate. The International Energy Agency (IEA) of the Organization for Economic Cooperation and Development (OECD) projects 65 percent growth in world energy demand by 2020, two-thirds of that coming from developing countries. “Given the levels of consumption likely in the future,” the Royal Society and Royal Academy caution, “it will be an immense challenge to meet the global demand for energy without unsustainable long-term damage to the envi-

ronment.” That damage includes surface and air pollution and global warming.

Most of the world’s energy today comes from petroleum (39.5 percent), coal (24.2 percent), natural gas (22.1 percent), hydroelectric power (6.9 percent), and nuclear power (6.3 percent). Although oil and coal still dominate, their market fraction began declining decades ago. Meanwhile, natural gas and nuclear power have steadily increased their share and should continue to do so. Contrary to the assertions of anti-nuclear organizations, nuclear power is neither dead nor dying. France generates 79 percent of its electricity with nuclear power; Belgium, 60 percent; Sweden, 42 percent; Switzerland, 39 percent; Spain, 37 percent; Japan, 34 percent; the United Kingdom, 21 percent; and the United States (the largest producer of nuclear energy in the world), 20 percent. South Korea and China have announced ambitious plans to expand their nuclear-power capabilities—in the case of South Korea, by building 16 new plants, increasing capacity by more than 100 percent. With 434 operating reactors worldwide, nuclear power is meeting the annual electrical needs of more than a billion people.

In America and around the globe, nuclear safety and efficiency have improved significantly since 1990. In 1998, unit capacity factor (the fraction of a power plant’s capacity that it actually generates) for operating reactors reached record levels. The average U.S. capacity factor in 1998 was 80 percent for about 100 reactors, compared to 58 percent in 1980 and 66 percent in 1990. Despite a reduction in the number of power plants, the U.S. nuclear industry generated nine percent more nuclear electricity in 1999 than in 1998.

Average production costs for nuclear energy are now just 1.9 cents per kilowatt-hour (kWh), while electricity produced from gas costs 3.4 cents per kWh. Meanwhile, radiation exposure to workers and waste produced per unit of energy have hit new lows.

Because major, complex technologies take more than half a century to spread around the world, natural gas will share the lead in power generation with nuclear power over the next hundred years. Which of the two will command the greater share remains to be determined. But both are cleaner and more secure than the fuels they have begun to replace, and their ascendance should be endorsed. Even environmentalists should welcome the transition and reconsider their infatuation with renewable energy sources.

CARBON NATIONS

Among sources of electric-power generation, coal is the worst environmental offender. (Petroleum, today’s dominant source of energy, sustains transportation, putting it in a separate category.) Recent studies by the Harvard School of Public Health indicate that pollutants from coal-burning cause about 15,000 premature deaths annually in the United States alone. Used to generate about a quarter of the world’s primary energy, coal-burning releases amounts of toxic waste too immense to contain safely. Such waste is either dispersed directly into the air or is solidified and dumped. Some is even mixed into construction materials. Besides emitting noxious chemicals in the form of gases or toxic particles—sulfur and nitrogen oxides (components of acid rain and smog), arsenic, mercury, cadmium, selenium, lead, boron, chromium, copper, fluorine, molybdenum, nickel, vanadium, zinc, carbon monoxide and dioxide, and other greenhouse gases—coal-fired power plants are also the world’s major source of radioactive releases into the environment. Uranium and thorium, mildly radioactive elements ubiquitous in the earth’s crust, are both released when coal is burned. Radioactive radon gas, produced when uranium in the Earth’s crust decays and normally confined underground, is

released when coal is mined. A 1,000-megawatt-electric (MWe) coal-fired power plant releases about 100 times as much radioactivity into the environment as a comparable nuclear plant. Worldwide releases of uranium and thorium from coal-burning total about 37,300 tonnes (metric tons) annually, with about 7,300 tonnes coming from the United States. Since uranium and thorium are potent nuclear fuels, burning coal also wastes more potential energy than it produces.

Nuclear proliferation is another overlooked potential consequence of coal-burning. The uranium released by a single 1,000-MWe coal plant in a year includes about 74 pounds of uranium-235—enough for at least two atomic bombs. This uranium would have to be enriched before it could be used, which would be complicated and expensive. But plutonium could also be bred from coal-derived uranium. Moreover, "because electric utilities are not high-profile facilities," writes physicist Alex Gabbard of the Oak Ridge National Laboratory, "collection and processing of coal ash for recovery of minerals . . . can proceed without attracting outside attention, concern or intervention. Any country with coal-fired plants could collect combustion by products and amass sufficient nuclear weapons materials to build up a very powerful arsenal." In the early 1950s, when richer ores were believed to be in short supply, the U.S. Atomic Energy Commission actually investigated using coal as a source of uranium production for nuclear weapons; burning the coal, the AEC concluded, would concentrate the mineral, which could then be extracted from the ash.

Such a scenario may seem far-fetched. But it emphasizes the political disadvantages under which nuclear power labors. Current laws force nuclear utilities, unlike coal plants, to invest in expensive systems that limit the release of radioactivity. Nuclear fuel is not efficiently recycled in the United States because of proliferation fears. These factors have warped the economics of nuclear power development and created a politically difficult waste-disposal problem. If coal utilities were forced to assume similar costs, coal electricity would no longer be cheaper than nuclear.

DECLINE AND FALL OF THE RENEWABLES

Renewable sources of energy—hydroelectric, solar, wind, geothermal, and biomass—have high capital-investment costs and significant, if usually unacknowledged, environmental consequences. Hydropower is not even a true renewable, since dams eventually silt in. Most renewables collect extremely diluted energy, requiring large areas of land and masses of collectors to concentrate. Manufacturing solar collectors, pouring concrete for fields of windmills, and downing many square miles of land behind dams cause damage and pollution.

Photovoltaic cells used for solar collection are large semiconductors; their manufacture produces highly toxic waste metals and solvents that require special technology for disposal. A 1,000-MWe solar electric plant would generate 6,850 tonnes of hazardous waste from metals-processing alone over a 30-year lifetime. A comparable solar thermal plant (using mirrors focused on a central tower) would require metals for construction that would generate 435,000 tonnes of manufacturing waste, of which 16,300 tonnes would be contaminated with lead and chromium and be considered hazardous.

A global solar-energy system would consume at least 20 percent of the world's known iron resources. It would require a century to build and a substantial fraction of annual world iron production to maintain. The energy necessary to manufacture suffi-

cient solar collectors to cover a half-million square miles of the Earth's surface and to deliver the electricity through long-distance transmission systems would itself add grievously to the global burden of pollution and greenhouse gas. A global solar-energy system without fossil or nuclear backup would also be dangerously vulnerable to drops in solar radiation from volcanic events such as the 1883 eruption of Krakatoa, which caused widespread crop failure during the "year without a summer" that followed.

Wind farms, besides requiring millions of pounds of concrete and steel to build (and thus creating huge amounts of waste materials), are inefficient, with low (because intermittent) capacity. They also cause visual and noise pollution and are mighty slayers of birds. Several hundred birds of prey, including dozens of golden eagles, are killed every year by a single California wind farm; more eagles have been killed by wind turbines than were lost in the disastrous Exxon Valdez oil spill. The National Audubon Society has launched a campaign to save the California condor from a proposed wind farm to be built north of Los Angeles. A wind farm equivalent in output and capacity to a 1,000-MWe fossil-fuel or nuclear plant would occupy 2,000 square miles of land and, even with substantial subsidies and ignoring hidden pollution costs, would produce electricity at double or triple the cost of fossil fuels.

Although at least one-quarter of the world's potential for hydropower has already been developed, hydroelectric power—produced by dams that submerge large areas of land, displace rural populations, change river ecology, kill fish, and risk catastrophic collapse—has understandably lost the backing of environmentalists in recent years. The U.S. Export-Import Bank was responding in part to environmental lobbying when it denied funding to China's 18,000-MWe Three Gorges project.

Meanwhile, geothermal sources—which exploit the internal heat of the earth emerging in geyser areas or under volcanoes—are inherently limited and often coincide with scenic sites (such as Yellowstone National Park) that conservationists understandably want to preserve.

Because of these and other disadvantages, organizations such as World Energy Council and the IEA predict that hydroelectric generation will continue to account for no more than its present 6.9 percent share of the world's primary energy supply, while all other renewables, even though robustly subsidized, will move from their present 0.5 percent share to claim no more than 5 to 8 percent by 2020. In the United States, which leads the world in renewable energy generation, such production actually declined by 9.4 percent from 1997 to 1998: hydro by 9.2 percent, geothermal by 5.4 percent, wind by 50.5 percent, and solar by 27.7 percent.

Like the dream of controlled thermonuclear fusion, then, the reality of a world run on pristine energy generated from renewables continues to recede, despite expensive, highly subsidized research and development. The 1997 U.S. federal R&D investment per thousand kWh was only 5 cents for nuclear and coal, 58 cents for oil, and 41 cents for gas, but was \$4,769 for wind and \$17,006 for photovoltaics. This massive public investment in renewables would have been better spent making coal plants and automobiles cleaner. According to Robert Bradley of Houston's Institute for Energy Research, U.S. conservation efforts and nonhydroelectric renewables have benefited from a cumulative 20-year taxpayer investment of some \$30-\$40 billion—"the largest governmental peacetime energy expenditure in U.S. history." And Bradley estimates that "the

\$5.8 billion spent by the Department of Energy on wind and solar subsidies" alone could have paid for "replacing between 5,000 and 10,000 MWe of the nation's dirtiest coal capacity with gas-fired combined-cycle units, which would have reduced carbon dioxide emissions by between one-third and two-thirds." Replacing coal with nuclear generation would have reduced overall emissions even more.

Despite the massive investment, conservation and nonhydro renewables remain stubbornly uncompetitive and contribute only marginally to U.S. energy supplies. If the most prosperous nation in the world cannot afford them, who can? Not China, evidently, which expects to generate less than one percent of its commercial energy from nonhydro renewables in 2025. Coal and oil will still account for the bulk of China's energy supply in that year unless developed countries offer incentives to convince the world's most populous nation to change its plan.

TURN DOWN THE VOLUME

Natural gas has many virtues as a fuel compared to coal or oil, and its share of the world's energy will assuredly grow in the first half of the 21st century. But its supply is limited and unevenly distributed, it is expensive as a power source compared to coal or uranium, and it pollutes the air. A 1,000-MWe natural gas plant releases 5.5 tonnes of sulfur oxides per day, 21 tonnes of nitrogen oxides, 1.6 tonnes of carbon monoxide, and 0.9 tonnes of particulates. In the United States, energy production from natural gas released about 5.5 billion tonnes of waste in 1994. Natural gas fires and explosions are also significant risks. A single mile of gas pipeline three feet in diameter at a pressure of 1,000 pounds per square inch (psi) contains the equivalent of two-thirds of a kiloton of explosive energy; a million miles of such large pipelines lace the earth.

The great advantage of nuclear power is its ability to wrest enormous energy from a small volume of fuel. Nuclear fission, transforming matter directly into energy, is several million times as energetic as chemical burning, which merely breaks chemical bonds. One tonne of nuclear fuel produces energy equivalent to 2 to 3 million tonnes of fossil fuel. Burning 1 kilogram of firewood can generate 1 kilowatt-hour of electricity; 1 kg of coal, 3 kWh; 1 kg of oil, 4 kWh. But 1 kg of uranium fuel in a modern light-water reactor generates 400,000 kWh of electricity, and if that uranium is recycled, 1 kg can generate more than 7,000,000 kWh. These spectacular differences in volume help explain the vast difference in the environmental impacts of nuclear versus fossil fuels. Running a 1,000-MWe power plant for a year requires, 2,000 train cars of coal or 10 super-tankers of oil but only 12 cubic meters of natural uranium. Out the other end of fossil-fuel plants, even those with pollution-control systems, come thousands of tonnes of noxious gases, particulates, and heavy-metal-bearing (and radioactive) ash, plus solid hazardous waste—up to 500,000 tonnes of sulfur from coal, more than 300,000 tonnes from oil, and 200,000 tonnes from natural gas. In contrast, a 1,000-MWe nuclear plant releases no noxious gases or other pollutants and much less radioactivity per capita than is encountered from airline travel, a home smoke detector, or a television set. It produces about 30 tonnes of high-level waste (spent fuel) and 800 tonnes of low- and intermediate-level waste—about 20 cubic meters in all when compacted (roughly, the volume of two automobiles). All the operating nuclear plants in the world produce some 3,000 cubic meters of waste annually. By comparison, U.S. industry generates annually about 50,000,000 cubic meters of solid toxic waste.

Uranium is refined and processed into fuel assemblies today using coal energy, which does of course release pollutants. If nuclear power were made available for process heat or if fuel assemblies were recycled, this source of manufacturing pollution would be eliminated or greatly reduced.

The high-level waste is intensely radioactive, of course (the low-level waste can be less radioactive than coal ash, which is used to make concrete and gypsum—both of which are incorporated into building materials). But thanks to its small volume and the fact that it is not released into the environment, this high-level waste can be meticulously sequestered behind multiple barriers. Waste from coal, dispersed across the landscape in smoke or buried near the surface, remains toxic forever. Radioactive nuclear waste decays steadily, losing 99 percent of its toxicity after 600 years—well within the range of human experience with custody and maintenance, as evidence by structures such as the Roman Pantheon and Notre Dame Cathedral. Nuclear waste disposal is a political problem in the United States because of wide-spread fear disproportionate to the reality of risk. But it is not an engineering problem, as advanced projects in France, Sweden, and Japan demonstrate. The World Health Organization has estimated that indoor and outdoor air pollution cause some three million deaths per year. Substituting small, properly contained volumes of nuclear waste for vast, dispersed amounts of toxic wastes from fossil fuels would produce so obvious an improvement in public health that it is astonishing that physicians have not already demanded such a conversion.

The production cost of nuclear electricity generated from existing U.S. plants is already fully competitive with electricity from fossil fuels, although new nuclear power is somewhat more expensive. But this higher price tag is deceptive. Large nuclear power plants require larger capital investments than comparable coal or gas plants only because nuclear utilities are required to build and maintain costly systems to keep their radioactivity from the environment. If fossil-fuel plants were similarly required to sequester the pollutants they generate, they would cost significantly more than nuclear power plants do. The European Union and the International Atomic Energy Agency (IAEA) have determined that "for equivalent amounts of energy generation, coal and oil plants, . . . owing to their large emissions and huge fuel and transport requirements, have the highest externality costs as well as equivalent lives lost. The external costs are some ten times higher than for a nuclear power plant and can be a significant fraction of generation costs." In equivalent lives lost per gigawatt generated (that is, loss of life expectancy from exposure to pollutants), coal kills 37 people annually; oil, 32; gas, 2; nuclear, 1. Compared to nuclear power, in other words, fossil fuels (and renewables) have enjoyed a free ride with respect to protection of the environment and public health and safety.

Even the estimate of one life lost to nuclear power is questionable. Such an estimate depends on whether or not, as the long-standing "linear no-threshold" theory (LNT) maintains, exposure to amounts of radiation considerably less than preexisting natural levels increases the risk of cancer. Although LNT dictates elaborate and expensive confinement regimes for nuclear power operations and waste disposal, there is no evidence that low-level radiation exposure increases cancer risk. In fact, there is good evidence that it does not. There is even good evidence that exposure to low doses of radioactivity improves health and lengthens life, probably by stimulating the immune system

much as vaccines do (the best study, of background radon levels in hundreds of thousands of homes in more than 90 percent of U.S. counties, found lung cancer rates decreasing significantly with increasing radon levels among both smokers and nonsmokers). So low-level radioactivity from nuclear power generation presents at worst a negligible risk. Authorities on coal geology and engineering make the same argument about low-level radioactivity from coal-burning; a U.S. Geological Survey fact sheet, for example, concludes that "radioactive elements in coal and fly ash should not be sources of alarm." Yet nuclear power development has been hobbled, and nuclear waste disposal unnecessarily delayed, by limits not visited upon the coal industry.

No technology system is immune to accident. Recent dam overflows and failures in Italy and India each resulted in several thousand fatalities. Coal-mine accidents, oil- and gas-plant fires, and pipeline explosions typically kill hundreds per incident. The 1984 Bhopal chemical plant disaster caused some 3,000 immediate deaths and poisoned several hundred thousand people. According to the U.S. Environmental Protection Agency, between 1987 and 1997 more than 600,000 accidental releases of toxic chemicals in the United States killed a total of 2,565 people and injured 22,949.

By comparison, nuclear accidents have been few and minimal. The recent, much-reported accident in Japan occurred not at a power plant but at a facility processing fuel for a research reactor. It caused no deaths or injuries to the public. As for the Chernobyl explosion, it resulted from human error in operating a fundamentally faulty reactor design that could not have been licensed in the West. It caused severe human and environmental damage locally, including 31 deaths, most from radiation exposure. Thyroid cancer, which could have been prevented with prompt iodine prophylaxis, has increased in Ukrainian children exposed to fallout. More than 800 cases have been diagnosed and several thousand more are projected; although the disease is treatable, three children have died. LNT-based calculations project 3,420 cancer deaths in Chernobyl-area residents and cleanup crews. The Chernobyl reactor lacked a containment structure, a fundamental safety system that is required on Western reactors. Postaccident calculations indicate that such a structure would have confined the explosion and thus the radioactivity, in which case no injuries or deaths would have occurred.

These numbers, for the worst ever nuclear power accident, are remarkably low compared to major accidents in other industries. More than 40 years of commercial nuclear power operations demonstrate that nuclear power is much safer than fossil-fuel systems in terms of industrial accidents, environmental damage, health effects, and long-term risk.

GHOSTS IN THE MACHINE

Most of the uranium used in nuclear reactors is inert, a nonfissile product unavailable for use in weapons. Operating reactors, however, breed fissile plutonium that could be used in bombs, and therefore the commercialization of nuclear power has raised concerns about the spread of weapons. In 1977, President Carter deferred indefinitely the recycling of "spent" nuclear fuel, citing proliferation risks. This decision effectively ended nuclear recycling in the United States, even though such recycling reduces the volume and radiotoxicity of nuclear waste and could extend nuclear fuel supplies for thousands of years. Other nations assessed the risks differently and the majority did not follow the U.S. example. France and the

United Kingdom currently reprocess spent fuel; Russia is stockpiling fuel and separated plutonium for jump-starting future fast-reactor fuel cycles; Japan has begun using recycled uranium and plutonium mixed-oxide (MOX) fuel in its reactors and recently approved the construction of a new nuclear power plant to use 100-percent MOX fuel by 2007.

Although power-reactor plutonium theoretically can be used to make nuclear explosives, spent fuel is refractory, highly radioactive, and beyond the capacity of terrorists to process. Weapons made from reactor-grade plutonium would be hot, unstable, and of uncertain yield. India has extracted weapons plutonium from a Canadian heavy-water reactor and bars inspection of some dual-purpose reactors it has built. But no plutonium has ever been diverted from British or French reprocessing facilities or fuel shipments for weapons production; IAEA inspections are effective in preventing such diversions. The risk of proliferation, the IAEA has concluded, "is not zero and would not become zero even if nuclear power ceased to exist. It is a continually strengthened nonproliferation regime that will remain the cornerstone of efforts to prevent the spread of nuclear weapons."

