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House of Representatives

The House met at 10 a.m.

The Reverend Thomas A. Kuhn, Church of the Incarnation, Centerville, Ohio, offered the following prayer:

Father in heaven, we are amazed at the many blessings You have given to us as a people. You love us so much that we are moved to call ourselves ''One Nation under God.''

We know, however, that we are blessed so that we can be a reflection of Your love in this world. You made us a mighty Nation. May we always be gentle enough to lift up the fallen and ready always to protect those who are unable to defend themselves.

You made us a bountiful Nation. May we always share those blessings with the hungry, the homeless, those unable to care for themselves.

You gave all your children true freedom. May we always work to ensure that none of our brothers or sisters is enslaved by bigotry or prejudice.

We pray in a special way for those of your children who daily must face the terrors of war. Help those refugees of war that they may soon return to their homes in peace.

Much of what we are as a Nation has been entrusted to the Members of the People's House, the House of Representatives. Give them the vision and strength to work for the good of all people. 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 Texas (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Texas 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.

THE PASSING OF HIS EMINENCE, JOHN CARDINAL O'CONNOR

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

Mr. GILMAN. Mr. Speaker, it is with deep regret that I rise to honor an outstanding American, one who I was especially pleased and honored to call a friend.

His Eminence John Cardinal O'Connor's accomplishments as a priest, as a chaplain, as a humanitarian made him one of the most respected Americans of our time.

In my congressional district in New York, Cardinal O'Connor was always on hand for school graduations, for cornerstone dedications, for religious services with his message of hope. He was known for promoting racial and religious harmony and for advocating the best education possible for the children, regardless of race, religion or financial status.

We must not forget that Cardinal O'Connor welcomed AIDS patients into the Catholic hospitals of New York back at a time when other institutions of medicine were turning them away. He ministered to the sick, to the disabled, and was a great friend of the poor.

All Americans join in expressing condolences to the residents of the New York Archdiocese, to Cardinal O'Connor's family and friends, and to all who were touched by this remarkable individual.

THE PASSING OF JOHN CARDINAL O'CONNOR

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

Mr. CROWLEY. Mr. Speaker, I too rise with a heavy heart this morning to express my profound sorrow at the passing of John Cardinal O'Connor.

As the leader of the largest archdiocese in the Nation, Cardinal O'Connor was an active participant in the debate about the role of the church and the role of society in helping those who could not help themselves.

The Cardinal embodied the biblical passage of the Good Samaritan. In both his words and actions, Cardinal O'Connor demonstrated his devotion to the teachings of Christ and the spirit and principles of that passage.

He not only used his pulpit to teach the words of Christ, but also the true meaning of those words.

The Cardinal has stated recently that he would like his epitaph to simply say that he was ''a good priest.'' What an understatement. He certainly was.

Mr. Speaker, may God bless him as he returns to the comforting arms of God for eternal salvation and peace.

CARDINAL O'CONNOR: EARTH'S LOSS, HEAVEN'S GAIN

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

Mr. SMITH of New Jersey. Mr. Speaker, Cardinal O'Connor of New York, a man after God's own heart and one of the greatest and most consistent moral and spiritual leaders of the 20th century, has passed away.

Cardinal O'Connor loved unconditionally and gave generously, expecting nothing in return. He proclaimed and demonstrated by his words, works, and actions the indescribable blessings of the gospel.

Cardinal O'Connor was a good and holy priest who radiated Christ and the healing power of God to believers and nonbelievers alike.

Over the years, there were some who mocked and rejected Cardinal O'Connor's clear Christian teaching on the sanctity of all human life and the duty of all men and women of goodwill, especially politicians, to protect the vulnerable from the violence of abortion. Yet he always treated the opponents of his message with respect and dignity.

Mr. Speaker, in the 25th chapter of Matthew's Gospel Jesus spoke of the last judgment and those, like Cardinal O'Connor, who would be blessed in eternity. Jesus said, '''For I was hungry and you gave me food; I was thirsty and you gave me drink; I was a stranger and you took me in; I was naked and you clothed me; I was in prison and you came to me.' And then the righteous will answer him, saying, 'Lord, when did we see you hungry and feed you, or thirsty and give you drink? When did we see you a stranger and take you in, or naked and clothe you? Or when did we see you sick, or in prison, and come to you?' And the Lord will answer and say to them, 'Assuredly, I say to you, inasmuch as you did it to the least of my brethren, you did it to Me.'''

Mr. Speaker, Cardinal O'Connor devoted his life and inspired countless others to do the same to help the ''least,'' the disenfranchised, and the unwanted seeing Christ himself in the lives that nobody else cared about or wanted. Earth's loss of Cardinal O'Connor is heaven's gain.

THE PROBLEM OF SPAM E-MAIL

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

Mr. GREEN of Texas. Mr. Speaker, all of us share in the loss of Cardinal O'Connor, even though we are not from New York.

Mr. Speaker, last evening, the House of Representatives was spammed. Spam is unsolicited e-mail that can be sent in such a large volume that it disables the recipient's network. I am sure my colleagues have read recent news reports of companies like e-Bay and Amazon.com having their networks taken down by coordinated e-mail attacks.

This is a growing problem that Congress needs to quickly address. I have introduced H.R. 3113, along with the gentlewoman from New Mexico (Mrs. WILSON), that will provide consumers and businesses protection against these types of attacks.

Mr. Speaker, many of the messages the House received last night simply were titled ''I love you.'' And I know that all of us in the House and our staff enjoy looking at our computers in the morning and seeing ''I love you.'' Apart from the interesting title, there is nothing friendly in this message. If we opened this e-mail, our computer would be infected by a virus that we would then have to spend considerable time and effort removing from our network.

The Subcommittee on Telecommunications, Trade and Consumer Protection of the Committee on Commerce has held a markup on anti-spam legislation, and it passed the subcommittee by voice vote. I hope this incident will bring a quick full-committee mark-up.

Mr. Speaker, I remind my colleagues not to open any messages, even though they say ''I love you.'' This may be the second time our House has been spammed, but I feel fairly certain that it will not be the last. Let us pass H.R. 3113.

FUGITIVE SLAVE LAW AND CUBA

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

Mr. PITTS. Mr. Speaker, the Mason Dixon Line is the southern border of my district. For decades in the 19th century, the citizen of my district helped slaves escape to freedom aboard the Underground Railroad, and every person who did so, committed a Federal crime.

In 1793, Congress passed the Fugitive Slave Law, and any person who helped a slave escape was fined and jailed.

Mr. Speaker, Cuba is a slave state. It is not a Communist theme park. The people who live there have no freedoms. Parents have no rights. Children are the property of the government.

More than a decade after the fall of the Berlin Wall which brought elements of freedom to the rest of the Communist bloc, only the likes of North Korea and Cuba persist in persecuting their people, espousing revolution, and exporting terrorism.

In America we believe in freedom. Every war we have ever fought was fought for freedom, and no one knows the price or value of freedom better than ex-slaves, and no one can describe what a slave state is like better than ex-slaves, not tourists.

If Juan Miguel Gonzalez was not being guarded by dozens of Cuban officials and police, if his parents were not under house arrest and his 6-year-old son were not being held, he would probably say the same.

As the gentleman from Oklahoma (Mr. WATTS), the Republican Conference chairman, said, ''If you and your child were enslaved, and there was only one ticket left on the Underground Railroad . . . wouldn't you want your child to have it?''

CONFERENCE REPORT ON H.R. 434, TRADE AND DEVELOPMENT ACT OF 2000

Mr. ROYCE submitted the following conference report and statement on the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa:

CONFERENCE REPORT (H. REPT. 106–606)

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 434), to authorize a new trade and investment policy for sub-Sahara Africa, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade and Development Act of 2000''.

(b) TABLE OF CONTENTS.—

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

SEC. 101. SHORT TITLE.

This title may be cited as the ''African Growth and Opportunity Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced the strengthening of democracy as countries in sub-Saharan Africa have taken steps to encourage broader participation in the political process;

(5) certain countries in sub-Saharan Africa have increased their economic growth rates, taken significant steps towards liberalizing their economies, and made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages approximately $500 annually;

(7) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for encouraging broader participation in a political process in which political freedom can flourish;

(8) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(9) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(10) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

SEC. 103. STATEMENT OF POLICY.

Congress supports—

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade;

(3) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and the countries of sub-Saharan Africa;

(5) focusing on countries committed to the rule of law, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa, especially enterprises owned by women and small businesses;

(7) facilitating the development of civil societies and political freedom in sub-Saharan Africa;

(8) establishing a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum; and

(9) the accession of the countries in sub-Saharan Africa to the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

SEC. 104. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—The President is authorized to designate a sub-Saharan African country as an eligible sub-Saharan African country if the President determines that the country—

(1) has established, or is making continual progress toward establishing—

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) the elimination of barriers to United States trade and investment, including by—

(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

(ii) the protection of intellectual property; and

(iii) the resolution of bilateral trade and investment disputes;

(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through micro-credit or other programs;

(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(2) does not engage in activities that undermine United States national security or foreign policy interests; and

(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.

(b) CONTINUING COMPLIANCE.—If the President determines that an eligible sub-Saharan African country is not making continual progress in meeting the requirements described in subsection (a)(1), the President shall terminate the designation of the country made pursuant to subsection (a).

SEC. 105. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with Congress and the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (in this section referred to as the ''Forum'').

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with their counterparts from the governments of sub-Saharan African countries eligible under section 104, and those sub-Saharan African countries that the President determines are taking substantial positive steps towards meeting the eligibility requirements in section 104. The purpose of the meeting shall be to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this title including encouraging joint ventures between small and large businesses. The President shall also direct the Secretaries and the United States Trade Representative to invite to the meeting representatives from appropriate sub-Saharan African regional organizations and government officials from other appropriate countries in sub-Saharan Africa.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under

section 104, and those sub-Saharan African countries that the President determines are taking substantial positive steps toward meeting the eligibility requirements in section 104, not less than once every 2 years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than 12 months after the date of the enactment of this Act.