Ironically, burying spent fuel without extracting its plutonium through reprocessing would actually increase the long-term risk of nuclear proliferation, since the decay of less-fissile and more-radioactive isotopes in spent fuel after one to three centuries improves the explosive qualities of the plutonium it contains, making it more attractive for weapons use. Besides extending the world's uranium resources almost indefinitely, recycling would make it possible to convert plutonium to useful energy while breaking it down into shorter-lived, nonfissionable, nonthreatening nuclear waste.

Hundreds of tons of weapons-grade plutonium, which cost the nuclear superpowers billions of dollars to produce, have become military surplus in the past decade. Rather than burying some of this strategically worrisome but energetically valuable material—as Washington has proposed—it should be recycled into nuclear fuel. An international system to recycle and manage such fuel would prevent covert proliferation. As envisioned by Edward Arthur, Paul Cunningham, and Richard Wagner of the Los Alamos National Laboratory, such a system would combine internationally monitored retrievable storage, the processing of all separated plutonium into MOX fuel for power reactors, and, in the longer term, advanced integrated materials-processing reactors that would receive, control, and process all fuel discharged from reactors throughout the world, generating electricity and reducing spent fuel to short-lived nuclear waste ready for permanent geological storage.

THE NEW NEW THING

The New generation of small, modular power plants—competitive with natural gas and designed for safety, proliferation resistance, and ease of operation—will be necessary to extend the benefits of nuclear power to smaller developing countries that lack a nuclear infrastructure. The Department of Energy has awarded funding to three designs for such "fourth-generation" plants. A South African utility, Eskom, has announced plans to market a modular gas-cooled pebble-bed reactor that does not require emergency core-cooling systems and physically cannot "melt down." Eskom estimates that the reactor will produce electricity at around 1.5 cents per kWh, which is cheaper than electricity from a combined-cycle gas plant. The Massachusetts Institute of Technology and the Idaho National Engineering and Environmental Laboratory are

developing a similar design to supply high-temperature heat for industrial processes such as hydrogen generation and desalinization.

Petroleum is used today primarily for transportation, but the internal combustion engine has been refined to its limit. Further reductions in transportation pollution can come only from abandoning petroleum and developing nonpolluting power systems for cars and trucks. Recharging batteries for electric cars will simply transfer pollution from mobile to centralized sources unless the centralized source of electricity is nuclear. Fuel cells, which are now approaching commercialization, may be a better solution. Because fuel cells generate electricity directly from gaseous or liquid fuels, they can be refueled along the way, much as present internal combustion engines are. When operated on pure hydrogen, fuel cells produce only water as a waste product. Since hydrogen can be generated from water using heat or electricity, one can envisage a minimally polluting energy infrastructure, using hydrogen generated by nuclear power for transportation, nuclear electricity and process heat for most other applications, and natural gas and renewable systems as backups. Such a major commitment to nuclear power could not only halt but eventually even reverse the continuing buildup of carbon in the atmosphere. In the meantime, fuel cells using natural gas could significantly reduce air pollution.

POWERING THE FUTURE

To meet the world's growing need for energy, the Royal Society and Royal Academy report proposes "the formation of an international body for energy research and development, funded by contributions from individual nations on the basis of GDP or total national energy consumption." The body would be "a funding agency supporting research, development and demonstrators elsewhere, not a research center itself." Its budget might build to an annual level of some \$25 billion, "roughly one percent of the total global energy budget." If it truly wants to develop efficient and responsible energy supplies, such a body should focus on the nuclear option, on establishing a secure international nuclear-fuel storage and reprocessing system, and on providing expertise for siting, financing, and licensing modular nuclear power systems to developing nations.

According to Arnulf Grubler, Nebojsa Nakicenovic, and David Victor, who study the dynamics of energy technologies, "the share of energy supplied by electricity is growing rapidly in most countries and worldwide." Throughout history, humankind has gradually decarbonized its dominant fuels, moving steadily away from the more polluting, carbon-rich sources. Thus the world has gone from coal (which has one hydrogen atom per carbon atom and was dominant from 1880 to 1950) to oil (with two hydrogens per carbon, dominant from 1950 to today). Natural gas (four hydrogens per carbon) is steadily increasing its market share. But nuclear fission produces no carbon at all.

Physical reality—not arguments about corporate greed, hypothetical risks, radiation exposure, or waste disposal—ought to inform decisions vital to the future of the world. Because diversity and redundancy are important for safety and security, renewable energy source ought to retain a place in the energy economy of the century to come. But nuclear power should be central. Despite its outstanding record, it has instead been relegated by its opponents to the same twilight zone of contentions ideological conflict as abortion and evolution. It deserves better. Nuclear power is environmentally safe, practical, and affordable. It is not the problem—it is one of the best solutions.

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 149

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 149, a bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun.

S. 171

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 206

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 206, a bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 333

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 429

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 443

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 457

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 457, a bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the

buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

S. 494

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid program.

S. 512

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 517

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 547

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 547, a bill to authorize the President to enter into agreements to provide regulatory credit for voluntary early action to mitigate potential environmental impacts from greenhouse gas emissions.

S. 599

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 599, a bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes.

S. 622

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 669

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 669, a bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements.

S. 686

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 686, a bill to regulate interstate commerce by providing a Federal cause of action against firearms manufacturers, dealers, and importers for the harm resulting from gun violence.

S. 708

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other

purposes, consistent with the Adoption and Safe Families Act of 1997.

S. 725

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 725, a bill to preserve and protect coral reefs, and for other purposes.

S. 757

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 796

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 802

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 802, a bill to provide for a gradual reduction in the loan rate for peanuts, to repeal peanut quotas for the 2002 and subsequent crops, and to require the Secretary of Agriculture to purchase peanuts and peanut products for nutrition programs only at the world market price.

S. 805

At the request of Mr. L. CHAFEE, his name 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. 808

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 820

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 835

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 835, a bill 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.

S. 864

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 864, a bill to designate April 22 as Earth Day.

S. 866

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 926

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 936

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 936, a bill to prevent children from having access to firearms.

S. 965

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 1067

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1077

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1077, a bill to dedicate the new Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN.

S. 1100

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1100, a bill to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species.

S. 1118

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1118, a bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program.

S. 1131

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1144

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1200

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S.

1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1210

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1210, a bill to assist in the conservation of endangered and threatened species of fauna and flora found throughout the world.

S. 1225

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1225, a bill to provide for a rural education initiative, and for other purposes.

S. 1241

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1241, a bill to amend the Fair Labor Standards Act of 1938 to provide private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 1262

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1266

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1573

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1573, a bill to provide a reliable source of funding for State, local, and Federal

efforts to conserve land and water, preserve historic resources, improve environmental resources, protect fish and wildlife, and preserve open and green spaces.

S. 1618

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1618, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purposes.

S. 1653

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1730

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1730, an original bill to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted.

S. 1731

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1731, an original bill to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted.

S. 1744

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1744, an original bill to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted.

S. 1752

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1752, a bill to reauthorize and amend the Coastal Barrier Resources Act.

S. 1758

At the request of Mr. COVERDELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1758, a bill to authorize urgent support for Colombia and front line states to secure peace and the rule of law, to enhance the effectiveness of anti-drug efforts that are essential to impeding the flow of deadly cocaine and heroin from Colombia to the United States, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1886

At the request of Mr. INHOFE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 1886, a bill to amend the Clean Air Act to permit the Governor

of a State to waive the oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, and for other purposes.

S. 1951

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1951, a bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve.

S. 1983

At the request of Mrs. MURRAY, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1983, a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Nebraska (Mr. HAGEL), the Senator from Alabama (Mr. SHELBY), the Senator from Michigan (Mr. ABRAHAM), the Senator from Alaska (Mr. STEVENS), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2006

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2006, a bill for the relief of Yongyi Song.

S. 2010

At the request of Mr. BROWNBACK, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2010, a bill to require the Federal Communications Commission to follow normal rulemaking procedures in establishing additional requirements for noncommercial educational television broadcasters.

S. CON. RES. 32

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Utah (Mr.

HATCH) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 79

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 79, a concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba.

S.J. RES. 30

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 196

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. Res. 196, a resolution commending the submarine force of the United States Navy on the 100th anniversary of the force.

SENATE RESOLUTION 248—TO DESIGNATE THE WEEK OF MAY 7, 2000, "NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK"

Mr. ROBB submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 248

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human being charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved, That the Senate designates the week of May 7, 2000, as "National Correctional Officers and Employees Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

SENATE RESOLUTION 249—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN THOMAS DWYER V. CITY OF PITTSBURGH, ET AL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas, in the case of *Thomas Dwyer v. City of Pittsburgh, et al.*, pending in the United States District Court for the Western District of Pennsylvania, testimony has been requested from Emmet Mahon, an employee in the office of Senator Rick Santorum;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Emmet Mahon is authorized to testify and produce documents in the case of *Thomas Dwyer v. City of Pittsburgh, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Emmet Mahon in connection with the testimony and document production authorized in section one of this resolution.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Madam President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 3, 2000 in SR-328A at 9 a.m. The purpose of this meeting will be to discuss Rural Satellite and Cable Systems Loan Guarantee Proposal and the Digital Divide in Rural America.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Madam President, I ask unanimous consent that Tim Sparapani, a legal intern on my staff, be granted the privilege of the floor for the remainder of the Senate's consideration of S. 625, the bankruptcy reform bill.

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

ADDITIONAL STATEMENTS

THE WEYERHAEUSER COMPANY'S 100TH ANNIVERSARY

• Mrs. MURRAY. Madam President, I come to the floor today to recognize the Weyerhaeuser Company's 100th anniversary on Tuesday, January 18, 2000.

In 1990, a group of investors led by Frederick Weyerhaeuser incorporated the Weyerhaeuser Company. With three employees in Tacoma, Washington, Weyerhaeuser began one hundred years of expansion and growth across our State, Nation and international borders. Today, Weyerhaeuser is the world's largest owner of softwood timber, and the largest producer and

distributor of engineered wood products.

An economic pillar in the Northwest and throughout the nation, Weyerhaeuser employs over 45,000 people. The company's current success is directly related to its commitment to sustainable forestry and community involvement. Frederick Weyerhaeuser's founding vision is captured in his statement "this is not for us, it is for our children." Steven R. Rogel, Weyerhaeuser's current chairman, CEO, and president has committed the company to "safety and to being a good corporate citizen. Weyerhaeuser continues to manage woodlands to sustain the supply of wood and protect the ecosystem." Through product research, Weyerhaeuser has successfully developed new products and services to meet changing customer demands.

Dedicated to the communities which support it, Weyerhaeuser has distributed over \$127 million to communities for educational, environmental and other programs. Through the years, Weyerhaeuser has supported recycling programs becoming the third largest recycler in the Nation. The company's 24 recycling facilities collect nearly four million tons of paper each year. In 1980, Mt. St. Helens in Washington state erupted, destroying thousands of acres of forest. Weyerhaeuser salvaged timber and replanted 18 million seedlings in the volcanic area. The company joined the Department of Transportation to create the visitor center at Mt. St. Helens which educates people about the environment.

Over the years, Weyerhaeuser has become an international trade leader and an engine adding to the economic success of Washington state and the entire nation. I would like to congratulate the Weyerhaeuser Team on its past 100 years of business success. I know their innovation will carry them through the next century, and I look forward to the benefits Weyerhaeuser will continue to bring to the people of Washington State.●

TRIBUTE TO WINI YUNKER

• Mr. MCCONNELL. Madam President, I rise today to pay tribute to a fine Kentuckian, Wini Yunker, as she prepares to serve the Peace Corps in the Ukraine.

Choosing to serve in the Peace Corps is an admirable decision for anyone to make but, especially for Ms. Yunker, who is making this decision later in life. At a time in her life when most people are beginning to think of retirement and slowing the pace of their lives, Ms. Yunker is instead boldly venturing out on a new journey. She is reaching high for a new goal that will not only make a lasting impact on her own life, but also on the lives of those she leaves the country to help.

Ms. Yunker enters the Peace Corps with the benefit of a lifetime of learning and preparation, making her an ideal candidate for service. She completed the necessary academic requirements by earning a college degree, and

further earned a master's degree from the Patterson School of Diplomacy and International Commerce at the University of Kentucky.

The Peace Corps was created in 1961, by President John F. Kennedy, and is an international service organization dedicated to helping developing countries. My wife, Elaine L. Chao, headed the Peace Corps from 1991 to 1992, and it was under her tenure that service programs in the newly independent states of the former Soviet Union, including Ukraine, began. We take great personal pleasure that Ms. Yunker, a fellow Kentuckian, will be working in a service program Elaine helped create. Elaine's leadership of the Peace Corps made us both acutely aware of the kind of committed, hands-on approach to service that participation in the Corps entails. We applaud you, Ms. Yunker, for accepting the challenges the Peace Corps will surely present you over the next two years. The commitment you have made is admirable and your passion to serve others is an example to us all.

Congratulations, Ms. Yunker, on your acceptance into the Peace Corps, and thank you for your enthusiastic willingness to serve. On behalf of myself, my wife, and my colleagues in the United States Senate, I wish you the all the best.

Madam President, I ask that a Louisville Courier-Journal article from January 18, 2000, be printed in the RECORD.

The article follows:

[From the Louisville Courier-Journal, Jan. 18, 2000]

WOMAN REJECTED IN '61 GETS INTO PEACE CORPS

(By Chris Poynter)

NICHOLASVILLE, KY.—Thirty-nine years ago, the Peace Corps told Wini Yunker no.

She didn't have enough education, the Peace Corps said.

But it has now learned that you don't tell Wini Yunker no.

She graduated from college at age 58. She learned to ski a year later.

At 60, she earned a master's degree from the Patterson School of Diplomacy and International Commerce at the University of Kentucky.

Now, at 65, she's set to leave her home in Nicholasville to finally join the Peace Corps.

At the end of the month, she'll join 30 other Peace Corps volunteers who are teaching Ukrainians how to run a business in a free-market democracy, rather than under communism; the country was a republic of the former Soviet Union until 1991.

Yunker, born and raised in Nicholasville, just south of Lexington, said she's joining the Peace Corps because she wants a challenge, enjoys teaching and will feel good about helping a country become more democratic.

"I'm ready for a new phase in my life," she said.

The response is typical Yunker, who zigs when others zag. She's never been one to sit around and wait for life to come to her.

Some of her relatives think she's insane for leaving the comfort of her home and family to spend two years in an emerging democracy, where the winters are brutally cold.

Her brother-in-law tried to discourage her, sending her this rhyme: "If you have any sense in your brain, you will stay away from the Ukraine."

Yunker is one of a number of senior citizens who are joining the Peace Corps, which since its inception in 1961 has been populated mainly by freshly minted college graduates. The volunteers dedicate two years of their lives to working in developing countries.

When the Peace Corps was created by President John F. Kennedy, few members were senior citizens. This year, 7 percent—476—of the volunteers are over 50. Brendan Daly, a spokesman for the agency, said that figure has hovered between 6 percent and 8 percent in the 1990s, in part because seniors are more active and more educated than ever and are looking for something unusual to do.

In some respects, senior volunteers are better prepared than younger people. They have a wealth of life experiences to share and are enthusiastic about becoming part of a new culture, Daly said.

"They may not be the youngest in years, but they are the youngest in heart," he said.

Yunker definitely fits that description. Three years ago, she and her only child, 22-year-old Joe, rappelled off the scenic cliffs of Red River Gorge in Eastern Kentucky.

A colleague at work nicknamed her "Flash" because she's always darting around the factory at Sargent & Greenleaf in Nicholasville, which makes high-security locks for banks, vaults and safes.

Yunker will officially retire on Friday, after nearly 17 years with the company. But last Friday, the 160 employees came together to honor Yunker, a silver-haired woman who always wears a cheerful smile and is known for her long, dangling earrings.

Yunker is the administrative assistant to company President Jerry Morgan. Morgan told the employees Yunker will be missed. And he noted she had raised her son in a single-parent home but still found time to earn two degrees, volunteer for the United Way and teach in a literacy program, Operation Read.

He presented her with a gold watch before she took the microphone. She cried at times as she read from a prepared speech, and some co-workers dabbed tears from their eyes.

Yunker preached about the importance of education and encouraged the company's employees to take advantage of its program that pays for college tuition if they maintain a B average.

That's how Yunker earned her marketing degree from Spalding University. Every third weekend for four years, she would drive about 70 miles to downtown Louisville, where she stayed in a dormitory and studied as part of Spalding's weekend program.

The entire Sargent & Greenleaf factory helped her earn her degree, she said. Workers in the manufacturing, sales and engineering departments aided her with homework, and Patsy Gray, the woman who hired her, proofread and edited her term papers and essays.

While she was a student at Spalding, Yunker remembered that day in 1961 when she was living in Washington and went to Peace Corps headquarters to inquire about joining. The Peace Corps was the idea of President Kennedy who, while campaigning in October 1960, proposed an international volunteer organization. Since then, more than 155,000 Americans, including 1,079 Kentuckians, have traveled across the globe, helping people in villages, towns, and cities with education, health, transportation, business and other needs.

Yunker remembers being disappointed when she was turned away in 1961 because she didn't have a college degree. So, after graduating from Spalding, she called to see if the Peace Corps still existed. When she

learned it did, she began planning to join in seven years, when she would retire and her son would be old enough to live alone. A Peace Corps official suggested she earn a master's degree in the meantime. She did.

In 1998, she applied to the Peace Corps and had her employers and others write letters of recommendation. Last October, she learned that she had been accepted, but with some conditions.

For health reasons, she had to have three of her teeth, which had been capped, either replaced or removed. She chose removal to save money. She also had to have a bunion removed from one foot.

About the same time, Yunker decided to stop coloring her gray hair black. "I just decided I can't continue to be that vain if I'm going to be in a foreign country," she said.

On Jan. 31, she'll fly to Kiev, the capital of Ukraine, and take a bus to Cherkassy, a city of about 300,000 where she'll live with a family for four months while studying the language and culture eight hours a day. Then, she'll go to a university—she doesn't know which one or where—to teach business.

Her biggest concern is learning the language. She's not worried about the teaching. For six years, she had volunteered for Operation Read, and she recently taught English to a Korean immigrant who lives in Nicholasville.

"When we started in June, she couldn't speak English at all. And of course, I don't speak Korean," Yunker said. "And now, we can talk about even personal things and have conversations on the phone."

Velma J. Miller is among Yunker's co-workers concerned about her living in Ukraine.

Miller said Yunker, a longtime friend, is the kind of person who brought fresh flowers, food and cards when Miller was undergoing chemotherapy for breast cancer in 1998.

When Miller learned that Yunker had to have three teeth removed, she pulled her aside in the restroom and asked, "Wini, do you reckon that God's trying to tell you not to go?"

Yunker said her only worry is her five siblings, all of whom are older. She made each promise not to get sick while she was away.

Likewise, Yunker's son is worried, but also excited for his mother. Joe Yunker, an emergency medical technician in Jessamine County, said he knows that being a Peace Corps volunteer is one of his mother's life dreams. He's heard about it since he was 11.

"My mom can do anything," he said. ●

"SAINT" RITA

● Mr. LEAHY. Madam President, earlier this month, the Burlington Free Press chose for its 1999 Vermonter of the Year, a woman who is widely recognized as the guardian angel of the homeless in Vermont, Rita Markley. For as long as I have known her, Rita has been a passionate, articulate, and very vocal advocate for our most needy residents. She has raised awareness that even in Vermont, there are people without a roof over their heads, and most importantly, that these people have names, and faces, and that many of them are children. They could not have a better defender. I would like to have printed in the RECORD the text of the Burlington Free Press article announcing the selection of Rita as Vermonter of the Year, and offer my congratulations and sincere thanks to our very own "Saint" Rita Markley. I

ask that the article be printed in the RECORD.

The article reads as follows:

[From the Burlington Free Press, Jan. 1, 2000]

COTS DIRECTOR IS OUR VERMONTER OF THE YEAR

(By Stephen Kieman)

They are the problem the world's richest country pretends it doesn't have. Curled up in doorways, or killing time on street corners, they are the vision more fortunate Vermonters have learned to look past.

In a booming economy, they are the bust. Amid records on Wall Street, they sleep on Main Street.

They are the homeless. And Rita Markley does not look past them. She does not pretend they do not exist. Most of all, she does not stop believing in them.

As director of the Committee on Temporary Shelter, the largest program for helping homeless people in Vermont, Markley provides them with shelter, and then a way up.

For her exemplary advocacy on behalf of homeless people, for her unstinting attention to an urgent social issue, and for her success in building a more aware and compassionate community, Rita Markley is The Burlington Free Press Editorial Board's choice for Vermonter of the Year.

A NEW PROBLEM

COTS began providing shelter on Christmas Eve, 1982. Homelessness in Vermont is that recent a phenomenon. Last year more than 4,000 Vermonters lacked housing at some point. Most of them turned to COTS.

In 1999, COTS provided 10,723 bed nights to people who otherwise would have slept in a car or on the street. COTS also gave shelter to nearly 300 families—including 534 children.

Indeed one of Markley's achievements has been educating Vermonters about who homeless people are. Granted, some are the bothersome substance abusers who elicit little sympathy, but that is a shrinking proportion.

Many homeless people are veterans. Many are victims of the national trend to close mental hospitals and other institutions, who have not subsequently received sufficient community services.

Mostly, the homeless are people that Vermonters in good homes interact with all the time—at restaurants, at cash registers, in hotels. Though this work formerly paid enough to support people, today a full-time job is no guarantee of a place to live.

Of the families who needed COTS last year, half had at least one person working. Yet wages at entry level jobs have fallen so far behind the cost of living in Vermont, the number of homeless families has quadrupled in only four years.

Meanwhile the federal government, which used to build affordable housing units by the tens of thousands, has stopped. Urban renewal programs have demolished low-income housing, worsening the supply shortage.

Housing development has focused on higher priced homes; the state's median house selling price rose 20 percent this decade, placing a solution farther out of reach.

The Clinton administration has responded by expanding rental assistance money. But in Vermont, roughly 1,000 people eligible for these funds face a major obstacle: no eligible apartments available. Burlington has it worst, with a vacancy rate near zero.

MORE THAN SHELTER

Markley came to COTS as a part-timer who wanted to write fiction. Now she is a full-time champion of people who otherwise would not have a voice—or a place to go.

COTS offers much more than a meal and a bed, though. It provides a continuum of services: health care, child care, job training, coaching for interviews, help with school, summer programs for children, mental health counseling, and on and on. For those who strive, these programs are a strong ladder into good housing and greater opportunities.

Most importantly, COTS offers its clients hope—that they can escape dependency and attain self-sufficiency. "Rita believes in the resourcefulness of the human spirit," said United Way executive director Gretchen Morse. "She never falters on that."

It works. Seventy percent of the people who complete COTS' training programs have a job and stable housing a year later. A new effort to link apartment hunters with landlords who accept federal subsidies has found 40 individuals and 60 families a place to live—even in this no-vacancy market.

COTS has therefore earned the national accolades that have poured in from advocacy groups and the U.S. Department of Housing.

COMPASSION, ABILITY

With so serious a problem affecting so vital a need of a population growing so quickly, you might expect their strongest advocate to be strident or self-righteous. In Markley's case, a better description would be jokester chocaholic.

Yes, she is capable of speaking with passion at COTS' annual candlelight vigil. Yes, she is articulate in the Statehouse and before community leaders. And yes, sometimes she is angry about Washington's indifference to the people who are not sharing in the nation's prosperity.

But Markley uses irreverent humor to protect her from the sometimes grimmness of her task, and to thwart burnout. She is quick to praise others, and effusive in her thanks.

As a result she has made homelessness something Vermonters cannot ignore. Some 180 businesses support COTS financially or with in-kind services. Some 1,500 Vermonters walk for COTS each May. That means Markley is helping cultivate compassion across the community, a good deed that extends far beyond the mission of COTS.

It also means COTS has steadily diminished its reliance on government's help, now receiving two-thirds of its funding from other sources. Services are not tailored to the eligibility requirements of some grant, but to what a homeless person actually needs.

Markley draws on a wealth of skills in her work. Sometimes she is the passionate advocate. Sometimes she is the skilled policy wonk. Sometimes she is the light-hearted comic who brings chocolate to a potentially controversial meeting.

Sister Lucille Bonvouloir, a founder of COTS, tells a story that reveals a seemingly bottomless reservoir of compassion and ability. A woman came into COTS in the 1980's and no one could communicate with her. Everyone wondered why the woman would not speak. Then Markley entered the room, and in a matter of minutes they had struck up a lively conversation.

In Russian.●

TRIBUTE TO THE EMPLOYEES OF CATERPILLAR

● Mr. COVERDELL. Madam President, every once in awhile, we are reminded that all the important issues we are working on pale in comparison to the countless acts of charity and compassion that occur all across America on a daily basis. I want to recount for my colleagues one such act, which occurred in my home state of Georgia, appropriately enough, during the holiday season—an act that puts a human

face on the compassion that is innate in the American people.

A.J. Bentley III, 3½ years old, is a constituent of mine who is dying of brain cancer. While A.J.'s prognosis looks bleak, the disease has not taken away his passion and fascination with tractors, farm and earth moving equipment—the kind which Georgia is blessed to have plenty. Upon learning of A.J.'s terminal illness, our office contacted the good people at Caterpillar to see what they could do to lift the spirits of a dying boy and his family. Caterpillar reacted without hesitation and pulled out all of the stops. First, Caterpillar offered to have A.J. tour their plant in Peoria, Illinois so he could see first hand how all the equipment was built and how it worked. Unfortunately, A.J.'s medical condition prevented him from being able to fly to Illinois. Plan "B" was to have A.J. visit the Forest Products Division of Caterpillar in LaGrange, Georgia. On the day his dream would be fulfilled, A.J. was not feeling well and unable to make the 1 hour drive to LaGrange. Undeterred, the people of Caterpillar would not let A.J.'s illness keep them from fulfilling his dream. Because everyone at the LaGrange plant wanted a chance to help, there was a lottery that day in LaGrange. The grand prize was the chance to drive to A.J.'s hometown of Thomaston, Georgia and make his dream come true in person. The lucky few saw first-hand the joy of a young boy, decked out in his Caterpillar hat and playing on his new Caterpillar equipment that he loves so much. As the group was leaving to return to LaGrange, A.J. waved good-bye, then with a burst of energy proclaimed "this is the best day of my life". All who helped make this possible, I know, feel their own happiness that words could never adequately express.

There are days when all we seem to hear about is how people have become so self-absorbed in their own lives. I offer this example as a case in point of the compassion and good will that exists in LaGrange, in Georgia, and all across this Nation—people who are making a difference on a daily basis—one child, one American at a time. I salute the people of Caterpillar and I am humbled by their act of kindness. I know I speak for all of us when I say, A.J. has touched all of our hearts and he and his family will always be in our thoughts and prayers.●

TRIBUTE TO DR. M. GAZI YASARGIL

● Mrs. LINCOLN. Madam President, I rise today to pay tribute to the achievements of a distinguished member of the Arkansas medical community. Dr. M. Gazi Yasargil is recognized worldwide for his work in the field of Neurosurgery and we in Arkansas are fortunate to benefit from his talents. Dr. Yasargil's contributions to his field were recently acclaimed when Neurosurgery, the official journal of the Congress of Neurological Surgeons, recog-

nized him as "The Man of the Century." This honor acknowledges Dr. Yasargil's significant impact on the field of neurosurgery in the second half of the 20th century.

Professor Yasargil received his medical degree from the University of Basel, Switzerland, in 1950. Following his residency in neuroanatomy, psychiatry and neurology, internal medicine and general surgery, he began his training in neurosurgery in 1953 with Professor H. Krayenbuhl at the University Hospital, Zurich.

During the first decade of his career Professor Yasargil was involved with the development of cerebral angiography, publishing two monographs with his teacher, Professor H. Krayenbuhl. He introduced stereotactic surgery and high-frequency coagulation technique into Switzerland and operated on 800 patients for movement disorders. Additionally, Yasargil routinely performed all types of conventional neurosurgical procedures on both children and adults. Professor Yasargil spent 14 months in 1965-66 with Professor RMP Donaghy, in the Neurosurgical Department, University of Burlington, Vermont, where he learned microsurgical techniques in the animal laboratory, and developed microvascular surgery of brain arteries in animals. Upon his return to Zurich he began to apply the microtechnique to the entire field of neurosurgery. He developed the counter balanced operating microscope and numerous microsurgical instruments and vascular clips; he pioneered microsurgical approaches and treatments for occluded brain arteries, intracranial aneurysms, AVMs, cavernomas, and extrinsic and intrinsic tumors of the brain and spinal cord, in 7000 adults and 400 children. His surgical experiences have been published in 330 papers. The six volume publication *Microneurosurgery* is the comprehensive review of his broad experiences.

In 1973, Professor Yasargil became Chairman and Director of the Department of Neurosurgery, University Hospital, Zurich, until his retirement in 1993. He was President of the Neurosurgical Society of Switzerland 1973-75. Professor Yasargil has been awarded with honorary medical degrees by the Universities of Ankara and Istanbul in Turkey, also with honorary citizenship of Austin, Texas, and Urgup, Turkey, and honorary membership in 15 international medical societies. Professor Yasargil has received major awards and prizes including the highly regarded Marcel Benoit Prize from the Swiss Federal Government in 1975, Medal of Honor of the University of Naples, Italy, in 1988, Gold Medal of the World Federation of Neurological Societies in 1997, and he was honored as "Neurosurgeon of the Century" by the Brazilian Neurosurgical Society in 1998.

In 1994 Professor Yasargil accepted an appointment as Professor of Neurosurgery at the University of Arkansas for Medical Sciences (UAMS) in Little Rock where today he is active in the practice of microneurosurgery, research, and teaching. At UAMS, Dr. Yasargil has consistently provided superior treatment and care, attracting patients from all over the world. At the same time, he has continued to guide ground-breaking research initiatives and develop innovative surgical procedures.

Madam President, I take great pride in recognizing Dr. Yasargil's contributions to the quality of the lives of so many people in my home state and others around the world. I am equally proud of the quality care and cutting edge medical service the people at the University of Arkansas Medical Sciences provide so that Dr. Yasargil can share his talents. UAMS has been the state's primary source for healthcare education, biomedical and biotechnology research and clinical care for more than 100 years. The quality work and service that UAMS and Dr. Yasargil continue to provide should be a great source of pride for Arkansans.●

TRIBUTE TO C.M. NEWTON

● Mr. McCONNELL. Madam President, I rise today to pay tribute to my friend and fellow Kentuckian C.M. Newton on the occasion of his retirement as Athletics Director at the University of Kentucky.

C.M. Newton has made contributions to the University that are as great in number as they are significant in accomplishment in his 11 years as Wildcats Athletics Director. The positive changes and improvements he implemented over the years culminate into an unmatched legacy of excellence for C.M. and for the entire University of Kentucky community.

C.M.'s involvement with the Wildcats began long before his tenure as Athletics Director. He attended U.K. and received a bachelor's degree in 1952, and earned a masters degree in 1957. During his undergraduate years, C.M. played on the Wildcats basketball team and lettered on their 1951 NCAA championship team. He also pitched for the U.K. baseball team, and played quarterback for a Wildcats intramural football team.

In the years between his graduation from the University of Kentucky and his return in 1989, C.M. began his professional career in athletics. While serving in the Air Force in 1953, C.M. held his first official leadership position in athletics as the athletic officer for Andrews Air Force Base in Washington, D.C. He served as head basketball coach with Transylvania University, the University of Alabama, and Vanderbilt University, with a lifetime coaching record of 509 wins and 375 losses. He also served as Assistant Commissioner for the Southeastern

Conference (SEC). C.M. approached these positions of leadership with a vigor, integrity, and enthusiasm that the world of sports took notice of by naming him Associated Press Southeastern Conference Coach of the Year in 1972, 1976, 1988 and 1989 and United Press International SEC Coach of the Year in 1972, 1978, and 1988.

C.M. also achieved a number of other honors, including membership on the Board of Directors of the National Association of Basketball Coaches, Chairman of the NCAA Basketball Rules Committee, Vice President and President of USA Basketball, Chairman of the USA Basketball Games Committee, membership in the NCAA Division I Basketball Committee, Chairman of the NCAA Basketball Officiating Committee, and membership on the FIBA Central Board.

It was with this vast list of accomplishments and honors that C.M. chose to return to the University of Kentucky on April 1, 1989. C.M. hit the ground running as Athletics Director and with his already well-established reputation for excellence and integrity, brought winning coaches and players to the Wildcats athletics programs. During C.M.'s leadership at U.K., the basketball and football teams soared, the men's and women's soccer teams received national attention, and the program grew to include 22 varsity sports—more than any other school in the SEC. The Wildcats athletic budget has more than tripled under C.M.'s tenure, allowing the school to expand and renovate several of the campus athletic facilities.

More than anything, though, C.M. Newton rejuvenated an excitement about athletics at the University of Kentucky. He led the Wildcats in a way that commanded respect—he led with dignity and embodied integrity.

Thank you, C.M., for your 11 years of dedicated service to the University of Kentucky, which resulted in winning teams, winning kids, and a top-quality program. Your spirit and legacy will continue to drive the Wildcats to victory for years to come. Best wishes in your retirement and may God bless you, Evelyn, and your family in this next phase of your life.●

TRIBUTE TO HAZEL WOLF

● Mrs. MURRAY. Madam President, it is with great respect and admiration that I rise today to pay tribute to Ms. Hazel Wolf, of Seattle, Washington, who passed away at the age of 101 on Wednesday, January 19, 2000. A tireless advocate for conservation and social justice, Ms. Wolf was an outstanding example for all Americans. She combined humor with persistence as she set about combating injustice. She will continue to live in the hearts and minds of the many who knew her. And there are many, for Hazel had the remarkable ability to engage just about anyone, from Senator to second grader.

Hazel Wolf was born in Victoria, British Columbia, on March 10, 1898. In

1923, she moved to the United States with her daughter, Nydia. She was a union organizer for the Works Progress Administration and avidly followed politics, eventually becoming a Democrat. Until 1965, she worked as a legal secretary for the Seattle civil rights lawyer John Caughlan. It wasn't until her retirement that she became such an involved environmental activist and leader.

Ms. Wolf began working with the Audubon Society in the early-1960s and helped start 21 of the 26 Audubon Society chapters in Washington State. In 1979, she worked to organize the first statewide conference to bring together environmentalists and Native American tribes, the Indian Conservationist Conference. She served as Secretary of the Seattle Audubon Society chapter for three decades, and for 17 years she edited an environmental newsletter, 'Outdoors West'. In 1990, her discussions with a Soviet delegation led to the creation of the Leningrad Audubon Society in Russia. Ms. Wolf was also a founder of Seattle's Community Coalition for Environmental Justice, which works to improve environmental safety in poor city neighborhoods. She also belonged to the Sierra Club, Greenpeace and the Earth Island Institute. Ms. Wolf was a frequent and favorite speaker at schools and environmental conferences throughout the Northwest.

In 1997, the National Audubon Society awarded her the prestigious Audubon Medal, for Excellence in Environmental Achievement. She received numerous other awards, including the State of Washington Environmental Excellence Award, the National Audubon Society's Conservationist of the Year Award and the Washington State Legislature Award for environmental work. To celebrate her 100th birthday in 1998, the Seattle Audubon chapter created the Hazel Wolf "Kids for the Environment" endowment, which will fund programs to provide urban children from lower-income communities with opportunities to experience the natural world. In Issaquah, Washington, there is a 116-acre wetland named after her. On the other side of the Cascade Mountains near Yakima, a bird sanctuary bears her name.

Hazel Wolf served as the environmental conscience of the Northwest, with her dedication to protecting forests, saving salmon, educating young people and preserving the outdoors for future generations to enjoy. The most significant and important tribute we can give to Hazel Wolf is to continue the work which she pursued with such vision and passion. We will miss you Hazel, but rest assured, we will continue the work you started.●

AUTHORIZING TESTIMONY AND
LEGAL REPRESENTATION

Mr. GRASSLEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 249, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 249) to authorize testimony, document production, and legal representation in *Thomas Dwyer v. City of Pittsburgh*, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a civil rights action in the United States District Court for the Western District of Pennsylvania. The action against local authorities in Pittsburgh arises out of a premises search and civil commitment proceedings they initiated. The plaintiff sought casework assistance from Senator RICK SANTORUM's office at around the same time that the plaintiff came to the attention of local authorities as a potential threat to himself or others. This resolution would permit an employee on Senator SANTORUM's staff to testify at a deposition, with representation by the Senate Legal Counsel, about his communications with the parties to this matter.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 249) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 249

Whereas, in the case of *Thomas Dwyer v. City of Pittsburgh*, et al., pending in the United States District Court for the Western District of Pennsylvania, testimony has been requested from Emmet Mahon, an employee in the office of Senator Rick Santorum;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Emmet Mahon is authorized to testify and produce documents in the case of *Thomas Dwyer v. City of Pittsburgh*, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Emmet Mahon in connection with the testimony and document production authorized in section one of this resolution.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-17

Mr. GRASSLEY. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on January 31, 2000, by the President of the United States: Treaty on Mutual Legal Assistance in Criminal Matters with France, Treaty Document No. 106-17.

I further ask unanimous consent that the convention be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

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 France on Mutual Legal Assistance in Criminal Matters, signed at Paris on December 10, 1998. I transmit also, for the Senate's information, an explanatory note agreed between the Parties regarding the application of certain provisions. The report of the Department of State with respect to the Treaty is enclosed.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism and drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: obtaining the testimony or statements of persons; providing documents, records, and items of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 31, 2000.

ORDERS FOR TUESDAY,
FEBRUARY 1, 2000

Mr. GRASSLEY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, February 1. I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 625, the bankruptcy reform bill, under the previous order.

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

Mr. GRASSLEY. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

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

SCHEDULE

Mr. GRASSLEY. Madam President, for the information of all Senators, the Senate will resume consideration of the bankruptcy reform bill at 9:30 a.m. tomorrow, with Senator WELLSTONE in control of the first hour. There are other remaining amendments that will be debated and voted on throughout Tuesday's and Wednesday's session of the Senate, with a vote on final passage expected to occur no later than Wednesday. As a reminder, in addition, a cloture motion has been filed on the motion to proceed to the nuclear waste disposal legislation, and that vote will occur following the completion of the bankruptcy bill during Wednesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. GRASSLEY. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:44 p.m., adjourned until Tuesday, February 1, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 31, 2000:

DEPARTMENT OF COMMERCE

NICHOLAS P. GODICI, OF VIRGINIA, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS, VICE PHILIP G. HAMPTON, II.