(d) DISSEMINATION OF INFORMATION BY USIS.—In order to assist in carrying out the purposes of the Forum, the United States Information Service shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this title.

(e) HIV/AIDS EFFECT ON THE SUB-SAHARAN AFRICAN WORKFORCE.—In selecting issues of common interest to the United States-Sub-Saharan Africa Trade and Economic Cooperation Forum, the President shall instruct the United States delegates to the Forum to promote a review by the Forum of the HIV/AIDS epidemic in each sub-Saharan African country and the effect of the HIV/AIDS epidemic on economic development in each country.

SEC. 106. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and annually thereafter through 2008, a comprehensive report on the trade and investment policy of the United States for sub-Saharan Africa, and on the implementation of this title and the amendments made by this title.

SEC. 107. SUB-SAHARAN AFRICA DEFINED.

For purposes of this title, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', and ''countries in sub-Saharan Africa'' refer to the following or any successor political entities:

Republic of Angola (Angola).
Republic of Benin (Benin).
Republic of Botswana (Botswana).
Burkina Faso (Burkina).
Republic of Burundi (Burundi).
Republic of Cameroon (Cameroon).
Republic of Cape Verde (Cape Verde).
Central African Republic.
Republic of Chad (Chad).
Federal Islamic Republic of the Comoros (Comoros).
Democratic Republic of Congo.
Republic of the Congo (Congo).
Republic of Cote d'Ivoire (Cote d'Ivoire).
Republic of Djibouti (Djibouti).
Republic of Equatorial Guinea (Equatorial Guinea).
State of Eritrea (Eritrea).
Ethiopia.
Gabonese Republic (Gabon).
Republic of the Gambia (Gambia).
Republic of Ghana (Ghana).
Republic of Guinea (Guinea).
Republic of Guinea-Bissau (Guinea-Bissau).
Republic of Kenya (Kenya).
Kingdom of Lesotho (Lesotho).
Republic of Liberia (Liberia).
Republic of Madagascar (Madagascar).
Republic of Malawi (Malawi).
Republic of Mali (Mali).
Islamic Republic of Mauritania (Mauritania).
Republic of Mauritius (Mauritius).
Republic of Mozambique (Mozambique).
Republic of Namibia (Namibia).
Republic of Niger (Niger).
Federal Republic of Nigeria (Nigeria).
Republic of Rwanda (Rwanda).
Democratic Republic of Sao Tome and Principe (Sao Tome and Principe).
Republic of Senegal (Senegal).
Republic of Seychelles (Seychelles).
Republic of Sierra Leone (Sierra Leone).
Somalia.
Republic of South Africa (South Africa).
Republic of Sudan (Sudan).
Kingdom of Swaziland (Swaziland).
United Republic of Tanzania (Tanzania).
Republic of Togo (Togo).
Republic of Uganda (Uganda).
Republic of Zambia (Zambia).
Republic of Zimbabwe (Zimbabwe).

Subtitle B—Trade Benefits

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.

(a) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

''SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.

''(a) AUTHORITY TO DESIGNATE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 107 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b)—

''(A) if the President determines that the country meets the eligibility requirements set forth in section 104 of that Act, as such requirements are in effect on the date of enactment of that Act; and

''(B) subject to the authority granted to the President under subsections (a), (d), and (e) of section 502, if the country otherwise meets the eligibility criteria set forth in section 502.

''(2) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor, review, and report to Congress annually on the progress of each country listed in section 107 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of this section. The President's determinations, and explanations of such determinations, with specific analysis of the eligibility requirements described in paragraph (1)(A), shall be included in the annual report required by section 106 of the African Growth and Opportunity Act.

''(3) CONTINUING COMPLIANCE.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

''(b) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—

''(1) IN GENERAL.—The President may provide duty-free treatment for any article described in section 503(b)(1)(B) through (G) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

''(2) RULES OF ORIGIN.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

''(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

''(B) the cost or value of the materials included with respect to that article that are produced in 1 or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

''(c) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES, ETC.—For purposes of this title, the terms 'beneficiary sub-Saharan African country' and 'beneficiary sub-Saharan African countries' mean a country or countries listed in section 107 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.''.

(b) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

''(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.''.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.

(a) PREFERENTIAL TREATMENT.—Textile and apparel articles described in subsection (b) that are imported directly into the customs territory of the United States from a beneficiary sub-Saharan African country described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations in accordance with the provisions set forth in subsection (b), if the country has satisfied the requirements set forth in section 113.

(b) PRODUCTS COVERED.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) APPAREL ARTICLES ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles assembled in 1 or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

(2) APPAREL ARTICLES CUT AND ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in 1 or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in 1 or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) APPAREL ARTICLES ASSEMBLED FROM REGIONAL AND OTHER FABRIC.—Apparel articles wholly assembled in 1 or more beneficiary sub-Saharan African countries from fabric wholly formed in 1 or more beneficiary sub-Saharan African countries from yarn originating either in the United States or 1 or more beneficiary sub-Saharan African countries, subject to the following:

(A) LIMITATIONS ON BENEFITS.—

(i) IN GENERAL.—Preferential treatment under this paragraph shall be extended in the 1-year period beginning on October 1, 2000, and in each of the 7 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

(ii) APPLICABLE PERCENTAGE.—For purposes of this subparagraph, the term ''applicable percentage'' means 1.5 percent for the 1-year period beginning October 1, 2000, increased in each of

the seven succeeding 1-year periods by equal increments, so that for the period beginning October 1, 2007, the applicable percentage does not exceed 3.5 percent.

(B) SPECIAL RULE FOR LESSER DEVELOPED COUNTRIES.—

(i) IN GENERAL.—Subject to subparagraph (A), preferential treatment shall be extended through September 30, 2004, for apparel articles wholly assembled in 1 or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric used to make such articles.

(ii) LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—For purposes of this subparagraph the term ''lesser developed beneficiary sub-Saharan African country'' means a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 a year in 1998, as measured by the World Bank.

(C) SURGE MECHANISM.—

(i) IMPORT MONITORING.—The Secretary of Commerce shall monitor imports of articles described in this paragraph on a monthly basis to determine if there has been a surge in imports of such articles. In order to permit public access to preliminary international trade data and to facilitate the early identification of potentially disruptive import surges, the Director of the Office of Management and Budget may grant an exception to the publication dates established for the release of data on United States international trade in covered articles, if the Director notifies Congress of the early release of the data.

(ii) DETERMINATION OF DAMAGE OR THREAT THEREOF.—Whenever the Secretary of Commerce determines, based on the data described in clause (i), or pursuant to a written request made by an interested party, that there has been a surge in imports of an article described in this paragraph from a beneficiary sub-Saharan African country, the Secretary shall determine whether such article from such country is being imported in such increased quantities as to cause serious damage, or threat thereof, to the domestic industry producing a like or directly competitive article. If the Secretary's determination is affirmative, the President shall suspend the duty-free treatment provided for such article under this paragraph. If the inquiry is initiated at the request of an interested party, the Secretary shall make the determination within 60 days after the date of the request.

(iii) FACTORS TO CONSIDER.—In determining whether a domestic industry has been seriously damaged, or is threatened with serious damage, the Secretary shall examine the effect of the imports on relevant economic indicators such as domestic production, sales, market share, capacity utilization, inventories, employment, profits, exports, prices, and investment.

(iv) PROCEDURE.—

(I) INITIATION.—The Secretary of Commerce shall initiate an inquiry within 10 days after receiving a written request and supporting information for an inquiry from an interested party. Notice of initiation of an inquiry shall be published in the Federal Register.

(II) PARTICIPATION BY INTERESTED PARTIES.—The Secretary of Commerce shall establish procedures to ensure participation in the inquiry by interested parties.

(III) NOTICE OF DETERMINATION.—The Secretary shall publish the determination described in clause (ii) in the Federal Register.

(IV) INFORMATION AVAILABLE.—If relevant information is not available on the record or any party withholds information that has been requested by the Secretary, the Secretary shall make the determination on the basis of the facts available. When the Secretary relies on information submitted in the inquiry as facts available, the Secretary shall, to the extent practicable, corroborate the information from independent sources that are reasonably available to the Secretary.

(v) INTERESTED PARTY.—For purposes of this subparagraph, the term ''interested party'' means any producer of a like or directly competitive article, a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or sale in the United States of a like or directly competitive article, a trade or business association representing producers or sellers of like or directly competitive articles, producers engaged in the production of essential inputs for like or directly competitive articles, a certified union or group of workers which is representative of an industry engaged in the manufacture, production, or sale of essential inputs for the like or directly competitive article, or a trade or business association representing companies engaged in the manufacture, production or sale of such essential inputs.

(4) SWEATERS KNIT-TO-SHAPE FROM CASHMERE OR MERINO WOOL.—

(A) CASHMERE.—Sweaters, in chief weight of cashmere, knit-to-shape in 1 or more beneficiary sub-Saharan African countries and classifiable under subheading 6110.10 of the Harmonized Tariff Schedule of the United States.

(B) MERINO WOOL.—Sweaters, 50 percent or more by weight of wool measuring 18.5 microns in diameter or finer, knit-to-shape in 1 or more beneficiary sub-Saharan African countries.

(5) APPAREL ARTICLES WHOLLY ASSEMBLED FROM FABRIC OR YARN NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—

(A) IN GENERAL.—Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more beneficiary sub-Saharan African countries, from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, to the extent that such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under Annex 401 to the NAFTA.

(B) ADDITIONAL APPAREL ARTICLES.—At the request of any interested party and subject to the following requirements, the President is authorized to proclaim the treatment provided under subparagraph (A) for yarns or fabrics not described in subparagraph (A) if—

(i) the President determines that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner;

(ii) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

(iii) within 60 calendar days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—

(I) the action proposed to be proclaimed and the reasons for such action; and

(II) the advice obtained under clause (ii);

(iv) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclauses (I) and (II) of clause (iii), has expired; and

(v) the President has consulted with such committees regarding the proposed action during the period referred to in clause (iii).

(6) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore articles.

(c) TREATMENT OF QUOTAS ON TEXTILE AND APPAREL IMPORTS FROM KENYA AND MAURITIUS.—The President shall eliminate the existing quotas on textile and apparel articles imported into the United States—

(1) from Kenya within 30 days after that country adopts an effective visa system to prevent unlawful transshipment of textile and apparel articles and the use of counterfeit documents relating to the importation of the articles into the United States; and

(2) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary technical assistance to Kenya and Mauritius in the development and implementation of the visa systems.

(d) SPECIAL RULES.—

(1) FINDINGS AND TRIMMINGS.—

(A) GENERAL RULE.—An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if the value of such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled article. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds', decorative lace trim, elastic strips, and zippers, including zipper tapes and labels. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and used in the production of brassieres.

(B) CERTAIN INTERLININGS.—

(i) GENERAL RULE.—An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

(ii) INTERLININGS DESCRIBED.—Interlinings eligible for the treatment described in clause (i) include only a chest type plate, a ''hymo'' piece, or ''sleeve header'', of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

(iii) TERMINATION OF TREATMENT.—The treatment described in this subparagraph shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

(C) EXCEPTION.—In the case of an article described in subsection (b)(2), sewing thread shall not be treated as findings or trimmings under subparagraph (A).

(2) DE MINIMIS RULE.—An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains fibers or yarns not wholly formed in the United States or 1 or more beneficiary sub-Saharan African countries if the total weight of all such fibers and yarns is not more than 7 percent of the total weight of the article.

(e) DEFINITIONS.—In this section and section 113:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY, ETC.—The terms ''beneficiary sub-Saharan African country'' and ''beneficiary sub-Saharan African countries'' have the same meaning as such terms have under section 506A(c) of the Trade Act of 1974.

(3) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(f) EFFECTIVE DATE.—This section takes effect on October 1, 2000, and shall remain in effect through September 30, 2008.

SEC. 113. PROTECTIONS AGAINST TRANSSHIPMENT.

(a) PREFERENTIAL TREATMENT CONDITIONED ON ENFORCEMENT MEASURES.—

(1) IN GENERAL.—The preferential treatment under section 112(a) shall not be provided to textile and apparel articles that are imported from a beneficiary sub-Saharan African country unless that country—

(A) has adopted an effective visa system, domestic laws, and enforcement procedures applicable to covered articles to prevent unlawful transshipment of the articles and the use of counterfeit documents relating to the importation of the articles into the United States;

(B) has enacted legislation or promulgated regulations that would permit United States Customs Service verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country;

(C) agrees to report, on a timely basis, at the request of the United States Customs Service, on the total exports from and imports into that country of covered articles, consistent with the manner in which the records are kept by that country;

(D) will cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing;

(E) agrees to require all producers and exporters of covered articles in that country to maintain complete records of the production and the export of covered articles, including materials used in the production, for at least 2 years after the production or export (as the case may be); and

(F) agrees to report, on a timely basis, at the request of the United States Customs Service, documentation establishing the country of origin of covered articles as used by that country in implementing an effective visa system.

(2) COUNTRY OF ORIGIN DOCUMENTATION.—For purposes of paragraph (1)(F), documentation regarding the country of origin of the covered articles includes documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, and certification from both the manufacturer and the exporter.

(b) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) IN GENERAL.—

(A) REGULATIONS.—Any importer that claims preferential treatment under section 112 shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

(B) DETERMINATION.—

(i) IN GENERAL.—In order to qualify for the preferential treatment under section 112 and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in clause (ii)—

(I) has implemented and follows, or

(II) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(ii) COUNTRY DESCRIBED.—A country is described in this clause if it is a beneficiary sub-Saharan African country—

(I) from which the article is exported, or

(II) in which materials used in the production of the article originate or in which the article or such materials, undergo production that contributes to a claim that the article is eligible for preferential treatment.

(2) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of paragraph (1) shall not be required in the case of an article imported under section 112 if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

(3) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment as defined in paragraph (4), then the President shall deny for a period of 5 years all benefits under section 112 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter.

(4) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under this Act has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under section 112.

(5) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to Congress, not later than March 31 of each year, a report on the effectiveness of the visa systems and the implementation of legislation and regulations described in subsection (a) and on measures taken by countries in sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in Article 5 of the Agreement on Textiles and Clothing.

(c) CUSTOMS SERVICE ENFORCEMENT.—The Customs Service shall—

(1) make available technical assistance to the beneficiary sub-Saharan African countries—

(A) in the development and implementation of visa systems, legislation, and regulations described in subsection (a)(1)(A); and

(B) to train their officials in anti-transshipment enforcement;

(2) send production verification teams to at least 4 beneficiary sub-Saharan African countries each year; and

(3) to the extent feasible, place beneficiary sub-Saharan African countries on the Electronic Visa (ELVIS) program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (c) the sum of $5,894,913.

SEC. 114. TERMINATION.

Title V of the Trade Act of 1974 is amended by inserting after section 506A the following new section:

"SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

''In the case of a beneficiary sub-Saharan African country, as defined in section 506A(c), duty-free treatment provided under this title shall remain in effect through September 30, 2008.''.

SEC. 115. CLERICAL AMENDMENTS.

The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 506 the following new items:

''Sec. 506A. Designation of sub-Saharan African countries for certain benefits.

''Sec. 506B. Termination of benefits for sub-Saharan African countries.''.

SEC. 116. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.

(a) DECLARATION OF POLICY.—Congress declares that free trade agreements should be negotiated, where feasible, with interested countries in sub-Saharan Africa, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector investment in sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of negotiating and entering into 1 or more trade agreements with interested beneficiary sub-Saharan African countries.

(2) ELEMENTS OF PLAN.—The plan shall include the following:

(A) The specific objectives of the United States with respect to negotiations described in paragraph (1) and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and the relevant sub-Saharan African countries with respect to the applicable free trade agreement or agreements.

(C) A mutually agreed-upon timetable for the negotiations.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to such free trade agreement or agreements.

(E) Subject matter anticipated to be covered by the negotiations and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiations.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement or agreements.

(c) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 117. ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR AFRICAN AFFAIRS.

It is the sense of the Congress that—

(1) the position of Assistant United States Trade Representative for African Affairs is integral to the United States commitment to increasing United States-sub-Saharan African trade and investment;

(2) the position of Assistant United States Trade Representative for African Affairs should be maintained within the Office of the United States Trade Representative to direct and coordinate interagency activities on United States-Africa trade policy and investment matters and serve as—

(A) a primary point of contact in the executive branch for those persons engaged in trade between the United States and sub-Saharan Africa; and

(B) the chief advisor to the United States Trade Representative on issues of trade and investment with Africa; and

(3) the United States Trade Representative should have adequate funding and staff to carry out the duties of the Assistant United States Trade Representative for African Affairs described in paragraph (2), subject to the availability of appropriations.

Subtitle C—Economic Development Related Issues

SEC. 121. SENSE OF CONGRESS REGARDING COMPREHENSIVE DEBT RELIEF FOR THE WORLD'S POOREST COUNTRIES.

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

(1) The burden of external debt has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.

(2) Until recently, the United States Government and other official creditors sought to address this problem by rescheduling loans and in some cases providing limited debt reduction.

(3) Despite such efforts, the cumulative debt of many of the world's poorest countries continued to grow beyond their capacity to repay.

(4) In 1997, the Group of Seven, the World Bank, and the International Monetary Fund adopted the Heavily Indebted Poor Countries Initiative (HIPC), a commitment by the international community that all multilateral and bilateral creditors, acting in a coordinated and concerted fashion, would reduce poor country debt to a sustainable level.

(5) The HIPC Initiative is currently undergoing reforms to address concerns raised about country conditionality, the amount of debt forgiven, and the allocation of savings realized through the debt forgiveness program to ensure that the Initiative accomplishes the goals of economic growth and poverty alleviation in the world's poorest countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress and the President should work together, without undue delay and in concert with the international community, to make comprehensive debt relief available to the world's poorest countries in a manner that promotes economic growth and poverty alleviation;

(2) this program of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) this program of debt relief should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these debt relief agreements should be designed and implemented in a transparent manner and with the broad participation of the citizenry of the debtor country and should ensure that country circumstances are adequately taken into account;

(5) no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in conflict or spends excessively on its military; and

(6) in order to prevent adverse impact on a key industry in many developing countries, the International Monetary Fund must mobilize its own resources for providing debt relief to eligible countries without allowing gold to reach the open market, or otherwise adversely affecting the market price of gold.

SEC. 122. EXECUTIVE BRANCH INITIATIVES.

(a) STATEMENT OF THE CONGRESS.—The Congress recognizes that the stated policy of the executive branch in 1997, the ''Partnership for Growth and Opportunity in Africa'' initiative, is a step toward the establishment of a comprehensive trade and development policy for sub-Saharan Africa. It is the sense of the Congress that this Partnership is a companion to the policy goals set forth in this title.

(b) TECHNICAL ASSISTANCE TO PROMOTE ECONOMIC REFORMS AND DEVELOPMENT.—In addition to continuing bilateral and multilateral economic and development assistance, the President shall target technical assistance toward—

(1) developing relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks;

(2) providing assistance to the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization;

(C) make financial and fiscal reforms; and

(D) promote greater agribusiness linkages;

(3) addressing such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities;

(4) increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa;

(5) increasing trade in services; and

(6) encouraging greater sub-Saharan African participation in future negotiations in the World Trade Organization on services and making further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers.