FEDERAL DEPOSIT INSURANCE CORPORATION

RICHARD COURT HOUSEWORTH, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 25, 2001, VICE JOSEPH H. NEELY, RESIGNED.

DONNA TANOUÉ, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS. (RE-APPOINTMENT)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SCOTT O. WRIGHT, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 10, 2003, VICE JOSEPH E. STEVENS, JR.

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION TO DESIGNATE THE "JOEL T. BROYHILL POSTAL BUILDING" AND THE "JOSEPH L. FISHER POST OFFICE"

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. WOLF. Mr. Speaker, it is a privilege as the representative of the 10th Congressional District of Virginia to introduce today legislation which would designate two U.S. postal buildings located in Northern Virginia to honor former Congressmen Joel T. Broyhill and Joseph L. Fisher, both of whom served as the representative of Virginia's 10th District. Joining me in support are Northern Virginia Congressmen TOM DAVIS and JIM MORAN.

THE HONORABLE JOEL T. BROYHILL

Born in Hopewell, Virginia, November 4, 1919, the Honorable Joel T. Broyhill was first elected to the Eighty-third Congress in 1952 as a Republican and served for 22 years as the representative of the 10th District. He was the first Member of Congress to represent the newly created congressional district. He began his congressional service as a member of the then House Post Office and Civil Service Committee and District of Columbia Committee and later became a member of the House Ways and Means Committee.

Assisting the people he represented was the cornerstone of his service in Congress. According to the Almanac of American Politics 1972: "There were few offices that took care of constituents' needs and complaints with more efficiency." The Almanac also describes Congressman Broyhill as a Member of Congress that "should be credited with voting his conscience"

Congressman Broyhill is a decorated veteran and for four years served bravely along with thousands of other young American soldiers in World War II as a captain in the 106th Infantry Division. At the age of 25, Captain Broyhill fought in one of the most decisive and costly conflicts of WWII—the "Battle of Bulge." He was taken prisoner and held in a German POW camp until he heroically escaped and was able to rejoin advancing Allied forces.

Congressman Broyhill has dedicated most of his life to serving his country in both a public and military capacity. His commitment and devotion to public service is deserving of recognition, and it is appropriate that the postal building at 3409 Lee Highway in Merrifield, Virginia, be renamed in his honor. Congressman Broyhill is the father of three daughters and one stepdaughter, and resides today in Arlington, Virginia.

THE LATE HONORABLE JOSEPH L. FISHER

Born in Pawtucket, Rhode Island, January 11, 1914, the late Congressman Joseph L. Fisher was first elected as the representative of the 10th District in 1974 as a Democrat and began his service in the Ninety-fourth Congress. He served for three terms as the sec-

ond Member of Congress to represent Virginia's 10th Congressional District.

Congressman Fisher held a Ph.D. in Economics from Harvard University and served as a Senior Economic Advisor on the Council of Economic Advisors during the Truman Administration. During his six years in Congress he was a member of the House Ways and Means and Budget committees and earned a reputation for his diligent work on taxation, energy and budget policy. He also served as the chair of seven task forces all charged with important national policy issues.

He held the position of economist at the U.S. Department of State, before serving his country in World War II in the Pacific theater from 1943 to 1946. He was elected to the Arlington County Board in 1963 and became an advocate for regional air, water pollution, and transit improvement projects. He also served as chairman of the Washington Metropolitan Area Transit Authority.

After his service in Congress, he continued his public service during Virginia Governor Charles S. Robb's administration as secretary of human resources for the Commonwealth of Virginia. He was also a professor of political economy at George Mason University and chairman of the National Academy of Public Administration. He also served as head of the Unitarian Universalist Association, the church's international administrative body.

Former Virginia Governor L. Douglas Wilder once stated, "Joe proved how well one can serve the people. He did it every day, pushing for the kinds of things that would truly improve the quality of life for all of his constituents."

Congressman Fisher dedicated his life to public service and was a committed advocate of the causes in which he believed. It is fitting to recognize his service and commitment by renaming the post office located at 3118 Washington Boulevard, Arlington, Virginia, in tribute to him. Congressman Fisher died in Arlington, Virginia, February 19, 1992, and is survived by his wife Margaret, seven children, 16 grandchildren, and two great grandsons.

Mr. Speaker, I urge our colleagues to join me in supporting this legislation to honor two former members for their dedicated public service.

H.R. —

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

SECTION 1. JOEL T. BROYHILL POSTAL BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, shall be known and designated as the "Joel T. Broyhill Postal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joel T. Broyhill Postal Building".

SEC. 2. JOSEPH L. FISHER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Vir-

ginia, shall be known and designated as the "Joseph L. Fisher Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joseph L. Fisher Post Office".

COMMENDING DAVE SHEA OF COLCHESTER, CT, FOR 38 YEARS OF TEACHING

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to commend Dave Shea of Colchester, Connecticut for 38 years of teaching in eastern Connecticut. Mr. Shea exemplifies the extraordinary dedication and commitment of teachers across our nation.

Mr. Shea began his teaching career nearly four decades ago in the RHAM school system. After one year, he joined the faculty of Bacon Academy in Colchester where he taught until his retirement. Dave Shea has taught science and physical education. During his career at Bacon, he also served as the long-time coach of the boys' varsity basketball team. Dave has said that one of his most memorable moments came when the team won the State Championship in 1981. Dave has achieved many other milestones during his coaching career, including being one of only sixteen coaches statewide to have 400 wins in any one sport. He has also been recognized by his peers for his achievements. He was named Basketball Coach of the Year in 1983 by the Connecticut High School Association and Eastern Connecticut High School Coach of the Year in 1998. Dave has also coached baseball and girl's basketball. He will continue to remain active at Bacon as a coach in the years ahead.

Mr. Speaker, on January 3, after 38 years of teaching, Dave Shea retired from Bacon Academy. Although he will not be presiding over gym class on a daily basis, he will continue to be involved in his community as a coach, a mentor and a resource for those entering the teaching profession. I join the residents of Colchester in wishing Dave Shea all the best. We look forward to seeing him on the sidelines and in the community for years to come.

HONORING DON ABRAM, FEDERAL MAGISTRATE JUDGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to congratulate Don Abram on his retirement after 18½ years of service as a Federal magistrate judge.

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

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

Don, who resides in Greenwood Village, Colorado, fondly remembers serving as a lawyer and on the bench both as a State judge in Pueblo and a federal judge in Denver. Don attended the University of Colorado and earned his law degree in 1963. He then joined Phelps, Fonda, Hayes law firm in Pueblo. His dream, however, was to be a judge. That dream became reality when he was appointed as district judge in 1975. During his service as a federal magistrate judge, Don was elected by his peers to be president of the Federal Magistrate Judge Association.

Don's family is very important to him. When an accident left his son paralyzed, Don realized that all the small things in the world don't matter, as long as you have your family. After retiring, Don is looking forward to spending more time with his family.

It is with this, Mr. Speaker, that I would like to congratulate Don and thank him for his dedication to serving the judiciary for over 36 years.

TRIBUTE TO GABE FONDARIO

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Gabe Fondario for going above and beyond the call of duty in making the City of Montclair a better place to live.

Mr. Fondario was selected as the Montclair Fire Department's Employee of the Year based on his dedication to work and his close working relationship with local apartment owners. He has worked very hard to make the City of Montclair a better place for apartment owners to live. On his own initiative, Mr. Fondario started Citizens Against Unwanted Trash in Our Neighborhoods (CAUTION) program. Through CAUTION, Mr. Fondario brings community members together and organizes neighborhood cleanups in neglected apartment areas. These cleanups have had outstanding participation from apartment owners and tenants, and the results have been remarkable.

I commend Mr. Fondario for his sense of civic responsibility and for his hard work for the people of the City of Montclair.

IN MEMORY OF COLONEL (RETIRED) CHESTER BAILEY McCOID

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Colonel (Retired) Chester Bailey McCoid, United States Army, of Westfield, Connecticut. He was 77.

Colonel McCoid, the son of the late Colonel Chester B. McCoid and the late Florence Addis, was born on July 31, 1922. He died about his age at 16 years old to enter the Army. By the time he left the service, he had fought as a combat infantryman in World War II, Korea and Vietnam. Colonel McCoid was one of only 294 three-time holders of the pres-

tigious Combat Infantry Badge, awarded for direct engagement with enemy ground forces in a conflict.

During the invasion of Normandy on D-Day in June 1944, Colonel McCoid led a parachute rifle company of the 82nd Airborne Division and later refused to stop fighting after being wounded by an enemy gunner. After fighting in Korea, he was an exchange officer with the United States Navy for four years and he served as a member of the Army General Staff at the Pentagon. In 1966, Colonel McCoid began serving the first of three tours in Vietnam for a total of 51 months spread over the next seven years. He was Deputy Commander of the Independent 1st Brigade, 101st Airborne Division and commanded the 2nd Brigade, 1st Cavalry Division (airmobile) while in the Southeast Asia theater. In an unusual assignment heading the American Element of The Four Party Military Commission, Region Two, he oversaw the United States' interests in negotiations with the representatives of the Communists and South Vietnam to end the war. Colonel McCoid left for the United States on March 29, 1973, the last ground soldier to serve outside Saigon in the Vietnam War.

In his 34 years of dedicated service, Col McCoid received the Distinguished Service Medal, the Silver Star, five Legions of Merit, five Bronze Stars and two Purple Hearts. He was also decorated by France twice and eight times by the Republic of Vietnam. He graduated from the Naval War College at Newport, Rhode Island, and the Army War College at Carlisle Barracks, Pennsylvania.

Mr. Speaker, Chester McCoid was a professional soldier and great American. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife of more than 54 years, Dorothy M. Jamison McCoid; his two sons, Chester B. McCoid III and Scott C. McCoid; his two daughters, Maureen Kennedy and Naomi Litecky; his brother and two sisters; and seven grandchildren.

ON THE RETIREMENT OF JAMES TURNER

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to offer best wishes to James E. Turner, Jr. on his retirement as President of General Dynamics. Mr. Turner has played a leading role in strengthening American shipbuilding and ensuring that the Navy has the most sophisticated technology available to safeguard our national security.

Jim Turner joined General Dynamics in September 1988 as Vice President and General Manager of Electric Boat, the Company's nuclear submarine division. He was named Executive Vice President of the corporation in February 1991 with responsibility for marine, land systems and services businesses. In addition to these duties, he became President of Electric Boat in April 1993. In 1995, Mr. Turner became President of General Dynamics.

Mr. Turner's retirement will leave a huge void in Navy shipbuilding circles. Throughout the industry, few others match Mr. Turner's

technical expertise, leadership and integrity. His deep understanding of shipbuilding has significantly contributed to the fact that this country produces the finest submarines in the world. In recognition of his contributions, Mr. Turner was elected to the National Academy of Engineering, which honored him for " * * * leading the implementation of innovative engineering and design processes, and establishing a new standard for ship design and acquisition." he received the Navy League's Admiral Chester W. Nimitz Award in 1999. This award honors industry leaders who have made major contributions to U.S. maritime strength.

Jim Turner was one of the first in the industry to recognize that the end of the Cold War would require defense-related companies to reorganize in order to remain competitive and successful. Without his insight, technical acumen and leadership, our country might have lost a vital element of shipbuilding capability that is absolutely essential to meeting our national security needs in the years ahead.

Mr. Speaker, the shipbuilding industry will certainly miss Jim Turner's steady presence at the helm. I know many members join me in thanking Mr. Turner for his many years of service to our country. We wish him, and his wife Elizabeth, the very best in the years ahead.

HONORING RICHARD C. WEBER

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of Richard Weber who sadly passed away on December 16, 1999. He was 87 years old.

Richard was born on September 19, 1912 in Canton, Oklahoma. He moved to Dove Creek, Colorado in May of 1946, and became very active in his community. In 1947, Richard donated land for the Weber Park and in the 1950's he developed the Weber Subdivision. Richard was a faithful member of the Dolores County Republican Committee for 40 years, a school board member, Dolores County Commissioner and a member of the Lions Club and the Southwest Cattlemen's Association.

It is with this, Mr. Speaker, that I would like to pay tribute to Richard Weber. He was a great American and always strived to make his community a better place to live. He will be missed by all those who knew him.

TRIBUTE TO UNITED PARCEL SERVICE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend United Parcel Service (UPS) for earning Forbes Magazine's 1999 Company of the Year Award.

UPS is an integral part of our nation's economy with 331,000 employees, 610 aircraft, and 157,000 ground vehicles, all used to deliver three billion parcels and documents each

year. As Internet business continues to grow, UPS will become an even more important engine of economic development.

One of the critical aspects of UPS's success is happy employees. UPS has an employee retention rate of over 90 percent, and tenures typically span decades. Many of the UPS executives worked their way up from driver or loader jobs.

The UPS center in Ontario, California is a big part of the success of UPS, and I want to acknowledge their important contribution to commerce. As the Congressman for Ontario, I know firsthand that the hardworking UPS employees in Ontario deserve recognition for their commitment to excellence.

UPS, a quality company that takes care of its customers and employees, is poised to deliver our nation into a high tech economy. Once again, I congratulate UPS on earning the distinction of Forbes Magazine 1999 Company of the Year.

CONGRATULATING CAPTAIN JOHN
CHERREY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate U.S. Air Force Captain John A. Cherrey on being chosen for recognition by President Clinton at this year's State of the Union Address, Captain Cherrey, a New Jersey native, is one of the most courageous, honorable patriots in the United States military and is destined to become a top leader among the men and women who put their lives on the line to defend the precious freedoms of this great nation.

In a wonderful tradition initiated by President Reagan in 1981, Presidents Reagan, Bush and Clinton have recognized one or more American heroes each year during their annual report to Congress.

Captain Cherrey was chosen for that high honor this year because of the extraordinary bravery he exhibited after an F-117 Stealth fighter was shot down near Novi Sad, Serbia, last March and its American pilot was stranded in hostile Serbian territory. Captain Cherrey, flying a single-seat A-10 attack fighter as combat search and rescue mission commander, led five other pilots past Serbian ground missiles to locate the pilot, and protect him until helicopters could arrive and carry him to safety. During the mission, Captain Cherrey was repeatedly targeted by missile installations, threatened by enemy aircraft and had to purposely maneuver into range of the missiles in order to lead the enemy away from the downed pilot. Despite being critically low on fuel and in danger of being shot down himself, Captain Cherrey remained on the scene until the downed pilot was safe.

Captain Cherrey's bravery in that incident won him the Silver Star, the nation's third-highest military honor. The captain "distinguished himself by gallantry," his superiors said in the citation accompanying the medal. The 33-year-old father of two "flew into the teeth of the Serbian air defenses * * * at extreme risk to his life * * * with impeccable courage. * * * By his gallantry and devotion to duty, Captain Cherrey has reflected great

credit upon himself and the United States Air Force."

The Silver Star is the crowing achievement in an exemplary military career. Captain Cherrey received the Distinguished Flying Cross for stopping three convoys of armored vehicles while under fire in western Kosovo, also last year. He has also been awarded the Meritorious Service Medal, the Air Medal (one oak leaf cluster), the Aerial Achievement Medal (nine oak leaf clusters), the Commendation Medal (one oak leaf cluster) and the Achievement Medal.

As a senior pilot with more than 2,250 hours of fighter experience, he has flown more than 150 contingency sorties over Korea, Kuwait and Bosnia, and more than 30 combat sorties over Serbia and Kosovo. He has served as a flight instructor and test pilot and is currently assistant director of operations at the 81st Fighter Squadron at Spangdahlem Air Base in Germany. As such, his duties include supervising the intelligence, weapons and tactics, and mission-planning activities of the Air Force's only A/OA-10 squadron in Europe.

In recognition of his achievements, Captain Cherrey has been chosen for promotion to the rank of Major next month.

Leaders such as Captain Cherrey are trained and nurtured by the military, but the basis of their leadership ability is rooted in their families and upbringing. Captain Cherrey is the son of James Cherrey, a teacher, and the Rev. Heather Cherrey, pastor of St. Paul's Congregational Church in Nutley. The Rev. Cherrey follows politics, especially foreign affairs, closely, and has written to me regularly on subjects such as deployment of U.S. troops to Bosnia and Haiti. The Cherrey's clearly instilled a sense of patriotism and courage in their son, whose military accomplishments have made them justly proud.

Born in Englewood, Captain Cherrey was raised in Dumont and graduated from Dumont High School. He attended Stevens Institute of Technology on an ROTC scholarship, graduating with a bachelor's degree in engineering physics before starting active duty in 1989.

Mr. Speaker, retention of the best and brightest has become a serious problem in the military. These highly trained, highly talented experts excel in their fields and often love their military jobs—yet they know they could provide a more prosperous, more stable life for their families in the private sector. National heroes like Captain Cherrey are no exception.

While Captain Cherrey was in Washington for the State of the Union Address, his wife, Lisa, remained behind in Germany with their 4-year-old son, Andrew, and 9-month-old daughter, Jenna. Like many members of the military, deployments and temporary duty assignments have caused Captain Cherrey to endure long separations from his family, a situation particularly painful for those with young children at home. While these separations are a fact of military life, we in Congress must do all we can to ensure that military families are provided with decent housing, schools, services, and other amenities that help in a small way to make up for the absence of their loved ones. As John Milton said, "They also serve who * * * stand and wait."

Mr. Speaker, we are proud of the men and women of our armed forces and owe them our full support. I ask my colleagues in the House of Representatives to join me in congratulating Captain John Cherrey and in pledging him and

his fellow airmen, sailors, soldiers and marines that support.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. TIAHRT. Mr. Speaker, on January 31, I was unavoidably detained and missed roll call vote numbers 2 and 3. Had I been present, I would have voted "yes" on H. Con. Res. 244, Permitting the Use of the Capitol Rotunda to Commemorate Victims of the Holocaust; and "yes" on H.R. 2130, the Hillary J. Farias Date-Rape Prevention Drug Act of 1999. I would request that my statement be placed in the appropriate location in the CONGRESSIONAL RECORD.

IN MEMORY OF COLONEL CHESTER
B. MCCOID OF MIDDLETOWN, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to honor the memory of Colonel Chester B. McCoid of Middletown, CT. Colonel McCoid, who passed away on January 2, was a true American Hero, a veteran of three of the century's largest military conflicts and a patriot of the highest order.

Colonel McCoid began his 34 year military career by concealing his age to enlist in the Army in World War II. The Colonel became a member of the fabled 82nd Airborne Division and parachuted into Normandy on D-Day. Wounded by ground fire before even exiting the aircraft, Colonel McCoid nevertheless landed with his unit and moved to carry out its mission. Steve Ambrose has recently written a testament to the extraordinary efforts of the men who struggled ashore on Utah and Omaha beaches and parachuted into the Norman countryside on June 6, 1944. In assessing the success of the Allied campaign on D-Day, Mr. Ambrose concluded that ". . . in the end success or failure in Operation Overlord came down to a relatively small number of junior officers, noncoms, and privates or seamen in the American, British, and Canadian armies, navies, air forces, and coast guards." Colonel McCoid and other brave young men made the difference that day and laid the foundation for defeating the Nazis in Europe.