SEC. 123. OVERSEAS PRIVATE INVESTMENT CORPORATION INITIATIVES.

(a) INITIATION OF FUNDS.—It is the sense of the Congress that the Overseas Private Investment Corporation should exercise the authorities it has to initiate an equity fund or equity funds in support of projects in the countries in sub-Saharan Africa, in addition to the existing equity fund for sub-Saharan Africa created by the Corporation.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) INFRASTRUCTURE FUND.—1 or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa.

(4) EMPHASIS.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) INVESTMENT ADVISORY COUNCIL.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

''(e) INVESTMENT ADVISORY COUNCIL.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the use of an investment advisory council to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the investment advisory council shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The investment advisory council shall terminate 4 years after the date of the enactment of this subsection.''.

(2) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the investment advisory council established pursuant to such section.

SEC. 124. EXPORT-IMPORT BANK INITIATIVES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Board of Directors of the Bank shall continue to take comprehensive measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee and insurance programs of the Bank.

(b) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—The sub-Saharan Africa Advisory Committee (SAAC) is to be commended for aiding the Bank in advancing the economic partnership between the United States and the nations of sub-Saharan Africa by doubling the number of sub-Saharan African countries in which the Bank is open for traditional financing and by increasing by tenfold the Bank's support for sales to sub-Saharan Africa from fiscal year 1998 to fiscal year 1999. The Board of Directors of the Bank and its staff shall continue to review carefully the sub-Saharan Africa Advisory Committee recommendations on the development and implementation of new and innovative policies and programs designed to promote the Bank's expansion in sub-Saharan Africa.

SEC. 125. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

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

(1) The United States and Foreign Commercial Service (hereafter in this section referred to as the 'Commercial Service') plays an important role in helping U.S. businesses identify export opportunities and develop reliable sources of information on commercial prospects in foreign countries.

(2) During the 1980s, the presence of the Commercial Service in sub-Saharan Africa consisted of 14 professionals providing services in 8 countries. By early 1997, that presence had been reduced by half to 7 professionals in only 4 countries.

(3) Since 1997, the Department of Commerce has slowly begun to increase the presence of the Commercial Service in sub-Saharan Africa, adding 5 full-time officers to established posts.

(4) Although the Commercial Service Officers in these countries have regional responsibilities, this kind of coverage does not adequately service the needs of U.S. businesses attempting to do business in sub-Saharan Africa.

(5) The Congress has, on several occasions, encouraged the Commercial Service to focus its resources and efforts in countries or regions in Europe or Asia to promote greater United States export activity in those markets, and similar encouragement should be provided for countries in sub-Saharan Africa as well.

(6) Because market information is not widely available in many sub-Saharan African countries, the presence of additional Commercial Service Officers and resources can play a significant role in assisting United States businesses in markets in those countries.

(b) APPOINTMENTS.—Subject to the availability of appropriations, by not later than December 31, 2001, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that—

(1) at least 20 full-time Commercial Service employees are stationed in sub-Saharan Africa; and

(2) full-time Commercial Service employees are stationed in not less than 10 different sub-Saharan African countries.

(c) INITIATIVE FOR SUB-SAHARAN AFRICA.—In order to encourage the export of United States goods and services to sub-Saharan African countries, the International Trade Administration shall make a special effort to—

(1) identify United States goods and services which are the best prospects for export by United States companies to sub-Saharan Africa;

(2) identify, where appropriate, tariff and nontariff barriers that are preventing or hindering sales of United States goods and services

to, or the operation of United States companies in, sub-Saharan Africa;

(3) hold discussions with appropriate authorities in sub-Saharan Africa on the matters described in paragraphs (1) and (2) with a view to securing increased market access for United States exporters of goods and services;

(4) identify current resource allocations and personnel levels in sub-Saharan Africa for the Commercial Service and consider plans for the deployment of additional resources or personnel to that region; and

(5) make available to the public, through printed and electronic means of communication, the information derived pursuant to paragraphs (1) through (4) for each of the 4 years after the date of enactment of this Act.

SEC. 126. DONATION OF AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES.

It is the sense of the Congress that, to the extent appropriate, the United States Government should make every effort to donate to governments of sub-Saharan African countries determined to be eligible under section 104 air traffic control equipment that is no longer in use, including appropriate related reimbursable technical assistance.

SEC. 127. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) USE OF SUSTAINABLE DEVELOPMENT ASSISTANCE TO SUPPORT FURTHER ECONOMIC GROWTH.—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) DECLARATIONS OF POLICY.—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this title and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Supporting democratization, good governance and civil society and conflict resolution efforts.

(D) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(E) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(F) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(G) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(H) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this title.

(c) ADDITIONAL AUTHORITIES.—

(1) IN GENERAL.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

''(3) DEMOCRATIZATION AND CONFLICT RESOLUTION CAPABILITIES.—Assistance under this section may also include program assistance—

''(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

''(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.''.

(2) CONFORMING AMENDMENT.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking ''paragraphs (1) and (2)'' in the first sentence and inserting ''paragraphs (1), (2), and (3)''.

SEC. 128. ASSISTANCE FROM UNITED STATES PRIVATE SECTOR TO PREVENT AND REDUCE HIV/AIDS IN SUB-SAHARAN AFRICA.

It is the sense of the Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, United States businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

SEC. 129. SENSE OF THE CONGRESS RELATING TO HIV/AIDS CRISIS IN SUB-SAHARAN AFRICA.

(a) FINDINGS.—The Congress finds the following:

(1) Sustained economic development in sub-Saharan Africa depends in large measure upon successful trade with and foreign assistance to the countries of sub-Saharan Africa.

(2) The HIV/AIDS crisis has reached epidemic proportions in sub-Saharan Africa, where more than 21,000,000 men, women, and children are infected with HIV.

(3) 83 percent of the estimated 11,700,000 deaths from HIV/AIDS worldwide have been in sub-Saharan Africa.

(4) The HIV/AIDS crisis in sub-Saharan Africa is weakening the structure of families and societies.

(5)(A) The HIV/AIDS crisis threatens the future of the workforce in sub-Saharan Africa.

(B) Studies show that HIV/AIDS in sub-Saharan Africa most severely affects individuals between the ages of 15 and 49—the age group that provides the most support for the economies of sub-Saharan African countries.

(6) Clear evidence demonstrates that HIV/AIDS is destructive to the economies of sub-Saharan African countries.

(7) Sustained economic development is critical to creating the public and private sector resources in sub-Saharan Africa necessary to fight the HIV/AIDS epidemic.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) addressing the HIV/AIDS crisis in sub-Saharan Africa should be a central component of United States foreign policy with respect to sub-Saharan Africa;

(2) significant progress needs to be made in preventing and treating HIV/AIDS in sub-Saharan Africa in order to sustain a mutually beneficial trade relationship between the United States and sub-Saharan African countries; and

(3) the HIV/AIDS crisis in sub-Saharan Africa is a global threat that merits further attention through greatly expanded public, private, and joint public-private efforts, and through appropriate United States legislation.

SEC. 130. STUDY ON IMPROVING AFRICAN AGRICULTURAL PRACTICES.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with American Land Grant Colleges and Universities and not-for-profit international organizations, is authorized to conduct a 2-year study on ways to improve the flow of American farming techniques and practices to African farmers. The study shall include an examination of ways of improving or utilizing—

(1) knowledge of insect and sanitation procedures;

(2) modern farming and soil conservation techniques;

(3) modern farming equipment (including maintaining the equipment);

(4) marketing crop yields to prospective purchasers; and

(5) crop maximization practices.

The Secretary of Agriculture shall submit the study to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than September 30, 2001.

(b) LAND GRANT COLLEGES AND NOT-FOR-PROFIT INSTITUTIONS.—In conducting the study under subsection (a), the Secretary of Agriculture is encouraged to consult with American Land Grant Colleges and not-for-profit international organizations that have firsthand knowledge of current African farming practices.

SEC. 131. SENSE OF THE CONGRESS REGARDING EFFORTS TO COMBAT DESERTIFICATION IN AFRICA AND OTHER COUNTRIES.

(a) FINDINGS.—The Congress finds that—

(1) desertification affects approximately one-sixth of the world's population and one-quarter of the total land area;

(2) over 1,000,000 hectares of Africa are affected by desertification;

(3) dryland degradation is an underlying cause of recurrent famine in Africa;

(4) the United Nations Environment Programme estimates that desertification costs the world $42,000,000,000 a year, not including incalculable costs in human suffering; and

(5) the United States can strengthen its partnerships throughout Africa and other countries affected by desertification, help alleviate social and economic crises caused by misuse of natural resources, and reduce dependence on foreign aid, by taking a leading role to combat desertification.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States should expeditiously work with the international community, particularly Africa and other countries affected by desertification, to—

(1) strengthen international cooperation to combat desertification;

(2) promote the development of national and regional strategies to address desertification and

increase public awareness of this serious problem and its effects;

(3) develop and implement national action programs that identify the causes of desertification and measures to address it; and

(4) recognize the essential role of local governments and nongovernmental organizations in developing and implementing measures to address desertification.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States-Caribbean Basin Trade Partnership Act''.

SEC. 202. FINDINGS AND POLICY.

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

(1) The Caribbean Basin Economic Recovery Act (in this title referred to as ''CBERA'') represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) In 1998, Hurricane Mitch and Hurricane Georges devastated areas in the Caribbean Basin region, killing more than 10,000 people and leaving 3,000,000 homeless.