After recovering from his wound, Colonel McCoid returned to active duty and was again wounded in combat. Following the War, he received a commission in the Army. He went on to serve in Korea and in a number of positions in the Pentagon before beginning duty in Vietnam in 1966. Over the next eight years, Colonel McCoid would spend fifty-one months on active duty commanding the 2nd Brigade, 1st Cavalry Division and acting as Deputy Commander of the Independent 1st Brigade, 101st Airborne Division. Near the end of the American involvement in the conflict, Colonel McCoid headed the American Element of the Four Party Military Commission encompassing the City of Da Nang and three surrounding

provinces. In this capacity, he directly participated in negotiating the terms under which American forces would withdraw. On March 29, 1973, Colonel McCoid was the last ground force soldier outside of Saigon to leave Vietnam.

Colonel McCoid received many decorations and awards during his military career, including the Distinguished Service Medal, the Silver Star, five Legions of Merit, five Bronze Stars and two Purple Hearts. The Colonel is one of less than 300 Americans who have been awarded the Combat Infantry Badge three times. This honor is bestowed on American service men and women who have been engaged in direct combat with enemy forces.

Although these awards tell us much about the Colonel's bravery and valor, we can learn as much about his character based on an account of a decoration he would not accept. According to retired Army Colonel John Collins, Colonel McCoid refused to accept the Distinguished Service Cross for his actions in Southeast Asia. Colonel McCoid declined saying that he had done much more in World War II and didn't receive the medal so he didn't see why he should receive it later in his career. Colonel McCoid made a powerful statement about honoring veterans who came before—and later—by declining to accept an award he did not believe he had earned.

Mr. Speaker, Colonel Chester B. McCoid was an American hero. He answered his nation's call to service and distinguished himself at every turn. He helped to ensure the freedom of the world and to safeguard the rights we hold so dear. I extend my sympathy to his family and ask all members to join me in remembering Colonel McCoid for his extraordinary service to our country.

HONORING A FORMER STATE SENATOR, WILLIAM SMITH "BILL" GARNSEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause to remember the life of William Smith "Bill" Garnsey who sadly passed away, he was 88 years old.

Bill was born on November 5, 1911 in Billings, Montana. He moved to Greeley, Colorado with his family in 1919. Bill graduated from Yale University with letters in football and crew.

Bill was elected to the State Senate in 1967 and served until 1975. He was the chair of the Finance and Business and Labor committees. Bill was a strong supporter of the University of Northern Colorado and was instrumental to the institution when it was granted University status. In 1966, Bill received an honorary doctorate from the University of Northern Colorado for his services to that esteemed institution of higher education.

It is with this, Mr. Speaker, that I would like to pay tribute to Bill Garnsey. He was dedicated to serving the people of Colorado and will be missed by all those who knew him. Bill's service will long be remembered by the people he served in Colorado.

TRIBUTE TO STEVE JACKSON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Steve Jackson for his hard work and dedication which have earned him the honor of Firefighter of the Year for the City of Montclair.

Mr. Jackson was selected as Firefighter of the Year based on his dedication and perseverance in completing a very difficult paramedic certification program. The Montclair Fire Department does not currently have a paramedic program so Mr. Jackson completed his training during his personal time off using educational grant money. The certification required six months and a minimum of 1,032 hours to complete. As a member of the Montclair Fire Department's Emergency Medical Service (EMS) Committee, Mr. Jackson is now trying to bring a paramedic training program to Montclair.

I commend Mr. Jackson for his desire to improve himself and be excellent in his work.

THE WHITE CLAY CREEK WILD AND SCENIC RIVERS ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. CASTLE. Mr. Speaker, I rise today with my colleague JOE PITTS to introduce legislation to officially designate White Clay Creek and its tributaries as part of the National Park Service's National Wild and Scenic Rivers System.

This bill is the culmination of over 30 years of grassroot efforts to bring attention to the unique qualities of White Clay Creek and to build consensus to protect its beauty from the adverse consequences of urban sprawl. White Clay Creek is located in the densely populated area between Philadelphia, Pennsylvania and Newark, Delaware. Eight million people live within two hours of the watershed.

White Clay Creek is worth protecting. There are 38 properties in the watershed that have been listed on the National Register of Historic Places. In addition, the watershed is home to three endangered plant species and 100 more plant species of "special concern" to the State of Delaware. With regard to wildlife, the endangered bog turtle is found in the watershed along with 38 "rare" animal species on Delaware's list of "special concern." Because the watershed is located in the middle of the Atlantic Flyway, it is the northern boundary for many southern species of birds and the southern boundary for many northern species of birds. In total, there are about 200 bird species in the watershed, including the American Bald Eagle. White Clay Creek serves as a vital source of drinking water for New Castle County, Delaware and Chester County, Pennsylvania. Finally, White Clay Creek watershed is a popular location for fishing (particularly trout fishing), hiking, jogging, swimming, bird-watching, horseback riding, skating, sledding, cross-country skiing, photography, and limited deer hunting.

In September 1999, the National Parks Service released its final report, as ordered by Congress in the 1992 amendments to the National Wild and Scenic Rivers Act, recommending the size and scope of the Wild and Scenic designation for White Clay Creek. The study confirmed the beliefs of the citizens living in the watershed that there was popular support for protecting the watershed's natural, historic, and recreational resources. In fact, 89% of the landowners surveyed agreed to support land use regulations and programs to conserve and protect the watershed. At the same time a majority believed that there must be room for planned residential, commercial, and industrial growth.

Therefore, a White Clay Creek Task Force of private landowners, river-related organizations, and all levels of government developed the White Clay Creek Management Plan to designate a total of 191 miles, 24 miles as scenic and 167 miles as recreational, of White Clay Creek as suitable for the National Wild and Scenic River System. All fifteen of the local governments in the watershed, including the City of Newark and New Castle County, passed resolutions supporting the management plan. The designated scenic areas flow through the White Clay Creek Preserve, the White Clay Creek State Park, and the Middle Run Natural Area.

Mr. Speaker, I would like to take this opportunity to describe exactly what it means and what it does not mean for White Clay Creek to be designated wild and scenic. This bill means that the river receives permanent protection from federally-licensed or assisted water resource projects (dams, diversions, channelization, etc.) that would have a direct and adverse effect on its free-flowing condition or outstanding remarkable resources. It does not mean that existing wastewater treatment plants or potential reservoir sites cannot be expanded to accommodate carefully planned residential, commercial, and industrial growth. New Castle County is actively seeking solutions to water shortage problems, and this bill does not limit options that are in the best interests of the citizens of Delaware. The legislation does not open private lands to public access, nor does it usually affect existing uses of private property. This legislation does not replace the authority of state, county, and municipal governments to regulate land use in the watershed. In fact, there are no federal lands within the watershed and this bill does not authorize federal funds to be used to purchase land. It simply prohibits federal funds from being used to interfere with the free-flowing nature of the river or its unique resources. In doing so, it elevates the status of the river in competing for federal preservation grants. Finally, it mobilizes the states, local governments, and communities in the watershed to work together to preserve this unique, free flowing river.

Mr. Speaker, clearly the combination of White Clay Creek watershed's unique features and the strong local support for protecting the watershed justify its designation as a wild and scenic river. I hope the House Resources Committee will make it a priority to hold hearings on this bill. I am confident the Committee will agree that federal funds should not be used to obstruct the free flow or harm the unique resources of White Clay Creek.

HONORING THE DISTINGUISHED
CAREER OF PAUL SCHAFER
UPON HIS RETIREMENT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Paul Schafer has spent his life serving the people. He was born June 15th, 1933 to Franklin and Mary Davis Schafer. Paul was the youngest of five children who grew up near Bethesda, Ohio. Paul served in the U.S. Army from 1953 to 1955 in Korea and Japan. In 1953, he married Mary Ellen Dougherty and the couple had three children Cindy, David and Doug.

Paul's career with the Ohio Department of Transportation began in July of 1978 as he served as Highway Maintenance Superintendent, a position he held until 1983. That year, he became Project Inspector of Construction. Throughout his career with ODOT, Paul also served as Construction Project Specialist, Technical Supervisor, and Transportation Manager.

In addition to all of these efforts, Paul has also been an active member of his community. He is a member of the Bethesda United Methodist Church and serves on the church administrative board. Paul is also a member of the Hazen Lodge 251 F & AM, the American Legion Epworth Post #90, and the Belmont Bethesda Rotary Club. He is also a former member of the Belmont County Republican Central Committee.

Mr. Speaker, I ask that my colleagues join me in honoring the career of Paul Schafer. His lifelong service and commitment to Belmont County is to be commended.

SOUTH BRONX MENTAL HEALTH
COUNCIL, INC., NINTH PATIENT
RECOGNITION AND EMPOWERMENT DAY

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SERRANO. Mr. Speaker, I rise today to once again pay tribute to the South Bronx Mental Health Council, Inc., which tomorrow will celebrate its ninth annual "Patient Recognition and Empowerment Day."

Created in 1968 as Lincoln Community Mental Health Center, the South Bronx Mental Health Council, Inc., is a community-based organization which provides treatment and mental health services to the local population and to area schools and senior centers. It is committed to helping empower its patients and their families through the rehabilitation of patients and their reintegration in their communities.

All of us, I am sure, have known someone who, whether we were aware of it or not, struggled with some form of mental illness. Tragically, a suicide or other crisis is all too often our first—and only—indication of the individual's suffering.

While it is important, and appropriate, to recognize the care givers who provide these services, it is even more important that those individuals who have made special efforts to overcome their challenges also receive our attention and support.

Mr. Speaker, I ask my colleagues to join me in saluting our friends at the South Bronx Mental Health Council, who on Friday, January 28, will celebrate the eighth annual Patient Recognition and Empowerment Day.

IN MEMORY OF ROGER V.
LAFRANCOIS OF JEWETT CITY, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today in memory of Roger V. LaFrancois who was an extraordinary figure in sports in eastern Connecticut for decades. Roger LaFrancois exemplified good sportsmanship, the spirit of competition and fairness.

Roger LaFrancois was a legendary player and official in Connecticut. He started his career as a catcher for several minor league baseball teams. He also served as a scout for the Houston Astros professional baseball team. However, he is most widely known in eastern Connecticut as an umpire on the field and as the long-time Commissioner of the International Association of Approved Basketball Officials Eastern Board No. 8 after many years as a top-flight basketball referee in the high school ranks. As Commissioner, Roger managed officiating schedules for more than 80 high schools, 200 officials and thousands of baseball and basketball games. According to the Norwich Bulletin, Roger accomplished this incredible feat of organization using only a 3-ring binder.

Roger LaFrancois was a presence behind home plate at countless baseball games throughout Windham and New London counties. According to people who knew him best, Roger had a great impact on players and other umpires on the baseball diamond. He is well-remembered for his absolute fairness, calm demeanor and the complete respect he received from players and coaches alike. However, he was much more than an official. He was a mentor to hundreds of young athletes and aspiring umpires. Officials across eastern Connecticut have spoken about how Roger taught them about the game, and life.

Mr. Speaker, I join residents across our region in expressing my sympathy to his family. We can take comfort knowing that Roger LaFrancois' memory will live on in eastern Connecticut through the players and officials he has touched.

2000 COLORADO BUSINESS HALL OF
FAME INDUCTEE, ALLAN PHIPPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Mr. Allan Phipps.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present,

publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system. From their ownership of the Denver Broncos to the innovation that has preserved the Winter Park ski area, one cannot look at the history of Colorado and not find evidence of the Phipps' brothers outstanding accomplishments.

Allan was born on October 3, 1912, in Denver, Colorado. For generations, the Phipps family has been important to Colorado. Lawrence Phipps Sr. was a United States Senator and his wife, Margaret Rogers Phipps, was the founder and president of the Denver Symphony.

Allan loved Denver, but when Congress declared war on Japan in 1941, he joined the United States Navy. After the war he returned to Colorado. Allan practiced law.

Allan and his brother, Gerald, purchased the Denver Broncos franchise and turned expenses into revenue. Their purchase was instrumental in keep the Broncos in Colorado.

Allan was also very active in the community through civic organizations and boards. He served on the board of trustees for the Denver Museum of Natural History, board of managers for Columbia Presbyterian-St. Luke Hospital, was active on the boards for the Denver Symphony Society, Red Rocks Summer Festival, Williams College, Graland School and Clayton College.

Sadly, Allan Phipps passed away in 1997. Many people have been inspired by the leadership of Allan Phipps and even more have respected him.

It is with this, Mr. Speaker, that I would like to recognize an inductee of the 2000 Colorado Business Hall of Fame, Mr. Allan Phipps, a truly great businessman and American.

COMMENDING MEL WOODS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Mr. Mel Woods for his work to improve mental health services for Californians.

Mr. Woods worked tirelessly to promote legislation to improve access to medication that treats schizophrenia. As a result of his work, Californians suffering from schizophrenia have access to medications that help them live happy and productive lives, without fear of debilitating side effects.

With the retirement of Mr. Woods, California has lost a strong advocate for Mental Health care. We commend Mr. Woods for his effort, and wish him a rewarding retirement.

DR. KAREN FORYS SELECTED AS
WASHINGTON STATE SUPER-
INTENDENT OF THE YEAR

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. INSLEE. Mr. Speaker, I rise today to pay tribute to an outstanding educator in my

district, Dr. Karen Forsys. The Washington Association of School Administrators recently selected Dr. Forsys, the Northshore School District Superintendent, as Washington State Superintendent, 2000. The Northshore School District is responsible for over 20,000 students in King and Snohomish Counties, and is the eighth largest school district in Washington State.

Dr. Forsys, in her sixth year at Northshore, has served as superintendent in the Clover Park and Riverview School Districts. She obtained her Ph.D. at the University of Arizona and conducted post-graduate work at Columbia University.

The support that Dr. Forsys receives from the teachers, parents, and board members is indeed inspiring. They all recognize Dr. Forsys as an educational leader in her unwavering commitment to the students of Northshore. The deep level of respect and admiration can be seen in the Northshore School District's nomination letter. They write:

. . . Clearly, Karen exemplifies excellence in educational leadership . . . She is steadfast in providing varied learning opportunities, teaching styles and career choices for our students. Karen Forsys personifies our District's mission statement. She truly seeks to strengthen our community through excellence in education.

I am also proud that Dr. Forsys was among the first to champion High Tech Learning Centers (HTLCs) for every high school. Thanks to Dr. Forsys' vision, HTLCs currently prepare high school students for post-secondary education in information technology and for careers in these fields. She clearly recognizes that the students of today must receive a high tech education in order to make them competitive in the global economy of the 21st century. This is particularly important for the 1st Congressional District, home to many exciting and innovative software, electronic, and biotech companies.

I am proud to have school administrators like Dr. Forsys preparing our students for the future, and I ask my colleagues to join me in congratulating Dr. Forsys as Washington State Superintendent, 2000.

IN MEMORY OF THE HONORABLE
RUSSELL J. McFATRICH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of the Honorable Russell J. McFatrigh of Sedalia, MO.

Russell McFatrigh was born May 14, 1923, near Bahner, MO, a son of James H. and Cleo E. Rhodes McFatrigh. He was an active member of his community, generously sharing many of his diverse interests and talents. In 1965-66, he and his wife received the State and County Extension Farm Management Award. Mr. McFatrigh served as Pettis County Commissioner for the Eastern District from 1975 to 1979. He was a board member of many organizations, including the Salvation Army, Production Credit Association, Mid-America Dairyman, Farm and Home Administration, the Children's Therapy Center, Com-

munity Bank, and the County Extension Council. He also was a member of Rotary and was named Rotarian of the Year in 1994 and a Paul Harris Fellow.

Russell McFatrigh was a 4-H leader, a State Fair Statesman, and a member of Sedalia Knife and Fork. He also sang tenor beautifully and was asked to sing at many weddings, funerals, church services and community events. He was a life-long United Methodist Church member and attended the New Bethel United Methodist Church.

I know the Members of the House will join me in extending heartfelt condolences to his family: his wife of 54 years, Helen Lucille Franklin McFatrigh; his son, Jerry; his two daughters, Carolyn and Mitzzi; his mother, his brother and four sisters, seven grandchildren, and five great-grandchildren.

2000 COLORADO BUSINESS HALL OF FAME INDUCTEE, MR. GERALD PHIPPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an inductee for the 2000 Colorado Business Hall of Fame, Mr. Gerald Phipps.

Jointly produced by the Denver Metro Chamber of Commerce and Junior Achievement, the Colorado Business Hall of Fame recognizes outstanding Colorado businesses and civic leaders from the past and present, publicizes the contributions of business leaders to our community and promotes the importance and value of the private enterprise system.

From their ownership of the Denver Broncos to the innovation that has preserved the Winter Park ski area, one cannot look at the history of Colorado and not find evidence of the Phipps' brothers outstanding accomplishments and contributions.

Gerald Phipps was born on March 4, 1915, in Denver, Colorado. For generations, the Phipps family has been important to Colorado. Lawrence Phipps, Sr. was a United States Senator and his wife, Margaret Rogers Phipps, was the founder and president of the Denver Symphony.

When Congress declared war on Japan in 1941, Gerald joined the United States Navy. After the war he returned to Colorado. Gerald's construction company, Gerald H. Phipps, Inc., built the Boettcher Conservatory at the Botanic Gardens, the business administration building and general classroom building at the University of Denver, and recently the company has begun work on the new Denver Bronco football stadium.

Gerald and his brother, Allan, purchased the Denver Broncos franchise and turned expenses into revenue. Their purchase was instrumental in keeping the Broncos in Colorado.

They were also very active in the community through civic organizations and boards. Gerald was the first and only non-player member of the Denver Broncos Ring of Fame, president of Gerald H. Phipps, Inc., Colorado College Board of Trustees, Diocese of Colorado Board of Trustees and various hospital projects throughout Colorado.

Sadly, Gerald passed away in August of 1993. Many people have been inspired by the leadership of Gerald Phipps and even more have respected him.

It is with this, Mr. Speaker, that I would like to recognize an inductee of the 2000 Colorado Business Hall of Fame, Mr. Gerald Phipps, a truly great businessman and American.

NATIONAL BIOTECHNOLOGY
MONTH

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. BILBRAY. Mr. Speaker, I rise today to recognize and celebrate the designation of January as "National Biotechnology Month."

Today, Americans are living longer and healthier lives, thanks in part to modern medicine. Death rates from heart disease, cancer, and stroke are going down, and hundreds of new medicines are being developed to combat diseases, including Alzheimer's, Parkinson's, and arthritis.

Biotechnology not only creates new medicines and treatments, but it also improves the livelihood of individuals and our community at large. More than 212,000 Californians are employed due to biomedical research and development, earning an average salary of \$64,000. They are developing products that generate more than \$4.2 billion in exports. In San Diego, the University of California at San Diego, Scripps Research Institute, and the Salk Institute lend their expertise to and participate in a biotechnology cluster of over 27,000 jobs. In addition, San Diego County is privileged to have hundreds of small start-up biotech companies producing innovative and life-saving drugs, biologics and devices.

Mr. Speaker, as a follow-up to a CALBIO Summit meeting in which Congressman BURR and I participated this past fall, I followed up with many of the biotechnology companies that are members of BIOCUM, San Diego. What I learned from these technology leaders is that Congress must work to assist these companies and enable them to produce these life-saving drugs and devices, while not hindering their growth and innovation.