(3) The total direct impact of Hurricanes Mitch and Georges on Honduras, Nicaragua, the Dominican Republic, El Salvador, and Guatemala amounts to $4,200,000,000, representing a severe loss to income levels in this underdeveloped region.

(4) In addition to short term disaster assistance, United States policy toward the region should focus on expanding international trade with the Caribbean Basin region as an enduring solution for successful economic growth and recovery.

(5) Thirty-four democratically elected leaders agreed at the 1994 Summit of the Americas to conclude negotiation of a Free Trade Area of the Americas (in this title referred to as ''FTAA'') by the year 2005.

(6) The economic security of the countries in the Caribbean Basin will be enhanced by the completion of the FTAA.

(7) Offering temporary benefits to Caribbean Basin countries will preserve the United States commitment to Caribbean Basin beneficiary countries, promote the growth of free enterprise and economic opportunity in these neighboring countries, and thereby enhance the national security interests of the United States.

(8) Given the greater propensity of countries located in the Western Hemisphere to use United States components and to purchase United States products compared to other countries, increased trade and economic activity between the United States and countries in the Western Hemisphere will create new jobs in the United States as a result of expanding export opportunities.

(b) POLICY.—It is the policy of the United States—

(1) to offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or another free trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and

(2) to seek the participation of Caribbean Basin beneficiary countries in the FTAA or another free trade agreement at the earliest possible date, with the goal of achieving full participation in such agreement not later than 2005.

SEC. 203. DEFINITIONS.

In this title:

(1) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(2) NAFTA COUNTRY.—The term ''NAFTA country'' means any country with respect to which the NAFTA is in force.

(3) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

Subtitle B—Trade Benefits for Caribbean Basin Countries

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

''(b) IMPORT-SENSITIVE ARTICLES.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

''(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

''(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

''(C) tuna, prepared or preserved in any manner, in airtight containers;

''(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

''(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

''(F) articles to which reduced rates of duty apply under subsection (h).

''(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

''(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles:

''(i) APPAREL ARTICLES ASSEMBLED IN A CBTPA BENEFICIARY COUNTRY.—Apparel articles assembled in a CBTPA beneficiary country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, that are—

''(I) entered under subheading 9802.00.80 of the HTS; or

''(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

''(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles cut in a CBTPA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in such country with thread formed in the United States.

''(iii) CERTAIN KNIT APPAREL ARTICLES.—(I) Apparel articles knit to shape (other than socks provided for in heading 6115 of the HTS) in a CBTPA beneficiary country from yarns wholly formed in the United States, and knit apparel articles (other than t-shirts described in subclause (III)) cut and wholly assembled in 1 or more CBTPA beneficiary countries from fabric formed in one or more CBTPA beneficiary countries or the United States from yarns wholly formed in the United States, in an amount not exceeding the amount set forth in subclause (II).

''(II) The amount referred to in subclause (I) is—

''(aa) 250,000,000 square meter equivalents during the 1-year period beginning on October 1, 2000, increased by 16 percent, compounded annually, in each succeeding 1-year period through September 30, 2004; and

''(bb) in each 1-year period thereafter through September 30, 2008, the amount in effect for the 1-year period ending on September 30, 2004, or such other amount as may be provided by law.

''(III) T-shirts, other than underwear, classifiable under subheadings 6109.10.00 and 6109.90.10 of the HTS, made in one or more CBTPA beneficiary countries from fabric formed in one or more CBTPA beneficiary countries from yarns wholly formed in the United States, in an amount not exceeding the amount set forth in subclause (IV).

''(IV) The amount referred to in subclause (III) is—

''(aa) 4,200,000 dozen during the 1-year period beginning on October 1, 2000, increased by 16 percent, compounded annually, in each succeeding 1-year period through September 30, 2004; and

''(bb) in each 1-year period thereafter, the amount in effect for the 1-year period ending on September 30, 2004, or such other amount as may be provided by law.

''(V) It is the sense of Congress that the Congress should determine, based on the record of expansion of exports from the United States as a result of the preferential treatment of articles under this clause, the percentage by which the amount provided in subclauses (II) and (IV) should be compounded for the 1-year periods occuring aftr the 1-year period ending on September 30, 2004.

''(iv) CERTAIN OTHER APPAREL ARTICLES.—(I) Subject to subclause (II), any apparel article classifiable under subheading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in the United States, or 1 or more of the CBTPA beneficiary countries, or both.

''(II) During the 1-year period beginning on October 1, 2001, and during each of the 6 succeeding 1-year periods, apparel articles described in subclause (I) of a producer or an entity controlling production shall be eligible for preferential treatment under subparagraph (B) only if the aggregate cost of fabric components formed in the United States that are used in the production of all such articles of that producer or entity during the preceding 1-year period is at least 75 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

''(III) The United States Customs Service shall develop and implement methods and procedures to ensure ongoing compliance with the requirement set forth in subclause (II). If the Customs Service finds that a producer or an entity controlling production has not satisfied such requirement in a 1-year period, then apparel articles described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during any succeeding 1-year period until the aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity in the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

''(v) APPAREL ARTICLES ASSEMBLED FROM FIBERS, FABRIC, OR YARN NOT WIDELY AVAILABLE IN COMMERCIAL QUANTITIES.—(I) Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more CBTPA beneficiary countries, from fibers, fabric, or yarn that is not formed in the United States or in 1 or more CBTPA beneficiary countries, to the extent that such fibers, fabric, or yarn would be eligible for preferential treatment, without regard to the source of the fibers, fabric, or yarn, under Annex 401 of the NAFTA.

''(II) At the request of any interested party, the President is authorized to proclaim additional fibers, fabric, and yarn as eligible for preferential treatment under subclause (I) if—

''(aa) the President determines that such fibers, fabric, or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner;

''(bb) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

''(cc) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such actions, and the advice obtained under division (bb);

''(dd) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of division (cc), has expired; and

''(ee) the President has consulted with such committees regarding the proposed action during the period referred to in division (cc).

''(vi) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a CBTPA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

''(vii) SPECIAL RULES.—

''(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds,' decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

''(bb) In the case of an article described in clause (ii) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

''(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

''(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, 'hymo' piece, or 'sleeve header', of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

''(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

''(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains fibers or yarns not wholly formed in the United States or in 1 or more CBTPA beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

''(IV) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) or (ii) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is entered under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

''(vii) TEXTILE LUGGAGE.—Textile luggage—

''(I) assembled in a CBTPA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

''(II) assembled from fabric cut in a CBTPA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States.

''(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles to which this subparagraph applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A)(vi), the President shall consult with representatives of the CBTPA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

''(D) PENALTIES FOR TRANSSHIPMENTS.—

''(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel articles from a CBTPA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

''(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the CBTPA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

''(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (B) has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

''(E) BILATERAL EMERGENCY ACTIONS.—

''(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from a CBTPA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

''(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

''(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

''(II) the term 'transition period' in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

''(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the CBTPA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

''(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

''(A) EQUIVALENT TARIFF TREATMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that is a CBTPA originating good shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

''(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

''(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

''(4) CUSTOMS PROCEDURES.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

''(ii) DETERMINATION.—

''(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

''(aa) has implemented and follows, or

''(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

''(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is a CBTPA beneficiary country—

''(aa) from which the article is exported, or

''(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (2) or (3).

''(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

''(C) REPORT BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each CBTPA beneficiary country—

''(i) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

''(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

''(iii) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

The Trade Representative shall submit to Congress, not later than October 1, 2001, a report on the study conducted under this subparagraph.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

''(B) CBTPA BENEFICIARY COUNTRY.—The term 'CBTPA beneficiary country' means any 'beneficiary country', as defined in section 212(a)(1)(A) of this title, which the President designates as a CBTPA beneficiary country, taking into account the criteria contained in subsections (b) and (c) of section 212 and other appropriate criteria, including the following:

''(i) Whether the beneficiary country has demonstrated a commitment to—

''(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

''(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

''(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

''(iii) The extent to which the country provides internationally recognized worker rights, including—

''(I) the right of association,

''(II) the right to organize and bargain collectively,

''(III) a prohibition on the use of any form of forced or compulsory labor,

''(IV) a minimum age for the employment of children, and

''(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

''(v) The extent to which the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

''(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

''(vii) The extent to which the country—

''(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

''(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

''(C) CBTPA ORIGINATING GOOD.—

''(i) IN GENERAL.—The term 'CBTPA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

''(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 of the NAFTA with respect to a CBTPA beneficiary country for purposes of this subsection—

''(I) no country other than the United States and a CBTPA beneficiary country may be treated as being a party to the NAFTA;

''(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and a CBTPA beneficiary country;

''(III) any reference to a party shall be deemed to refer to a CBTPA beneficiary country or the United States; and

''(IV) any reference to parties shall be deemed to refer to any combination of CBTPA beneficiary countries or to the United States and 1 or more CBTPA beneficiary countries (or any combination thereof).

''(D) TRANSITION PERIOD.—The term 'transition period' means, with respect to a CBTPA beneficiary country, the period that begins on October 1, 2000, and ends on the earlier of—

''(i) September 30, 2008, or

''(ii) the date on which the FTAA or another free trade agreement that makes substantial progress in achieving the negotiating objectives set forth in 108(b)(5) of Public Law 103–182 (19 U.S.C. 3317(b)(5)) enters into force with respect to the United States and the CBTPA beneficiary country.

''(E) CBTPA.—The term 'CBTPA' means the United States-Caribbean Basin Trade Partnership Act.

''(F) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.''.

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(1)''; and

(C) by adding at the end the following:

''(B) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

''(i) withdraw or suspend the designation of any country as a CBTPA beneficiary country, or

''(ii) withdraw, suspend, or limit the application of preferential treatment under section 213(b) (2) and (3) to any article of any country, if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 213(b)(5)(B).''; and

(2) by adding after paragraph (2) the following new paragraph:

''(3) If preferential treatment under section 213(b) (2) and (3) is withdrawn, suspended, or limited with respect to a CBTPA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 213(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.''.

(c) REPORTING REQUIREMENTS.—

(1) Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than December 31, 2001, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

''(A) with respect to subsections (b) and (c), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

''(B) the performance of each beneficiary country or CBTPA beneficiary country, as the case may be, under the criteria set forth in section 213(b)(5)(B).

''(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 213(b)(5)(B).''.

(2) Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended—

(A) by striking ''TRIENNIAL REPORT'' in the heading and inserting ''REPORT''; and

(B) by striking ''On or before'' and all that follows through ''enactment of this title'' and inserting ''Not later than January 31, 2001''.

(d) INTERNATIONAL TRADE COMMISSION REPORTS.—

(1) Section 215(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2704(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers and on the economy of the beneficiary countries.

''(2) FIRST REPORT.—The first report shall be submitted not later than September 30, 2001.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(2) Section 206(a) of the Andean Trade Preference Act (19 U.S.C. 3204(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

''(2) SUBMISSION.—During the period that this title is in effect, the report required by paragraph (1) shall be submitted on December 31 of each year that the report required by section 215 of the Caribbean Basin Economic Recovery Act is not submitted.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 211 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701) is amended by inserting ''(or other preferential treatment)'' after ''treatment''.

(B) Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by inserting ''and except as provided in subsection (b) (2) and (3),'' after ''Tax Reform Act of 1986,''.

(2) DEFINITIONS.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C.

2702(a)(1)) is amended by adding at the end the following new subparagraphs:

''(D) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(E) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).''.

SEC. 214. DUTY-FREE TREATMENT FOR CERTAIN BEVERAGES MADE WITH CARIBBEAN RUM.

Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended—

(1) in paragraph (5), by striking ''chapter'' and inserting ''title''; and

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

''(6) Notwithstanding paragraph (1), the duty-free treatment provided under this title shall apply to liqueurs and spirituous beverages produced in the territory of Canada from rum if—

''(A) such rum is the growth, product, or manufacture of a beneficiary country or of the Virgin Islands of the United States;

''(B) such rum is imported directly from a beneficiary country or the Virgin Islands of the United States into the territory of Canada, and such liqueurs and spirituous beverages are imported directly from the territory of Canada into the customs territory of the United States;

''(C) when imported into the customs territory of the United States, such liqueurs and spirituous beverages are classified in subheading 2208.90 or 2208.40 of the HTS; and

''(D) such rum accounts for at least 90 percent by volume of the alcoholic content of such liqueurs and spirituous beverages.''.

SEC. 215. MEETINGS OF TRADE MINISTERS AND USTR.

(a) SCHEDULE OF MEETINGS.—The President shall take the necessary steps to convene a meeting with the trade ministers of the CBTPA beneficiary countries in order to establish a schedule of regular meetings, to commence as soon as is practicable, of the trade ministers and the Trade Representative, for the purpose set forth in subsection (b).

(b) PURPOSE.—The purpose of the meetings scheduled under subsection (a) is to reach agreement between the United States and CBTPA beneficiary countries on the likely timing and procedures for initiating negotiations for CBTPA beneficiary countries to enter into mutually advantageous free trade agreements with the United States that contain provisions comparable to those in the NAFTA and would make substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of Public Law 103–182 (19 U.S.C. 3317(b)(5)).

(c) DEFINITION.—In this section, the term ''CBTPA beneficiary country'' has the meaning given that term in section 213(b)(5)(B) of the Caribbean Basin Economic Recovery Act.

TITLE III—NORMAL TRADE RELATIONS

SEC. 301. NORMAL TRADE RELATIONS FOR ALBANIA.

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

(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

(3) Albania has concluded a bilateral investment treaty with the United States.

(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosova crisis.

(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Albania; and

(B) after making a determination under subparagraph (A) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Albania, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 302. NORMAL TRADE RELATIONS FOR KYRGYZSTAN.

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

(1) Kyrgyzstan has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its independence from the Soviet Union in 1991, Kyrgyzstan has made great progress toward democratic rule and toward creating a free-market economic system.

(3) Kyrgyzstan concluded a bilateral investment treaty with the United States in 1994.

(4) Kyrgyzstan has demonstrated a strong desire to build a friendly and cooperative relationship with the United States.

(5) The extension of unconditional normal trade relations treatment to the products of Kyrgyzstan will enable the United States to avail itself of all rights under the World Trade Organization with respect to Kyrgyzstan.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO KYRGYZSTAN.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Kyrgyzstan; and

(B) after making a determination under subparagraph (A) with respect to Kyrgyzstan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Kyrgyzstan, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. REPORT ON EMPLOYMENT AND TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Comptroller General of the United States shall submit to Congress a report regarding the efficiency and effectiveness of Federal and State coordination of employment and retraining activities associated with the following programs and legislation:

(1) Trade adjustment assistance (including NAFTA trade adjustment assistance) provided for under title II of the Trade Act of 1974.

(2) The Job Training Partnership Act.

(3) The Workforce Investment Act of 1998.

(4) Unemployment insurance.

(b) PERIOD COVERED.—The report shall cover the activities involved in the programs and legislation listed in subsection (a) from January 1, 1994, to December 31, 1999.

(c) DATA AND RECOMMENDATIONS.—The report shall at a minimum include specific data and recommendations regarding—

(1) the compatibility of program requirements related to the employment and retraining of dislocated workers in the United States, with particular emphasis on the trade adjustment assistance programs provided for under title II of the Trade Act of 1974;

(2) the compatibility of application procedures related to the employment and retraining of dislocated workers in the United States;

(3) the capacity of the programs in addressing foreign trade and the transfer of production to other countries on workers in the United States measured in terms of loss of employment and wages;

(4) the capacity of the programs in addressing foreign trade and the transfer of production to other countries on secondary workers in the United States measured in terms of loss of employment and wages;

(5) how the impact of foreign trade and the transfer of production to other countries would have changed the number of beneficiaries covered under the trade adjustment assistance program if the trade adjustment assistance program covered secondary workers in the United States; and

(6) the effectiveness of the programs described in subsection (a) in achieving reemployment of United States workers and maintaining wage levels of United States workers who have been dislocated as a result of foreign trade and the transfer of production to other countries.

SEC. 402. TRADE ADJUSTMENT ASSISTANCE.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR DECOMMISSIONING OR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a ''qualified worker'' means a worker who—

(A) was determined to be covered under Trade Adjustment Assistance Certification TA–W–28,438; and

(B) was necessary for the decommissioning or closure of a nuclear power facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 403. RELIQUIDATION OF CERTAIN NUCLEAR FUEL ASSEMBLIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Secretary of the Treasury not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) reliquidate as free of duty the entries listed in subsection (b); and

(2) refund any duties paid with respect to such entries as shown on Customs Service Collection Receipt Number 527006753.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
062–2320014–5	January 16, 1996
062–2320085–5	February 13, 1996
839–4030989–7	November 25, 1996
839–4031053–1	December 2, 1996
839–4031591–0	January 21, 1997.

SEC. 404. REPORTS TO THE FINANCE AND WAYS AND MEANS COMMITTEES.

(a) REPORTS REGARDING INITIATIVES TO UPDATE THE INTERNATIONAL MONETARY FUND.—Section 607 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1999 (as contained in section 101(d) of division A of the Omnibus Consolidated and Emergency

Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–224), relating to international financial programs and reform, is amended—

(1) by inserting ''Finance,'' after ''Foreign Relations,''; and

(2) by inserting '', Ways and Means,'' before ''and Banking and Financial Services''.

(b) REPORTS ON FINANCIAL STABILIZATION PROGRAMS.—Section 1704(b) of the International Financial Institutions Act (22 U.S.C. 262r–3(b)) is amended to read as follows:

''(b) TIMING.—Not later than March 15, 1999, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services, Ways and Means, and International Relations of the House of Representatives and the Committees on Finance, Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a).''.

(c) ANNUAL REPORT ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.—Section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r–4(a)) is amended by striking ''Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate'' and inserting ''Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate''.

(d) AUDITS OF THE IMF.—Section 1706(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)) is amended by striking ''Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate'' and inserting ''Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate''.

(e) REPORT ON PROTECTION OF BORDERS AGAINST DRUG TRAFFIC.—Section 629 of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–522), relating to general provisions, is amended by adding at the end the following new paragraph:

''(3) For purposes of paragraph (1), the term 'appropriate congressional committees' includes the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.''.

SEC. 405. CLARIFICATION OF SECTION 334 OF THE URUGUAY ROUND AGREEMENTS ACT.

(a) IN GENERAL.—Section 334(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3592(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the matter preceding clause (i) (as redesignated), by striking ''Notwithstanding paragraph (1)(D)'' and inserting ''(A) Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (B) and (C)''; and

(3) by adding at the end the following:

''(B) Notwithstanding paragraph (1)(C), fabric classified under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

''(C) Notwithstanding paragraph (1)(D), goods classified under HTS heading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95, except for goods classified under such headings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

SEC. 406. CHIEF AGRICULTURAL NEGOTIATOR.

Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) by amending subsection (b)(2) to read as follows:

''(2) There shall be in the Office three Deputy United States Trade Representatives and one Chief Agricultural Negotiator who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative or the Chief Agricultural Negotiator submitted to the Senate for its advice and consent, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy United States Trade Representative and the Chief Agricultural Negotiator shall hold office at the pleasure of the President and shall have the rank of Ambassador.''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(5) The principal function of the Chief Agricultural Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States agricultural products and services. The Chief Agricultural Negotiator shall be a vigorous advocate on behalf of United States agricultural interests. The Chief Agricultural Negotiator shall perform such other functions as the United States Trade Representative may direct.''.