For example, every company that I met with expressed their frustration with the lack of stability in securing reimbursement from the Health Care Financing Administration (HCFA). Not only do these companies have to work their way through the FDA approval process, but after they toil for years and finally receive FDA approval, they then have to begin an often arduous fight with HCFA to receive adequate reimbursement for their products. Mr. Speaker, I have had companies in my district dissolve because they have lost the battle with HCFA, after receiving approval for their products from the FDA. We must address this serious issue and develop a solution to ensure that these companies do not become financially insolvent as a result of bureaucratic delay.

While this is a serious problem faced by the biotech industry, we must also praise their hard work and innovation, which improves all of our lives and the community at large. I commend the biotechnology industry and the

many companies in California and San Diego that are producing innovative and life-saving drugs and devices. I urge my colleagues to lend their support and appreciation to this crucial and resourceful industry.

A TRIBUTE TO DEACONESS ROSA A. JENNINGS, LIFELONG DISTRICT OF COLUMBIA RESIDENT, JANUARY 26, 1914–JANUARY 26, 2000

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 31, 2000

Ms. NORTON. Mr. Speaker, Deaconess Rosa Jennings, affectionately referred to as "Rosie", was born in Freedman's Hospital, Washington, DC. She resided in the District of Columbia until her husband's death, in 1994. Rosa Jennings was the daughter of the late Wallace and Mary Toles. She committed her life to Christ in her early teens and she had been a member of the 12th Street Christian Church for her entire adult life. She loved her church and was willing to lend a helping hand. She was very active in the flower club, and the nursing unit. She also found time to sing in the Senior Choir, and ultimately became a faithful Deaconess.

Ms. Jennings was educated in the Washington, DC public school system, graduating from M Street High (Dunbar High School). She completed two years of higher education at Minor Teacher's College. She was a Federal service employee for over 36 years, retiring as a military personnel supervisor at the Pentagon. She received several letters and certificates of commendation and appreciation, during her Federal service.

Rosie was actively involved in volunteer community organizations, within the Washington, DC area, following her retirement from the Federal Government. As a longstanding resident of Washington, DC, she served as a volunteer worker at various voting poll locations, during every city-wide election. She loved caramel popcorn and looked forward to attending the Circus each year. She was a very quiet person in nature, but her presence was felt by all that knew her.

Peacefully, on Wednesday, January 26, 2000 (her birthday), she quietly obeyed God's call to enter his holy gates. She fought the battle, keeping the faith, and now is resting in peace. She was preceded in death by her husband William Jennings, her three siblings, Arthur Toles, Gladys King, Lois Akins, and a loving daughter, Theresa Curtis and her husband, Everett Curtis.

She leaves behind to mourn her loving daughter Sylvia B. Miller, and her husband, Vandy L. Miller; eight grandchildren—Kerwin Miller, Karen Saunders, Karmen Miller, William Jennings, Lois Williams, Joyce Middleton, Michelle Curtis and Everett Curtis, Jr.; five great grandchildren—Robyn Williams, Markia Burch, LaShawn White, Phillip Brooks and Vandy Brooks; a loving niece and nephew, Rosa Lee and Monty Denny; three grandsons-in-law—Russell Saunders, Gregory White and Bobby Williams; five sisters-in-law—Carrie Toles, Belle Jennings, Margaret Hargrove, Hazel Williams, Gwen Anderson; and a host of other relatives and friends.

CONTINUED SUPPORT FOR A FREE
TIBET

HON. LUIS V. GUTIERREZ

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, January 31, 2000

Mr. GUTIERREZ. Mr. Speaker, I rise today to give my full support once again to the work of Chicago civil and human rights leader Reverend Ronald I. Schupp, who is embarking on his fourth annual peaceful twenty-four hour fast and vigil outside of the Chinese Consulate in Chicago. Reverend Schupp is calling upon the government of the People's Republic of China to grant independence to Tibet and its people.

His vigil will be held on March 10, the day that is known each year as Tibetan National Day. This day recognizes the ongoing efforts and continuing struggle of the Tibetan people to gain their freedom.

The fourteenth Dalai Lama, who in 1989 won the Nobel Peace Prize for his continuing efforts for a non-violent and peaceful solution to end the occupation of Tibet, is still laboring ceaselessly to accomplish this goal. I fully support Reverend Schupp and the vigil he is undertaking once again.

HONORING CHARLES H. GREEN

HON. SCOTT McINNIS

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to remember the life of a man that will be missed by all those who knew him, Charles H. Green who passed away while visiting friends in Arkansas on November 24, 1999.

Mr. Green was born on September 29, 1933, in Kansas City, Missouri to Dorris Irwin and Henry Green. He was raised in Chicago and studied electrical engineering at DeVrey Institute. Charles displayed loyalty to his country by serving in the United States Army for two years.

Mr. Green relocated to Glenwood Springs in 1972. He was the owner of Summit Heating and Sheet Metal, worked in real estate and then established Air Maintenance Company. Charles liked to travel across the country and in Canada and Mexico. Charles loved boating, hiking and was pursuing his lifelong dream of learning to fly.

It is with this, Mr. Speaker, that I wish to remember Mr. Charles H. Green for being a loving and caring person that will be missed by all those who knew him.

HONORING ERIN BREEZE

HON. MARK UDALL

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Monday, January 31, 2000

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Erin Breeze, one of my constituents from Nederland, Colorado who was one of twelve Americans selected as an inaugural George J. Mitchell Scholar.

Erin was selected from more than 250 applicants in a nationwide competition to pursue one year of post-graduate study at a university in Ireland or Northern Ireland. The scholarship is named in honor of former Senator George Mitchell's contribution to the Northern Ireland peace process and is awarded to individuals who have shown academic distinction, commitment to service and potential for leadership. Indeed, Erin has rose to the occasion. Erin will graduate in May with a degree in International Affairs from the University of Colorado. She is a Dean's Scholar, recipient of a service learning scholarship and member of numerous honor societies.

Erin spent a year as a volunteer for AmeriCorps, where she completed 1800 hours of service in the areas of education, environment, and public safety. While tutoring first and second grade students in San Diego, CA, Erin also assisted the school district in assessing the needs and conditions of primary and secondary schools. Additionally, after becoming a certified wildland firefighter, she helped develop a community education project with the Flagstaff Fire Department in Flagstaff, AZ and provided disaster relief to residents in Lama, NM following a forest fire.

As an intern for the Youth Volunteer Corps in Santa Rosa, CA, Erin designed an educational seminar to teach seventh grade students about the subject of child labor. She then led a group of students through the organization and completion of a school supplies drive for their peers in the Philippines. Recently, Erin returned from Geneva, Switzerland where she was an intern at the International Peace Bureau and The Hague Appeal for Peace.

As a George J. Mitchell Scholar, Erin will be enrolled at the University of Limerick for a master's degree in Peace and Development Studies. Her long-term goal is to pursue a career in which she can facilitate collaborative approaches to peacebuilding.

Mr. Speaker, for the past year we have heard so much about how our young people are being led astray and turning to violence. However, from my visits with young people in my district, I have seen how they are showing great promise for our nation's future. Erin Breeze is one of those promising individuals who is making a difference both in her local community and the global community. Because of her unswerving dedication and talent, I have no doubt that Erin will be a future world leader for peace.

NATIONAL BIOTECHNOLOGY
MONTH

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 31, 2000

Mr. GREENWOOD. Mr. Speaker, I rise today on behalf of myself and Representative CLIFF STEARNS to recognize January 2000 as National Biotechnology Month.

It is fitting that in the first month of this new year, at the start of a new century, we look to biotechnology as our greatest hope for the future.

Mapping the human genome, for example, is ahead of schedule and nearly complete. That achievement, begun 10 years ago, will

rank as one of the most significant advances in health care by accelerating the biotechnology industry's discovery of new therapies and cures for our most life-threatening diseases.

Biotechnology not only is using genetic research to create new medicines, but also to improve agriculture, industrial manufacturing and environmental management.

The United States leads the world in biotechnology innovation. There are approximately 1,300 biotech companies in the United States, employing more than 150,000 people. The industry spent nearly \$10 billion on research and development in 1998. Although revenues totaled \$18.4 billion, the industry recorded a net loss of \$5 billion because of the expensive nature of drug development.

In 1999, the U.S. Food and Drug Administration (FDA) approved more than 20 biotechnology drugs, vaccines and new indications for existing medicines, pushing the number of marketed biotech drugs and vaccines to more than 90. Total FDA biotech approvals from 1982 through 1999 reach more than 140 when adding clearances for new indications of existing medicines. The vast majority of new biotech drugs were approved in the second half of the 1990s, demonstrating the biotechnology industry's surging proficiency at finding new medicines to treat our most life-threatening illnesses.

Biotechnology is revolutionizing every facet of medicine from diagnosis to treatment of all diseases. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment. The implications for health care are as great as any milestone in medical history. We expect to see great strides early in this century.

A devastating disease that has stolen many of our loved ones, neighbors and friends is cancer. Biotechnology already has made significant strides in battling certain cancers. This is only the beginning.

The first biotechnology cancer medicines have been used with surgery, chemotherapy and radiation to enhance their effectiveness, lessen adverse effects and reduce chances of cancer recurrence.

Newer biotech cancer drugs target the underlying molecular causes of the disease. Biotech cancer treatments under development, such as vaccines that prevent abnormal cell growth, may make traditional treatments obsolete. In addition, gene therapy is being studied as a way to battle cancer by starving tumor cells to death.

Many biotech drugs are designed to treat our most devastating and intractable illnesses. In many cases these medicines are the first ever therapies for those diseases. For example, advancements in research have yielded first-of-a-kind drugs to treat multiple sclerosis and rheumatoid arthritis as well as cancer.

Other medicines in clinical trials block the start of the molecular cascade that triggers inflammation's tissue damaging effects in numerous disease states. In diseases, such as Alzheimer's, Parkinson's and Huntington's, clinical trials are under way to test a variety of cell therapies that generate healthy neurons to replace deteriorated ones. Recent breakthroughs in stem cell research have prompted experts to predict cures within 10 years for some diseases, such as Type I (Juvenile) Diabetes and Parkinson's.

With more than 350 biotechnology medicines in late-stage clinical trials for illnesses, such as heart ailments, cancer, neurological diseases and infections, biotechnology innovation will be the foundation not only for improving our health and quality of life, but also lowering health care costs.

In the past two years Congress has increased funding for the National Institutes of Health's basic research programs by 15 percent per year. We are 40 percent of the way toward doubling the NIH budget. Health-care research, however, is not one-sided. The public funds we provide are for basic research. The private sector takes this basic science and then spends many times more than what the government has contributed to create new drugs and get them to patients. In today's world, biotechnology companies are among the greatest innovators and risk takers.

Biotechnology also is being used to improve agriculture, industrial manufacturing and environmental management. In manufacturing, the emphasis has shifted from the removal of toxic chemicals in production waste streams to replacement of those pollutants with biological processes that prevent the environment from being fouled. And because these biological processes are derived from renewable sources they also conserve traditional energy resources. Industrial biotechnology companies are the innovators commercializing clean technologies and their progress is accelerating at an astonishing rate.

In agricultural biotechnology, crops on the market have been modified to protect them from insect damage thus reducing pesticide use. Biotech crops that are herbicide tolerant enable farmers to control weeds without damaging the crops. This allows farmers flexibility in weed management and promotes conservation tillage. Other biotech crops are protected against viral diseases with the plant equivalent of a vaccine. Biotech fruits and vegetables are tastier and firmer and remain fresher longer.

The number of acres worldwide planted with biotech crops soared from 4.3 million in 1996 to 100 million in 1999, of which 81 million acres were planted in the United States and Canada. Acceptance of these crops by farmers is one indication of the benefits they have for reducing farming costs and use of pesticides while increasing crop yields.

Biotech crops in development include foods that will offer increased levels of nutrients and vitamins. Benefits range from helping developing nations meet basic dietary requirements to creating disease-fighting and health-promoting foods.

Biotechnology is improving the lives of those in the U.S. and abroad. The designation of January 2000 as National Biotechnology Month is an indication to our constituents and their children that Congress recognizes the value and the promise of this technology. Biotechnology is a big word that means hope.

A MODEL OF COMMUNITY SERVICE FROM SOUTHWEST MISSOURI

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. BLUNT. Mr. Speaker, I rise today to commend a resident of the Seventh Congres-

sional District of Missouri who can teach all of us something about commitment. Jerry L. Sumners Sr. has touched his community in Aurora, Missouri. His philanthropy and vision have given new and expanded opportunities to his community to grow and develop services and facilities that have benefited kids, the environment and the city's business climate.

Jerry Sumner's full time job is running Service Vending Company, a multi-state enterprise with 50 employees. The firm specializes in the sale of gumballs, treats and toys from coin-operated dispensers found in most supermarkets and convenience stores. The company that earns two-bits a sale, has given Jerry the ability to be a civic dynamo—a role he takes very seriously. He may be Aurora, Missouri's greatest cheerleader. Jerry Sumners has unselfishly given his time, energy and support to his community.

Jerry's approach to business and life is simple and direct. "Be organized, do things the same way all the time; get the facts; don't tell me the problem, give me the solution."

Jerry, an avid pilot, understood the need for expanding the city's airport. In 1999 he donated \$100,000 to the Aurora Airport to extend the present runway. That same year he provided a major gift to build a concession stand at Aurora's Baldwin Park with an additional gift to add dressing rooms for the baseball players to be completed by 2002.

Between 1990 and 1998, it was Jerry Sumners who contributed at least \$180,000 to expand the Little League program from one baseball field to four. Jerry Sumners annually sponsors various baseball, basketball, softball and soccer squads. Jerry has given significant donations to the Aurora Main Street program to modernize the look of the business community and was a major supporter of the city's Christmas lights project. Jerry Sumners has sponsored the annual Applefest pageant in Marionville the last two years and is a leading sponsor in the annual 4th of July fireworks in Aurora.

When a local youth sports team wants to compete on the road, Jerry makes sure they have the resources to go. He also contributed to the new band building at Southwest Missouri State University and to improvements at the Wilson's Creek National Battlefield near Springfield.

Jerry's company has prospered in the small town setting. His family of four sons and two daughters have gone to school and grown up in Aurora. Jerry and wife, Theresa, are both active in the community and live on a 300 acre farm where they raise cattle.

In short, if it has something to do with improving the community of Aurora or adding to the quality of life, chances are that Jerry Sumners has taken an active role in it. He has earned the title of "community leader."

Saturday, January 29, the Aurora Chamber of Commerce gave Jerry L. Sumners Sr. their highest honor—"The Community Service Award"—in recognition of his contributions to improve the community. Jerry, who turned 65 on January 27, has no plans to either slow down or end his commitment to the betterment of his community.

I know my colleagues in the House join with me in honoring him for his dedication and his commitment to his community, neighbors and his friends.

HONORING DAVID BRYCEON PALO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to ask that we all pause for a moment to remember a man that many knew and loved, David Bryceon Palo. Sadly, Mr. Palo died on November 15, 1999.

Mr. Palo was born on November 9, 1930, to Andrew and Janet Lucile Walsh Palo in Great Falls, MT. He attended the University of Colorado on a NROTC Scholarship and was then commissioned into the U.S. Navy. He served as a line officer aboard the carrier USS *Rendova* and also served aboard the USS *Firm*. After his service in the Navy, Mr. Palo returned to the University of Colorado to attend law school. Mr. Palo worked with the law firm of Adams, Heckman, Traylor & Ela before starting one of his own in Grand Junction.

After retirement, Mr. Palo served on many boards and committees in his community. He was a very active individual that cared a great deal about the betterment of his community.

Mr. Palo will be remembered as a great public servant, a devoted husband, father, grandfather, uncle, and a committed Christian. He is survived by his wife, Margaret Palo, a son, daughter, granddaughter, and nieces and nephews. Like his family, we will all miss Mr. Palo's friendship and service.

IN RECOGNITION OF GEORGIA O'BRIEN'S 30TH YEAR OF SERVICE TO RESIDENTS OF MINNESOTA'S FIFTH CONGRESSIONAL DISTRICT

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SABO. Mr. Speaker, today I would like to recognize a member of my staff, Georgia O'Brien, as she marks her 30th year of service on behalf of the constituents of Minnesota's Fifth Congressional District.

Georgia O'Brien has served as a caseworker in my Congressional office in Minneapolis since I began my tenure as a United States Representative in 1979. Prior to joining my staff, Georgia served on the staff of my predecessor in the United States House of Representatives, the Honorable Don Fraser (D-MN), from 1970 to 1978.

Since the day she joined my staff—and, I am certain, during the years she spent serving in the office of Congressman Fraser—Georgia has served as a tireless advocate on behalf of those residents of the Fifth Congressional District who have needed federal assistance in resolving a problem.

Georgia has proven herself an invaluable asset to my office through her countless hours of hard work, commitment to public service, and success in resolving problems for so many constituents. I am proud to count her as a member of my staff.

Mr. Speaker, today I congratulate Georgia O'Brien for 30 years of thoughtful service to the citizens of Minnesota's Fifth Congressional District. I thank Georgia for the 21 years she

has served on my staff, and I am confident that she will continue working hard to improve the lives of many more Minnesotans in the years to come.

IN MEMORY OF JAMES R. "JIM BOB" WALLACE OF BELLAIRE, OH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. NEY. Mr. Speaker, I rise today in memory of James R. "Jim Bob" Wallace, who passed away on January 20, 2000. James was born on March 5, 1924 to Everett "Dick" and Jenny Irene Darnley Wallace.

Mr. Wallace, a veteran of World War II, was a member of American Legion Post 52, Disabled American Veterans Post 117 and VFW Post 626, of which he was past commander. But his service was not limited to the military, James went out of his way to be an active member of his community as well. He was a member of Neffs United Methodist Church, the Fraternal Order of Eagles 456, the Order of Elks 419, the Sons of Italy 754 and served as the past president of the Timberwolf Association.

Mr. Speaker, it is a privilege for me to pay my last respects to a man who gave so much of himself to his country, his community and his family. James will be missed by all whose lives he touched. I am honored to have represented him and proud to call him a constituent.

TRIBUTE TO RETIRING LAKE CITY ARMY AMMUNITION PLANT EMPLOYEE DALE T. POLLARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished civil service career has come to an end. Mr. Dale T. Pollard, of my hometown of Lexington, Missouri, recently retired after 58 years of extraordinary service to the Lake City Army Ammunition Plant.

Mr. Pollard's career began nearly 60 years ago as an Assistant Chief Factory Clerk at Remington Arms Company, Incorporated. He willingly left the ammunition plant to enlist in the Army during World War II and saw combat in the European Theater, earning the combat infantryman badge and the Bronze Star for valor. He immediately returned to the plant at the end of the war and dedicated himself to government service for the next five decades. Mr. Pollard served in many capacities at the plant, always determined to ensure that Soldiers, Sailors, Airmen and Marines were supplied with the highest quality ammunition and that Americans were receiving every penny's worth of their defense dollar.

At 81 years old, Mr. Pollard could have retired many years ago. Instead, he remained in federal service because he loved his work and was committed to Lake City, the Ordnance Corps, and the U.S. Army.

Mr. Speaker, Dale Pollard has been an inspiration to all who had the pleasure of work-

ing with him at Lake City. I know all Members of Congress will join me in paying tribute to the outstanding public service of my good friend.

TRIBUTE TO NORMA RIVERA

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Norma Rivera, an outstanding individual who has dedicated 48 years of her life to community service, and to wish her a happy retirement.