SEC. 407. REVISION OF RETALIATION LIST OR OTHER REMEDIAL ACTION.

Section 306(b)(2) of the Trade Act of 1974 (19 U.S.C. 2416(b)(2)) is amended—

(1) by striking ''If the'' and inserting the following:

''(A) FAILURE TO IMPLEMENT RECOMMENDATION.—If the''; and

(2) by adding at the end the following:

''(B) REVISION OF RETALIATION LIST AND ACTION.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the event that the United States initiates a retaliation list or takes any other action described in section 301(c)(1) (A) or (B) against the goods of a foreign country or countries because of the failure of such country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, the Trade Representative shall periodically revise the list or action to affect other goods of the country or countries that have failed to implement the recommendation.

''(ii) EXCEPTION.—The Trade Representative is not required to revise the retaliation list or the action described in clause (i) with respect to a country, if—

''(I) the Trade Representative determines that implementation of a recommendation made pursuant to a dispute settlement proceeding described in clause (i) by the country is imminent; or

''(II) the Trade Representative together with the petitioner involved in the initial investigation under this chapter (or if no petition was filed, the affected United States industry) agree that it is unnecessary to revise the retaliation list.

''(C) SCHEDULE FOR REVISING LIST OR ACTION.—The Trade Representative shall, 120 days after the date the retaliation list or other section 301(a) action is first taken, and every 180 days thereafter, review the list or action taken and revise, in whole or in part, the list or action to affect other goods of the subject country or countries.

''(D) STANDARDS FOR REVISING LIST OR ACTION.—In revising any list or action against a country or countries under this subsection, the Trade Representative shall act in a manner that is most likely to result in the country or countries implementing the recommendations adopted in the dispute settlement proceeding or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute settlement proceeding. The Trade Representative shall consult with the petitioner, if any, involved in the initial investigation under this chapter.

''(E) RETALIATION LIST.—The term 'retaliation list' means the list of products of a foreign country or countries that have failed to comply with the report of the panel or Appellate Body of the WTO and with respect to which the Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States.

''(F) REQUIREMENT TO INCLUDE RECIPROCAL GOODS ON RETALIATION LIST.—The Trade Representative shall include on the retaliation list, and on any revised lists, reciprocal goods of the industries affected by the failure of the foreign country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, except in cases where existing retaliation and its corresponding preliminary retaliation list do not already meet this requirement.''.

SEC. 408. REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR AGRICULTURAL COMMODITY PRODUCERS.

(a) IN GENERAL.—Not later than 4 months after the date of enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) examines the applicability to agricultural commodity producers of trade adjustment assistance programs established under title II of the Trade Act of 1974; and

(2) sets forth recommendations to improve the operation of those programs as the programs apply to agricultural commodity producers or to establish a new trade adjustment assistance program for agricultural commodity producers.

(b) CONTENTS.—In preparing the report required by subsection (a), the Secretary of Labor shall—

(1) assess the degree to which the existing trade adjustment assistance programs address the adverse effects on agricultural commodity producers due to price suppression caused by increased imports of like or directly competitive agricultural commodities; and

(2) examine the effectiveness of the program benefits authorized under subchapter B of chapter 2 and chapter 3 of title II of the Trade Act of 1974 in remedying the adverse effects, including price suppression, caused by increased imports of like or directly competitive agricultural commodities.

(c) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' means any agricultural commodity, including livestock, fish or harvested seafood in its raw or natural state.

(2) AGRICULTURAL COMMODITY PRODUCER.—The term ''agricultural commodity producer'' means any person who is engaged in the production and sale of an agricultural commodity in the United States and who owns or shares the ownership and risk of loss of the agricultural commodity.

SEC. 409. AGRICULTURAL TRADE NEGOTIATING OBJECTIVES AND CONSULTATIONS WITH CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) United States agriculture contributes positively to the United States balance of trade and United States agricultural exports support in excess of 1,000,000 United States jobs;

(2) United States agriculture competes successfully worldwide despite the fact that United States producers are at a competitive disadvantage because of the trade distorting support and subsidy practices of other countries and despite the fact that significant tariff and nontariff barriers exist to United States exports; and

(3) a successful conclusion of the current World Trade Organization agricultural negotiations is critically important to the United States agricultural sector.

(b) OBJECTIVES.—The agricultural trade negotiating objectives of the United States with respect to the current World Trade Organization agricultural negotiations include as matters of the highest priority—

(1) the expeditious elimination of all export subsidies worldwide while maintaining bona fide food aid and preserving United States market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(2) leveling the playing field for United States producers of agricultural products by eliminating blue box subsidies and disciplining domestic supports in a way that forces producers to face world prices on all production in excess of domestic food security needs while allowing the preservation of nontrade distorting programs to support family farms and rural communities;

(3) the elimination of state trading enterprises or the adoption of rigorous disciplines that ensure operational transparency, competition, and the end of discriminatory pricing practices, including policies supporting cross-subsidization and price undercutting in export markets;

(4) affirming that the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures applies to new technologies, including biotechnology, and that labeling requirements to allow consumers to make choices regarding biotechnology products or other regulatory requirements may not be used as disguised barriers to trade;

(5) increasing opportunities for United States exports of agricultural products by reducing tariffs to the same levels that exist in the United States or to lower levels and by eliminating all nontariff barriers, including—

(A) restrictive or trade distorting practices, including those that adversely impact perishable or cyclical products;

(B) restrictive rules in the administration of tariff-rate quotas; and

(C) other barriers to agriculture trade, including unjustified restrictions or commercial requirements affecting new technologies, including biotechnology;

(6) eliminating government policies that create price-depressing surpluses; and

(7) strengthening dispute settlement procedures to ensure prompt compliance by foreign governments with their World Trade Organization obligations including commitments not to maintain unjustified restrictions on United States exports.

(c) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—

(1) CONSULTATION BEFORE OFFER MADE.—In developing and before submitting an initial or revised negotiating proposal that would reduce United States tariffs on agricultural products or require a change in United States agricultural law, the United States Trade Representative shall consult with the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate and the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives.

(2) CONSULTATION WITH CONGRESSIONAL TRADE ADVISERS.—Prior to and during the course of current negotiations on agricultural trade, the United States Trade Representative shall consult closely with the congressional trade advisers.

(3) CONSULTATION BEFORE AGREEMENT INITIALED.—Not less than 48 hours before initialing an agreement reached as part of current World Trade Organization agricultural negotiations, the United States Trade Representative shall consult closely with the committees referred to in paragraph (1) regarding—

(A) the details of the agreement;

(B) the potential impact of the agreement on United States agricultural producers; and

(C) any changes in United States law necessary to implement the agreement.

(4) DISCLOSURE OF COMMITMENTS.—Any agreement or other understanding addressing agricultural trade with a foreign government or governments (whether oral or in writing) that relates to a trade agreement with respect to which Congress must enact implementing legislation and that is not disclosed to Congress before legislation implementing that agreement is introduced in either House of Congress shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) granting the President trade negotiating authority is essential to the successful conclusion of the new round of World Trade Organization agricultural negotiations;

(2) reaching a successful agreement on agriculture should be the top priority of United States negotiators; and

(3) if by the conclusion of the negotiations, the primary agricultural competitors of the United States do not agree to reduce their trade distorting domestic supports and eliminate export subsidies in accordance with the negotiating objectives expressed in this section, the United States should take steps to increase the leverage of United States negotiators and level the playing field for United States producers.

SEC. 410. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(i) SPECIAL RULE FOR FOREIGN TRADE ZONE OPERATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), all merchandise (including merchandise of different classes, types, and categories), withdrawn from a foreign trade zone during any 7-day period, shall, at the option of the operator or user of the zone, be the subject of a single estimated entry or release filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the zone. The estimated entry or release shall be treated as a single entry and a single release of merchandise for purposes of section 13031(a)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)(A)) and all fee exclusions and limitations of such section 13031 shall apply, including the maximum and minimum fee amounts provided for under subsection (b)(8)(A)(i) of such section. The entry summary for the estimated entry or release shall cover only the merchandise actually withdrawn from the foreign trade zone during the 7-day period.

''(2) OTHER REQUIREMENTS.— The Secretary of the Treasury may require that the operator or user of the zone—

''(A) use an electronic data interchange approved by the Customs Service—

''(i) to file the entries described in paragraph (1); and

''(ii) to pay the applicable duties, fees, and taxes with respect to the entries; and

''(B) satisfy the Customs Service that accounting, transportation, and other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

''(3) EXCEPTION.—The provisions of paragraph (1) shall not apply to merchandise the entry of which is prohibited by law or merchandise for which the filing of an entry summary is required before the merchandise is released from customs custody.

''(4) FOREIGN TRADE ZONE; ZONE.—In this subsection, the terms 'foreign trade zone' and 'zone' mean a zone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 411. GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR.

(a) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new sentence: ''For purposes of this section, the term 'forced labor or/and indentured labor' includes forced or indentured child labor.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 412. WORST FORMS OF CHILD LABOR.

(a) IN GENERAL.—Section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2) is amended—

(1) by inserting after subparagraph (G) the following new subparagraph:

''(H) Such country has not implemented its commitments to eliminate the worst forms of child labor.''; and

(2) in the flush paragraph at the end, by striking ''and (G)'' and inserting ''(G), and (H) (to the extent described in section 507(6)(A), (B), and (C))''.

(b) DEFINITION OF WORST FORMS OF CHILD LABOR.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following new paragraph:

''(6) WORST FORMS OF CHILD LABOR.—The term 'worst forms of child labor' means—

''(A) all forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;

''(B) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes;

''(C) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and

''(D) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

The work referred to in subparagraph (D) shall be determined by the laws, regulations, or competent authority of the beneficiary developing country involved.''.