Born on June 1, 1935, in Ponce, Puerto Rico, Mrs. Rivera moved to Buffalo and graduated from high school in 1952. In 1953 she moved to the Bronx where she has been living since.

Mr. Speaker, Mrs. Rivera worked in a factory for three years before joining a housing court agency that was located on Park Avenue in the Bronx. She worked at that agency for eight years. In 1964 she left the housing court agency to work as a counselor and a program coordinator at Sport's for the People, a medically supervised outpatient program. In 1984 she was employed by Lincoln Hospital working in medical records until her retirement in December of last year. Norma is also the President of People's Voice Democratic Club in the Bronx.

Mrs. Rivera is the proud mother of six, Victor, Debbie, Jacqueline, Manuel, Jeanette, and Frances and grandmother of twelve, Lisette, Angie, Kennedy, Michael, Alexis, Matthew, Charles, Denise, Samantha, Brittany, Norma Luz, and Francine.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Norma Rivera for her enduring commitment to the community, and in wishing her a happy retirement.

HONORING ETHEL McALPINE JAMESON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember a woman that many knew and loved, Mrs. Ethel McAlpine Jameson.

Mrs. Jameson was a long-time Republican Party activist and a very politically involved person. Mrs. Jameson was co-chair of the election campaigns for a former United States Representative and Senator. She served on the board of the Tri-County Mental Health Association in the Denver area and was also active in musical circles and the Episcopal Church.

Mrs. Jameson is survived by her son, seven grandchildren and six great-grandchildren.

It is with this, Mr. Speaker, that I wish to remember Mrs. Jameson for being a great activist and caring wife, mother and grandmother. She was a great American whose service and friendship will be greatly missed.

HONORING CHAIRMAN TOM BLILEY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. COBLE. Mr. Speaker, in just a few days—February 8, to be exact—we will acknowledge the fourth anniversary of the signing of the historic Telecommunications Act of 1996. And so, it is fitting that we acknowledge one of the act's key sponsors, my good friend, the gentleman from Richmond, Chairman TOM BLILEY.

As part of the act's anniversary activities, the Competitive Telecommunications Association, more easily referred to as CompTel, is honoring Chairman BLILEY as one of the two "Champions of Competition," the other being Senator FRITZ HOLLINGS from the State of North Carolina. Both will be duly recognized, and rightly so, for their outstanding leadership and bipartisan spirit throughout the nearly decade-long debate in the Congress to update the 1934 act.

Mr. Speaker, the Telecom Act provides for a procompetitive, deregulatory national policy framework designed to accelerate rapid private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition.

Well, Mr. Speaker, I can assure you that the results are in following 4 years after enactment of this historic piece of legislation. Thanks to Chairman BLILEY's persistence in crafting proper safeguards to ensure open competition to all players, we see today the fruits of his labor.

Finally, Mr. Speaker, in addition to commending Mr. BLILEY for his role in bringing competition to the local market, I would note that his good work on this historic bill has brought hundreds of new companies competing in today's marketplace offering better products and services than have ever been developed and deployed in our lifetime. With that said, it's important to note that not only are consumers better served with many choices, but served at lower prices. Mr. BLILEY and the act intended this to happen. Mr. Speaker, I raise my hat to Chairman TOM BLILEY and congratulate him on being named the Champion of Competition.

IN HONOR OF HAZEL WOLF

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. INSLEE. Mr. Speaker, I rise today to honor the life of an exceptional environmental and social activist who recently passed, Ms. Hazel Wolf. Ms. Wolf, originally from Victoria, British Columbia, spent most of her life in Seattle, and her final years in Port Angeles. One daughter, five grandchildren, five great-grandchildren, and four great-great grandchildren survive her.

Ms. Wolf's commitment to the environment was strong throughout her 101 years. As an active member of the Audubon Society for 38 years, she helped to establish Audubon chapters within Washington State, recruit new

members, and fought tirelessly to protect our natural resources. The Hazel Wolf Wetlands on Sammamish Plateau was named in her behalf. She was also the recipient of a number of other conservation awards, including the Audubon Medal for Excellence in Environmental Achievement in 1977, the Washington State Department of Game's Award for services in protection of wildlife in 1978, and the State of Washington Environmental Excellence Award in 1978, and the Seattle's Spirit of America Award in 1999. Many in my community cheered heartily when, on her 98th birthday, Washington State Governor Mike Lowry declared March 10th as "Hazel Wolf Day." She understood clearly that if we do not act now to safeguard our precious resources, we will be responsible for the destruction of irreplaceable wilderness areas and wildlife communities.

She was also committed to the idea of women's suffrage, social justice, and civil rights, and never hesitated to practice what she preached. Many years ago, during the era in which many public places were segregated, Ms. Wolf asked to swim specifically when the YWCA pool was set aside for African-American women. Her swim spoke volumes about her beliefs.

Mr. Speaker, the recent death of Hazel Wolf has made me realize, once again, what an awesome responsibility we have as Members of Congress. Ms. Wolf's fight to protect the rights of the working poor, religious and ethnic minorities, and our natural resources is a fight that I am proud to carry forth as a United States Congressman. I know the thoughts and prayers of many of us in the Seattle area go out to Ms. Wolf's entire family. Her life was a shining example of devotion, in so many ways, to a better world for all of us.

**SOUTH FLORIDA FOOD RECOVERY;
FEEDING THE POOR, NEEDY AND
HOMELESS****HON. CARRIE P. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mrs. MEEK of Florida. Mr. Speaker, South Florida Food Recovery recently completed its eighth "Toys for Tots" program, in cooperation with the U.S. Marine Corps Reserve and sponsored by the city of North Miami Beach. This effort was an enormous success, helping make the holidays brighter for more than 5,000 children.

Our entire community appreciates the efforts of the hundreds of contributors, sponsors, and volunteers. I want to particularly recognize the efforts of South Florida Food Recovery's founder, the Honorable Jule Littman, who has served the city of North Miami Beach with distinction in many official capacities and who continues to dedicate his efforts to helping the neediest people in our community. Congratulations to him and to his entire staff for another job well done.

Mr. Speaker, I would like to share with my colleagues an article on this matter that appeared in the Community Newspapers of Miami. I hope it will inspire more communities to follow the example set by South Florida Food Recover.

[From the Community Newspaper, Dec. 27, 1999]

**SFFR JOINS MARINES TO BRING HOLIDAY
CHEER TO NEEDY KIDS**

(By Bari Auerbach)

More than 20,000 toys and 7,000 leather sneakers were distributed recently to needy children during the eighth annual "Toys for Tots" giveaway hosted by South Florida Food Recovery (SFFR) and the U.S. Marine Corps at Patricia A. Mishcon Park in North Miami Beach.

Santa Claus (alias Bill Lindsay, a SFFR volunteer) helped distribute toys to at least 5,000 children from all over Miami-Dade County. The toys were donated by many corporations and members of the community.

In addition to pony and railroad car rides, there were special treats for hungry appetites including 10,000 slices of pizza donated by Papa John's, 5,000 hot dogs served by such civic organizations as the North Miami Beach Kiwanis Club and the North Bay Village Optimist Club, plus cake, ice cream, cookies, milk in mugs, soda, candy and more.

The North Miami Pops Orchestra played holiday classics, plus favorite characters like Burnie, the Miami Heat mascot, and a purple dinosaur mingled with the children while BellSouth Mobility offered free calls to send holiday greetings anywhere in the U.S. "This year's Toys for Tots event was bigger and better than ever, thanks to the generous support of many sponsors," said Jule Littman, executive director of South Florida Food Recovery.

"Special thanks goes out to the City of North Miami Beach, City of North Miami, City of Miami, United Way of Miami-Dade, McArthur Dairy, Publix, Costco, 7-11, Papa John's, Flemings, Mahi Shrine Clowns, Bill Seidel Motors, BellSouth, Americare, North Miami Beach Pops Orchestra, North Miami Beach Kiwanis and Feed the Children."

The concept for South Florida Food Recovery originated about 20 years ago when a truckload of cheese was inherited by the City of North Miami Beach and Littman arranged to have the cheese distributed to the needy.

"Much to everyone's surprise, there were many men, women and families with small children who lined the street for the free cheese giveaway," Littman said.

Once the need was recognized, Littman, along with civic minded volunteers and food administering agencies, started their mission to feed the poor, needy and homeless by bringing together food items and supplies from a variety of industries.

Today, South Florida Food Recovery, a non-profit organization, recovers and distributes food, free of charge, without discrimination to needy people in Florida on a regular basis and to disaster zones in times of emergency.

To inquire about volunteering for future SFFR events or to donate items, phone 305-891-8811.

**REMEMBERING A LIBRARY
VISIONARY, FRANK BARKMAN****HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to ask that we pause for a moment to remember the life of a great advocate for the City of Pueblo, Mr. Frank Barkman.

Mr. Barkman and his wife, Marie Lamb Barkman, have been financial and personal

pillars of the Pueblo Library District. They donated funds to construct several libraries, including the Frank I. Lamb Branch and the Frank and Marie Barkman Branch.

Frank and Marie were the leading advocates for Pueblo's library system over the years and were active in the community in many other ways. Mr. Barkman served as the President of the Library Board for more than twelve years. He was also active in Rotary and was a supporter of the YMCA and the El Pueblo Boys Ranch.

It is with this, Mr. Speaker, that I would like to pay tribute to a man that has given so much to his community. The City of Pueblo will miss his friendship, leadership and service.

THE EVIL PEN

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. METCALF. Mr. Speaker, I submit for the RECORD the following article:

THE EVIL PEN

(By Balint Vazsonyi)

[First published August 31, 1999, in *The Washington Times*, under the title "Guiding the pen."]

On August 23, Frank J. Murray presented an exhaustive special report in the *Washington Times* on the subject of executive orders. Early on, he quotes Paul Begala, 5-star general in President Clinton's personal army. "Stroke of the pen, law of the land. Kind of cool," says Mr. Begala.

Indeed.

During the early 1980's, on a concert tour of Hungary, I found myself commenting to a friend about the general easing of the political atmosphere, plenty of food, people saying more frequently what they really thought—all in stark contrast to other colonies of the Soviet Socialist Russian Empire, such as East Germany or Czechoslovakia.

"Don't be fooled," my friend retorted, "the pen that can wipe out a man's very existence is still there. Right now, the pen is held by a more decent hand, that's all."

One of the many ways of defining fundamental differences between socialism and America is to point out that the U.S. Constitution does not provide such a pen to any individual.

Nevertheless, Mr. Murray's research shows generous use of just such a pen by all recent presidents. While Presidents Kennedy and Carter hold a comfortable lead, President Ford is not far behind, and Bill Clinton's average falls between those of Presidents Reagan and Bush.

So why the sudden concern?

Because the pen is now held by a hand that is unrestrained by any of the considerations which informed and guided American presidents since George Washington. The hand is attached to a body whose heart, brain, and other parts have made mockery of the oath the mouth had recited—not once but twice—before taking office.

A review of executive orders currently in force cannot fail to alarm the most placid and trusting soul among us. "They include," writes Mr. Murray, "vast powers to seize property, commodities, fuel and minerals; organize and control the means of production, including compulsory job assignments for civilians; assign military forces abroad; institute martial law and force civilian rela-

cation; seize and control all forms of transportation and restrict travel; seize communications and health facilities; regulate operation of private enterprise; require national registration through the postal service, or otherwise control citizens' lives."

True—many of these were first issued by others and only confirmed, renewed and consolidated by Mr. Clinton. But the end result is that, for all practical intents and purposes, Mr. Clinton can declare himself dictator of America with yet another stroke of the pen. He can choose to do so at, say, 3:00 a.m. so that we wake up to a country of which we are not longer citizens, but prisoners.

The reality, of course, is that no sane person would have thought past presidents—such as Carter, Reagan or Bush—capable of imposing their personal rule upon the United States of America.

But it is also a reality that no sane person could think Mr. and Mrs. Clinton incapable of imposing their personal rule upon the United States of America.

No one before presumed to say that the American people cannot be trusted to make proper use of the money they had earned.

No one before has placed an ever-growing circle of fortifications between the People and the People's House.

No one before has populated an entire administration with purely political appointees. Unlike the age-old system of patronage, as practiced by both major parties, a cadre of operatives now runs the executive branch. Their primary qualification is the contempt they share with the presidential pair—contempt for the American People and their Constitution. Previous administrations expected loyalty. The present one requires obedience, even from legislators.

The practice of giving police powers to one citizen over another is an import from the worst regimes in this, or any other, century. In a heartbeat, it can turn decent, ordinary Americans into commissars.

All of the above is happening because we are letting it happen. Congress lets it happen. The courts let it happen. The Founders knew better.

Yet many in our midst will recite the mantra according to which "a lot of time has passed since the Founding . . ." "They didn't even have electric light, knew nothing about moon shots—how could they have foreseen the world for which they were providing guidance . . ." "We must treat the Constitution as a living-breathing document and change it as needed . . ."

But the miracle of the American Founding was precisely that they knew. Without electricity, without computers and space flights, they knew. They wrote provisions so one person could not dictate. They made certain America's future would not depend on whether "the hand" was decent or not. They had seen how quickly rulers become corrupted.

They knew the mortal danger of the evil pen.

Apparently, we don't.

A TRIBUTE TO OFFICER JAMES DRESS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. GILMAN. Mr. Speaker, during our recent recess, a constituent of mine performed an heroic act which saved the life of a fellow law enforcement officer and earning him a place

as one of the genuine heroes of our Hudson Valley region.

James Dress of Tappan, NY, is a rookie officer of the 49th Precinct in New York City, and is also chief of the South Orangetown Ambulance Corps in my Congressional District. Two days before New Year's Day, Officer Dress arrived at the scene of a shooting in which an undercover detective was seriously wounded. Utilizing his experience as an EMT, Officer Dress realized that the wound was too serious to await an ambulance. He and a fellow officer performed emergency procedures on the undercover policeman and rushed him themselves to Jacobi Medical Center, where he was admitted in critical condition with extensive internal injuries.

Mr. Speaker, I invite my colleagues to join me in congratulating Officer Dress and I am pleased to insert into the RECORD at this point a profile on Officer James Dress, which appeared in the "Our Town" newspaper soon after his act of heroism:

[From Our Town, Jan. 5, 2000]

A "HERO" LABEL 12 YEARS IN THE MAKING

(By Arthur R. Aldrich)

Not every NYC rookie cop gets the "hero" label pinned on him after only a few months on the job. Some complete their careers quietly doing their jobs with little public recognition. But when the moment came for action, James Dress of Tappan was prepared. He had been preparing since 1987.

Dress is chief of the S. Orangetown Ambulance Corps, elected to his third term as head of the unit. He joined the corps in 1987 while still at Tappan Zee High School, learning first aid riding the rigs as a youth corps member. While still at TZ, Dress took and passed the 120-hour EMT certification course to qualify as a full-fledged corps member.

Even while he completed his college work at SUNY Oneonta, Dress returned to Tappan and rode the rigs as often as he could. At Oneonta, he was among the founders of the student Medical Response Team, usually first on the scene at campus emergencies, and trained to administer first aid.

"I was looking at corporate law for a career," Dress concedes. But at Oneonta he switched his major from political science to business economics and marketing.

But under all his other career ambitions was lurking a desire for law enforcement. "I took the tests in Rockland for police officer," Dress says, "and came in as a finalist for appointment in Orangetown." All the while he continued to volunteer as an EMT and answer calls with the S. Orangetown Corps.

But Orangetown never appointed Dress; instead, he took the New York City Police exams, qualified, and was graduated from the Police Academy in April, 1999.

Instead of landing in a corporate law office, Dress found himself on the streets of the Bronx, a rookie assigned to the 4-9 Precinct in Baychester. His unit concentrates on quality of life crimes; but of course, performs all other police duties as well.

Assigned to the 5:30 p.m. to 2:05 a.m. patrol, Dress was riding with his sergeant, Ed Warren, in a patrol car at 12:35 a.m. on Wednesday, December 29, when he responded to a call of a shooting. Pulling up at E. Gun Hill Road and Sexton Place, the officers discovered a man lying on the sidewalk and a small crowd.

According to Dress, he determined the man on the sidewalk had been shot in the stomach. Others in the crowd had also been injured by gun shots, but less seriously.

"I put in a rush call for an ambulance," Dress says, "and began first aid." But when

Dress realized how serious the injury was, he made the decision to put the wounded man in the patrol car and take him to Jacobi Medical Center, a few minutes away.

"We could have waited for the ambulance," Dress says, "but we didn't know how long it would take, and where it would have to come from."

Dress' evaluation of the situation and prompt administration of appropriate first aid is credited for saving the man's life.

Only later did Dress and the other officers learn that the wounded man was an undercover NYC police officer. The investigation into the shooting is continuing.

As an EMT, Dress' first obligation is always to treat the patient. As a police officer, Dress also had to obligation to try to get information from the shooting victim while he was treating him.

"He was trying to give me a name," Dress says, "but he was in a lot of pain." At Jacobi, doctors determined that the bullet had pierced the undercover officer's heart and had lodged near his spine.

On Saturday, Dress and other officers visited the wounded man, still in intensive care, whose name is not being released because he is an undercover policeman.

"He seemed to be improving; he shook hands with me. His wife and children were there, too. His two year-old son also hugged me and thanked me." The wounded officer is now reported to have regained some feeling in his legs, leading to hope for a more complete recovery.

Dress is the first to disclaim the hero label. "I did what I was trained to do. Any police officer would have done the same thing; we're all trained in first aid. I think was EMT experience made the difference in evaluating the situation."

Dress is back on duty, having been given New Year's Eve off at the discretion of his unit commander. And he still spends his days off working at the S. Orangetown ambulance headquarters, and riding the rig when needed.

His hope for the new year? That the man whose life he helped save makes a full and complete recovery.

NATIONAL BIOTECHNOLOGY MONTH

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. DOOLEY of California. Mr. Speaker, I rise today on behalf of myself and Mr. GREENWOOD of Pennsylvania, Mr. BURR of North Carolina, Ms. DUNN of Washington, and Mr. TANNER of Tennessee to recognize January 2000 as National Biotechnology Month.

It is fitting that in the first month of this new year, at the start of a new century, we look to biotechnology as our greatest hope for the future.

Mapping the human genome, for example, is ahead of schedule and nearly complete. That achievement, begun 10 years ago, will rank as one of the most significant advances in health care by accelerating the biotechnology industry's discovery of new therapies and cures for our most life-threatening diseases.

Biotechnology not only is using genetic research to create new medicines, but also to improve agriculture, industrial manufacturing and environmental management.

The United States leads the world in biotechnology innovation. There are approximately 1,300 biotech companies in the United States, employing more than 150,000 people. The industry spent nearly \$10 billion on research and development in 1998. Although revenues totaled \$18.4 billion, the industry recorded a net loss of \$5 billion because of the expensive nature of drug development.

In 1999, the U.S. Food and Drug Administration (FDA) approved more than 20 biotechnology drugs, vaccines and new indications for existing medicines, pushing the number of marketed biotech drugs and vaccines to more than 90. Total FDA biotech approvals from 1982 through 1999 reach more than 140 when adding clearances for new indications of existing medicines. The vast majority of new biotech drugs were approved in the second half of the 1990s, demonstrating the biotechnology industry's surging proficiency at finding new medicines to treat our most life-threatening illnesses.

Biotechnology is revolutionizing every facet of medicine from diagnosis to treatment of all diseases. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment. The implications for health care are as great as any milestone in medical history. We expect to see great strides early in this century.

A devastating disease that has stolen many of our loved ones, neighbors and friends is cancer. Biotechnology already has made significant strides in battling certain cancers. This is only the beginning.

The first biotechnology cancer medicines have been used with surgery, chemotherapy and radiation to enhance their effectiveness, lessen adverse effects and reduce chances of cancer recurrence.

Newer biotech cancer drugs target the underlying molecular causes of the disease. Biotech cancer treatments under development, such as vaccines that prevent abnormal cell growth, may make traditional treatments obsolete. In addition, gene therapy is being studied as a way to battle cancer by starving tumor cells to death.

Many biotech drugs are designed to treat our most devastating and intractable illnesses. In many cases these medicines are the first ever therapies for those diseases. For example, advancements in research have yielded first-of-a-kind drugs to treat multiple sclerosis and rheumatoid arthritis as well as cancer.

Other medicines in clinical trials block the start of the molecular cascade that triggers inflammation's tissue damaging effects in numerous disease states. In diseases, such as Alzheimer's, Parkinson's and Huntington's, clinical trials are under way to test a variety of cell therapies that generate healthy neurons to replace deteriorated ones. Recent breakthroughs in stem cell research have prompted experts to predict cures within 10 years for some diseases, such as Type I (Juvenile) Diabetes and Parkinson's.

With more than 350 biotechnology medicines in late-stage clinical trials for illnesses, such as heart ailments, cancer, neurological diseases and infections, biotechnology innovation will be the foundation not only for improving our health and quality of life, but also lowering health care costs.

In the past two years Congress has increased funding for the National Institutes of

Health's basic research programs by 15 percent per year. We are 40 percent of the way toward doubling the NIH budget. Health-care research, however, is not one-sided. The public funds we provide are for basic research. The private sector takes this basic science and then spends many times more than what the government has contributed to create new drugs and get them to patients. In today's world, biotechnology companies are among the greatest innovators and risk takers.

Biotechnology also is being used to improve agriculture, industrial manufacturing and environmental management. In manufacturing, the emphasis has shifted from the removal of toxic chemicals in production waste streams to replacement of those pollutants with biological processes that prevent the environment from being fouled. And because these biological processes are derived from renewable sources they also conserve traditional energy resources. Industrial biotechnology companies are the innovators commercializing clean technologies and their progress is accelerating at an astonishing rate.

In agricultural biotechnology, crops on the market have been modified to protect them from insect damage thus reducing pesticide use. Biotech crops that are herbicide tolerant enable farmers to control weeds without damaging the crops. This allows farmers flexibility in weed management and promotes conservation tillage. Other biotech crops are protected against viral diseases with the plant equivalent of a vaccine. Biotech fruits and vegetables are tastier and firmer and remain fresher longer.

The number of acres worldwide planted with biotech crops soared from 4.3 million in 1996 to 100 million in 1999, of which 81 million acres were planted in the United States and Canada. Acceptance of these crops by farmers is one indication of the benefits they have for reducing farming costs and use of pesticides while increasing crop yields.

Biotech crops in development include foods that will offer increased levels of nutrients and vitamins. Benefits range from helping developing nations meet basic dietary requirements to creating disease-fighting and health-promoting foods.

Biotechnology is improving the lives of those in the U.S. and abroad. The designation of January 2000 as National Biotechnology Month is an indication to our constituents and their children that Congress recognizes the value and the promise of this technology. Biotechnology is a big word that means hope.

HONORING LARRY LEDERHAUSE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of Larry Lederhouse who passed away on December 11, 1999. Many relatives and close friends will miss this remarkable person.

Larry Lederhouse was born on January 30, 1963. He attended Eagle Valley Junior/Senior High School in Gypsum, Colorado. He was very involved in 4-H and Future Farmers of America projects. He served as a volunteer with the Gypsum Fire Department. Larry attended college in Oregon at Western Baptist College.

Larry returned to Colorado and worked for the Garfield County Airport. He then owned and operated L&L Sanitation Service.

Larry loved animals, especially his dog, Happy. Larry also sang with the "Sagebrush Singers" of the Battlement Mesa and liked to go hunting, hiking, swimming and flying.

It is with this, Mr. Speaker, I would like to remember Mr. Larry Lederhause, a great American who was loved and cherished my many.

THE FEDERAL COMMUNICATIONS
COMMISSION STATEMENT IN
REFERENCE TO CERTAIN TYPES
OF RELIGIOUS BROADCASTING

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. PICKERING. Mr. Speaker, in December of last year, the Federal Communications Commission (FCC) overstepped its bounds and authority by issuing statements that if enforced, would restrict certain types of religious broadcasting.

I am happy to report that the FCC reversed its decision on Friday. I applaud the decision of the FCC but am troubled that such a decision was ever made.

While issuing a ruling on a routine license transfer, the FCC editorialize about new, strict standards for educational programming that could have affected many non-commercial, educational television broadcasters. The FCC stated that "religious exhortation, proselytizing, or statements of personally-held religious views and beliefs generally would not qualify as 'general education' programming. Thus, church services generally will not qualify as 'general education' under our rules."

It is arrogance of the highest form for the FCC to attempt to determine what is—and what is not educational. The FCC's statements amount to an unconstitutional restriction on religious speech. This type of content regulation and suppression of religious expression is not acceptable. The FCC is neither qualified nor does it have any legal authority to engage in this sort of line drawing.

The FCC was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable. The FCC's jurisdiction covers the 50 states, the District of Columbia, and U.S. possessions. The Federal Communications Commission (FCC) is an independent United States government agency, directly responsible to Congress.

Shortly after reading the FCC's anti-religious statements, Reps. MIKE OXLEY, STEVE

LARGENT, CLIFF STEARNS and I wrote the Chairman of the FCC to remind him that the FCC is still directly responsible to Congress and that he should reverse the anti-religious statements or he could stand by and see it overturned by Congressional action.

Last week, we introduced H.R. 3525—The Religious Broadcasting Freedom Act to overturn the ruling issued by the FCC and did so with over 60 cosponsors. The FCC is accountable to the Congress and I believe we have demonstrated that we will take decisive action when the FCC or any other federal agency exceeds its authority—and especially when such actions threaten our religious freedoms.

The FCC's action was an unprecedented action by a government agency in an attempt to decide what is acceptable religious programming and content. The fact is, it is not the place of any government agency to determine what is acceptable religious speech because religious freedom and freedom of speech are both protected by the Constitution.

I have heard from many religious broadcasters in Mississippi and across the country who expressed outrage at the FCC and their actions. I am pleased to tell them that we have stopped this un-Constitutional decision in its tracks. Yet, I urge my colleagues to remain vigilant. I assure you that if the FCC takes any actions that suggest they may attempt to pursue this action in any other format, I will fight it once again.

TRIBUTE TO PHIL BLAZER

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 2000

Mr. WAXMAN. Mr. Speaker, my colleagues Mr. BERMAN and Mr. SHERMAN, and I rise today to ask our colleagues to join us in honoring the extraordinary career of our dear friend Phil Blazer. Phil has dedicated his thirty-five-year career to serving the Jewish community as editor and publisher of the Jewish News and as an effective activist for important Jewish and human rights causes. Phil began his career as an eager and wide-eyed seventeen-year-old radio announcer at KVFM in the San Fernando Valley of California. He moved to Minnesota for college and continued his radio career at KUXL, and quickly began a Jewish community radio program for Minneapolis and St. Paul. After college, he returned to KVFM as station manager and con-

tinued his Jewish community program in the San Fernando Valley. Phil's current radio program is now on KIEV and is heard throughout Southern California. He has many devoted listeners who depend on his program for news, perspective, and insight.

In 1977, Phil started a television program, which still airs today and is now carried in over 300 communities in Southern California. It is also broadcast in New York City and New Jersey on Sundays. His audience numbers over 250,000 people and he has become an icon to his audiences throughout the nation.

Perhaps Phil's greatest contribution has been his newspaper, The Jewish News, which he founded in 1973. Hardly a local paper, it now serves 73 countries worldwide. The Jewish News serves to connect distinct Jewish communities by sharing local, national and international news and trends. It is a beloved paper and a staple of Los Angeles Jewish life.

Phil's career has also been dedicated to human rights work and Jewish causes. He is a visionary leader who has worked to shape critical historical events. In 1973, he helped smuggle a Torah into Leningrad to support the Jews of Russia. In 1978, he traveled to Washington, D.C. at the invitation of former Secretary of State Cyrus Vance to confer with the State Department and the White House as a participant in the redirection of U.S. Middle East policy.

Also in 1978, Phil attended the historic Begin/Sadat meeting in Jerusalem. The following year he aired a landmark broadcast of his radio program via satellite from the studios of Radio Cairo as the guest of Anwar Sadat.

Phil's philanthropic work continued in 1985 when he organized the now famous Operation Joshua, which succeeded in rescuing nearly 1,000 Ethiopian Jews from refugee camps in Sudan and resettling them in Israel. In 1992, Phil developed California legislation with Assemblyman Richard Katz that mandated a course of study about the Holocaust be taught in all California public schools. This bill was signed into law by the Governor of California on September 21, 1992.

These are a few examples of Phil's tireless dedication to Jewish causes and human rights around the world. His real gift, however, is his compassion and love for humankind. While successfully building his own media empire, Phil has never lost sight of his commitment to better the human condition in every way possible. He is truly an example of one person making a difference in thousands of people's lives.

Mr. Speaker, we ask our colleagues to join us in honoring Phil Blazer for his remarkable accomplishments over the past thirty-five years and in wishing him continued success and happiness in all future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the *Extensions of Remarks* section of the *CONGRESSIONAL RECORD* on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 1, 2000 may be found in the Daily Digest of today's *RECORD*.

MEETINGS SCHEDULED

FEBRUARY 2

9:30 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine gene therapy, focusing on promoting patient safety.
SD-430

Armed Services
To hold hearings on the situation in Bosnia and Kosovo; to be followed by a closed hearing (SR-222).
SR-253

10 a.m.
Budget
To hold hearings to examine federalism in the information age, focusing on internet tax issues.
SD-608

Finance
To hold hearings on the status of Internal Revenue Service reform.
SD-215

Intelligence
To hold hearings to examine world threats.
SH-216

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

FEBRUARY 3

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the proposed loan guarantee program, focusing on rural satellite and cable system delivery of local broadcast stations to viewers not having access to local television stations.
SR-328A

9:30 a.m.
Armed Services
To hold hearings on current and future worldwide threats to the national security of the United States; followed by a closed hearing (SH-219).
SH-216

10 a.m.
Appropriations
Transportation Subcommittee
Budget
To hold joint hearings to examine modernizing the Federal Aviation Administration.
SD-608

Environment and Public Works
To hold hearings on the nomination of Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation; and the nomination of W. Michael McCabe, of Pennsylvania, to be Deputy Administrator of the Environmental Protection Agency.
SD-406

Finance
To hold hearings on the nomination of George L. Farr, of Connecticut, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Nancy Killefer, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Steve H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board; the nomination of Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board; and the nomination of Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board.
SD-215

2 p.m.

Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings to examine the Report of the Commission on the Advancement of Federal Law Enforcement Commission Members.
SD-226

Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

FEBRUARY 8

10 a.m.
Budget
To hold hearings on the President's proposed budget request for fiscal year 2001.
SD-608

Banking, Housing, and Urban Affairs
To hold hearings on S. 1879, to promote international monetary stability and to share seigniorage with officially dollarized countries.
SD-628

FEBRUARY 9

9:30 a.m.
Governmental Affairs
To hold hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.
SD-342

10 a.m.
Budget
To continue hearings on the President's proposed budget request for fiscal year 2001.
SD-608

10:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

FEBRUARY 10

10 a.m.
Governmental Affairs
To continue hearings to examine the rising cost of college tuition and the effectiveness of the Federal financial aid.
SD-342

FEBRUARY 11

10 a.m.
Budget
To resume hearings on the President's proposed budget request for fiscal year 2001.
SD-608

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S121–S165

Measures Introduced: Four bills and two resolutions were introduced, as follows: S. 2014–2017, and S. Res. 248–249. **Page S149**

Measures Passed:

Legal Representation: Senate agreed to S. Res. 249, to authorize testimony, document production, and legal representation in *Thomas Dwyer v. City of Pittsburgh, et al.* **Page S165**

Bankruptcy Reform Act: Senate resumed consideration of S. 625, to amend title 11, United States Code, taking action on the following amendments proposed thereto: **Pages S135–38, S140–44**

Withdrawn:

Feingold Amendment No. 2747, to protect and preserve the American consumers' right to take their disputes with creditors to court. **Pages S140–43**

Pending:

Wellstone Amendment No. 2537, to disallow claims of certain insured depository institutions. **Page S135**

Wellstone Amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices. **Page S135**

Schumer/Durbin Amendment No. 2762, to modify the means test relating to safe harbor provisions. **Page S135**

Schumer Amendment No. 2763, to ensure that debts incurred as a result of clinic violence are non-dischargeable. **Page S135**

Feingold Modified Amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed. **Page S135**

Senate will continue consideration of the bill and certain amendments on Tuesday, February 1, 2000.

Nuclear Waste Policy Amendments Act: Senate began consideration of the motion to proceed to the consideration of S. 1287, to provide for the storage

of spent nuclear fuel pending completion of the nuclear waste repository. **Page S139**

A motion was entered to close further debate on the motion to proceed to the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Wednesday, February 2, 2000. **Page S139**

Subsequently, the motion to proceed was withdrawn. **Page S139**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Treaty on Mutual Legal Assistance in Criminal Matters With France (Treaty Doc. No. 106–17).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed. **Page S165**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the Report to the Congress on the Strategic Concept of NATO (PM–79). **Pages S147–48**

Nominations Received: Senate received the following nominations:

Nicholas P. Godici, of Virginia, to be an Assistant Commissioner of Patents and Trademarks.

Richard Court Houseworth, of Arizona, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation.

Donna Tanoue, of Hawaii, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation.

Scott O. Wright, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation. **Page S165**

Messages From the President: **Pages S147–48**

Messages From the House: **Page S148**

Communications: **Pages S148–49**

Statements on Introduced Bills: **Pages S150–58**

Additional Cosponsors: **Pages S158–60**

Notices of Hearings: **Page S160**

Additional Statements: Pages S161–64

Adjournment: Senate convened at 12 noon, and adjourned at 4:44 p.m., until 9:30 a.m., on Tuesday, February 1, 2000. (For Senate's program, see the re-

marks of the Acting Majority Leader in today's Record on page S165.)

Committee Meetings

There were no committee meetings today.

House of Representatives

Chamber Action

Bills Introduced: 9 public bills, H.R. 3552–3560; and 1 resolution, H. Res. 409, were introduced.

Pages H89–90

Reports Filed:

H. Res. 408, providing for consideration of H.R. 1838, to assist in the enhancement of the security of Taiwan (H. Rept. 106–490).

Page H89

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Petri to act as Speaker pro tempore for today.

Page H51

Recess: The House recessed at 12:42 p.m. and reconvened at 2:00 p.m.

Page H52

Presidential Message: Read a message from the President wherein he certified that the new NATO Strategic Concept imposes no new commitment or obligation and transmitted his report on the potential threats facing NATO—referred to the Committee on Armed Services and ordered printed (H. Doc. 106–181).

Page H53

Suspensions: The House agreed to suspend the rules and pass the following measures:

Printing of Brochures: Agreed to the Senate amendment to H. Con. Res. 221, authorizing printing of the brochures entitled "How Our Laws Are Made" and "Our American Government", the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution—clearing the measure for the President;

Pages H53–54

Days of Remembrance: H. Con. Res. 244, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust (agreed to by yea and nay vote of 339 yeas with none voting "nay," Roll No. 2);

Pages H54–55, H65–66

Official Photograph: H. Res. 407, permitting official photographs of the House of Representatives to be taken while the House is in actual session;

Page H55

Hillary J. Farias Date-Rape Prevention Act: Agreed to the Senate amendments to H.R. 2130, to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, and to provide for a national awareness campaign (agreed to by yea and nay vote of 339 yeas to 2 nays)—clearing the measure for the President; and

Pages H55–62, H66–67

Electronic Transfer of Food Stamp Benefits: S. 1733, 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—clearing the measure for the President.

Pages H62–65

Recess: The House recessed at 2:52 p.m. and reconvened at 6:00 p.m.

Page H65

Intent to Offer Motion to Instruct Conferees: Representative Berry gave notice of his intent to offer a motion to instruct conferees on H.R. 2990, Quality Care for the Uninsured Act.

Page H67

Quorum Calls—Votes: Two yea and nay votes developed during the proceedings of the House today and appear on pages H65–66 and H66–67. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:30 p.m.

Committee Meetings

OSHA ENFORCEMENT POLICY ON EMPLOYEES WORKING AT HOME

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on January 28 on OSHA's Enforcement Policy on Employees Working at Home. Testimony was heard from the following officials of OSHA, Department of Labor: Charles Jeffress, Assistant Secretary, and Richard Fairfax, Director of Compliance Programs; Don Upson, Secretary of Technology, State of Virginia; and public witnesses.

TAIWAN SECURITY ENHANCEMENT ACT

Committee on Rules: Granted, by voice vote, a modified closed rule on H.R. 1838, Taiwan Security Enhancement Act, providing one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read for amendment. The rule provides that the amendment recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The rule provides for consideration of the amendment printed in the Congressional Record, if offered by the Minority Leader or a designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Gilman.

**COMMITTEE MEETINGS FOR TUESDAY,
FEBRUARY 1, 2000**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the authority of grain inspection packers and stockyards administration, 9 a.m., SR-328A.

Committee on Banking, Housing, and Urban Affairs: business meeting to mark up the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System; followed by an open hearing to examine loan guarantees and rural television service, 10 a.m., SD-628.

Committee on the Budget: to hold hearings on federal spending priorities, 10 a.m., SD-608.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine medical errors, focusing on understanding adverse drug events, 10 a.m., SD-430.

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine the vulnerability of U.S. systems to cyber attack, 10 a.m., SD-226.

House

Committee on Appropriations, Subcommittee on Legislative, on Joint Economic Committee; and GPO, 11:00 a.m., and on the Joint Committee on Taxation; Architect of the Capitol; GAO; and the Capitol Police Board, 1:00 p.m., H-144 Capitol.

Committee on the Judiciary, to continue markup of H.R. 2366, Small Business Liability Reform Act of 1999, 10 a.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 2005, The Workplace Goods Job Growth and Competitiveness Act, 1 p.m., H-313 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine promoting and protecting democracy in Montenegro, 10 a.m., B-318, Rayburn Building.

Next Meeting of the SENATE

9:30 a.m., Tuesday, February 1

Next Meeting of the HOUSE OF REPRESENTATIVES

9:30 a.m., Tuesday, February 1

Senate Chamber

Program for Tuesday: Senate will resume consideration of S. 625, Bankruptcy Reform.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

House Chamber

Program for Tuesday: Consideration of 2 Suspensions:
(1) H.R. 764, Child Abuse Protection and Enforcement Act; and

(2) H. Res. , Honoring the Contributions of Catholic Schools; and

Consideration of H.R. 1838, Taiwan Security Enhancement Act (modified closed rule).

Extensions of Remarks, as inserted in this issue

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Congressional Record

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