(c) ANNUAL REPORT.—Section 504 of the Trade Act of 1974 (19 U.S.C. 2464) is amended by inserting '', including the findings of the Secretary of Labor with respect to the beneficiary country's implementation of its international commitments to eliminate the worst forms of child labor'' before the end period.

TITLE V—IMPORTS OF CERTAIN WOOL ARTICLES

SEC. 501. TEMPORARY DUTY REDUCTIONS.

(a) CERTAIN WORSTED WOOL FABRICS WITH AVERAGE FIBER DIAMETERS GREATER THAN 18.5 MICRON.—

(1) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

‘‘	9902.51.11	Fabrics, of worsted wool, with average fiber diameters greater than 18.5 micron, all the foregoing certified by the importer as suitable for use in making suits, suit-type jackets, or trousers (provided for in subheadings 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90)	19.3%	No change	No change	On or before 12/31/2003	’’.

(2) STAGED RATE REDUCTIONS.—Any staged rate reduction of a rate of duty set forth in subheading 6203.31.00 of the Harmonized Tariff Schedule of the United States that is proclaimed by the President shall also apply to the corresponding rate of duty set forth in heading 9902.51.11 of such Schedule, as added by paragraph (1).

(b) CERTAIN WORSTED WOOL FABRICS WITH AVERAGE FIBER DIAMETERS OF 18.5 MICRON OR LESS.—

(1) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

‘‘	9902.51.12	Fabrics, of worsted wool, with average fiber diameters of 18.5 micron or less, all the foregoing certified by the importer as suitable for use in making suits, suit-type jackets, or trousers (provided for in subheadings 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90)	6%	No change	No change	On or before 12/31/2003	’’.

(2) EQUALIZATION WITH CANADIAN DUTY RATES.—The President is authorized to proclaim a reduction in the rate of duty applicable to imports of worsted wool fabrics classified under subheading 9902.51.12 of the Harmonized Tariff Schedule of the United States, as added by paragraph (1), that is necessary to equalize such rate of duty with the most favored nation rate of duty applicable to imports of worsted wool fabrics of the kind described in such subheading imported into Canada.

(c) DEFINITIONS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

‘‘13. For purposes of headings 9902.51.11 and 9902.51.12, the term ‘suit’ has the meaning given such term under note 3(a) of chapter 62 for purposes of headings 6203 and 6204.

‘‘14. For purposes of headings 9902.51.11 and 9902.51.12, the term ‘making’ means cut and sewn in the United States.’’.

(d) LIMITATION ON QUANTITY OF IMPORTS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States, as amended by subsection (c), are further amended by adding at the end the following:

‘‘15. The aggregate quantity of worsted wool fabrics entered under heading 9902.51.11 from January 1 to December 31 of each year, inclusive, shall be limited to 2,500,000 square meter equivalents, or such other quantity proclaimed by the President pursuant to section 504(b)(3) of the Trade and Development Act of 2000.

‘‘16. The aggregate quantity of worsted wool fabrics entered under subheading 9902.51.12 from January 1 to December 31 of each year, inclusive, shall be limited to 1,500,000 square meter equivalents, or such other quantity proclaimed by the President pursuant to section 504(b)(3) of the Trade and Development Act of 2000.’’.

(e) ALLOCATION OF TARIFF-RATE QUOTAS.—In implementing the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States, as required by U.S. Notes 15 and 16 of subchapter II of chapter 99 of such Schedule, respectively, for the entry, or withdrawal from warehouse for consumption, the President, consistent with United States international obligations, shall take such action as determined appropriate by the President to ensure that such fabrics are fairly allocated to persons (including firms, corporations, or other legal entities) who cut and sew men’s and boys’ worsted wool suits and suit-like jackets and trousers in the United States and who apply for an allocation based on the amount of such suits cut and sewn during the prior calendar year.

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

SEC. 502. TEMPORARY DUTY SUSPENSIONS.

(a) WOOL YARN WITH AVERAGE FIBER DIAMETERS OF 18.5 MICRON OR LESS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

‘‘	9902.51.13	Yarn, of combed wool, not put up for retail sale, containing 85 percent or more by weight of wool, of 64’s and linen worsted wool count wool yarn formed with wool fibers having diameters of 18.5 micron or less (provided for in subheading 5107.10.00)	Free	No change	No change	On or before 12/31/2003	’’.

(b) WOOL FIBER AND WOOL TOP WITH AVERAGE DIAMETERS OF 18.5 MICRON OR LESS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

‘‘	9902.51.14	Wool fiber, waste, garnetted stock, combed wool, or wool top, having average fiber diameters of 18.5 micron or less (provided for in subheadings 5101.11, 5101.19, 5101.21, 5101.29, 5101.30, 5103.10, 5103.20, 5104.00, 5105.21, or 5105.29)	Free	No change	No change	On or before 12/31/2003	’’.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

SEC. 503. SEPARATE TARIFF LINE TREATMENT FOR WOOL YARN AND MEN’S OR BOYS’ SUITS AND SUIT-TYPE JACKETS AND TROUSERS OF WORSTED WOOL FABRIC.

(a) SEPARATE TARIFF LINE TREATMENT.—The President shall proclaim 8-digit tariff categories, without changes in existing duty rates, in chapters 51 and 62 of the Harmonized Tariff Schedule of the United States in order to provide separate tariff treatment for—

(1) wool yarn made of wool fiber with an average fiber diameter of 18.5 micron or less, and wool fabrics made from yarns with an average fiber diameter of 18.5 micron or less; and

(2) men’s or boys’ suits, suit-type jackets and trousers of worsted wool fabric, made of wool yarn having an average diameter of 18.5 micron or less.

(b) CONFORMING CHANGES.—The President is authorized to make conforming changes in headings 9902.51.11, 9902.51.12, 9902.51.13, and 9902.51.14 of the Harmonized Tariff Schedule of the United States to take into account the new permanent tariff categories proclaimed under subsection (a).

SEC. 504. MONITORING OF MARKET CONDITIONS AND AUTHORITY TO MODIFY TARIFF REDUCTIONS.

(a) MONITORING OF MARKET CONDITIONS.—Beginning on the date of the enactment of this Act, the President shall monitor market conditions in the United States, including domestic demand, domestic supply, and increases in domestic production, of worsted wool fabrics and their components in the market for—

(1) men's or boys' worsted wool suits, suit-type jackets, and trousers;

(2) worsted wool fabric and yarn used in the manufacture of such suits, jackets and trousers; and

(3) wool used in the production of such fabrics and yarn.

(b) AUTHORITY TO MODIFY LIMITATION ON QUANTITY OF WORSTED WOOL FABRICS SUBJECT TO TARIFF REDUCTION.—

(1) IN GENERAL.—The President shall, on an annual basis, consider requests made by United States manufacturers of apparel products made of worsted wool fabrics described in subsection (a) to modify the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States, as required by U.S. Notes 15 and 16 of subchapter II of chapter 99 of such Schedule, respectively.

(2) CONSIDERATION OF CERTAIN MARKET CONDITIONS.—In determining whether to modify the limitation on the quantity of imports of worsted wool fabrics described in paragraph (1), the President shall consider the following United States market conditions:

(A) Increases or decreases in sales of the domestically-produced worsted wool fabrics described in subsection (a).

(B) Increases or decreases in domestic production of such fabrics.

(C) Increases or decreases in domestic production and consumption of the apparel items described in subsection (a).

(D) The ability of domestic producers of worsted wool fabrics described in subsection (a) to meet the needs of domestic manufacturers of the apparel items described in subsection (a) in terms of quantity and ability to meet market demands for the apparel items.

(E) Evidence that domestic manufacturers of worsted wool fabrics have lost sales due to the temporary duty reductions on certain worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States (as added by subsections (a) and (b) of section 501).

(F) Evidence that domestic manufacturers of apparel items described in subsection (a) have lost sales due to the inability to purchase adequate supplies of worsted wool fabrics on a cost competitive basis.

(G) Price per square meter of imports and domestic sales of worsted wool fabrics.

(3) MODIFICATION OF LIMITATION ON QUANTITY OF FABRICS.—

(A) IN GENERAL.—If the President determines that the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States should be modified, the President shall proclaim such changes to U.S. Note 15 or 16 to subchapter II of chapter 99 of such Schedule (as added by section 501(d)), as the President determines to be appropriate.

(B) ADDITIONAL REQUIREMENT.—In any calendar year, any modification of the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States shall not exceed—

(A) 1,000,000 square meter equivalents for worsted wool fabrics under heading 9902.51.11; and

(B) 1,000,000 square meter equivalents for worsted wool fabrics under heading 9902.51.12.

(c) IMPLEMENTATION.—The President shall issue regulations necessary to implement the provisions of this section.

SEC. 505. REFUND OF DUTIES PAID ON IMPORTS OF CERTAIN WOOL ARTICLES.

(a) WORSTED WOOL FABRICS.—In each of the calendar years 2000, 2001, and 2002, a manufacturer of men's or boys' suits, suit-type jackets, or trousers (not a broker or other individual acting on behalf of the manufacturer to process the import) of imported worsted wool fabrics of the kind described in heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States shall be eligible for a refund of duties paid on entries of such fabrics in each such calendar year in an amount equal to one-third of the amount of duties paid by the importer on such worsted wool fabrics (without regard to micron level) imported in calendar year 1999.

(b) WOOL YARN.—In each of the calendar years 2000, 2001, and 2002, a manufacturer of worsted wool fabrics who imports wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a refund of duties paid on entries of such wool yarn in each such calendar year in an amount equal to one-third of the amount of duties paid by the manufacturer on such wool yarn (without regard to micron level) imported in calendar year 1999.

(c) WOOL FIBER AND WOOL TOP.—In each of the calendar years 2000, 2001, and 2002, a manufacturer of wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a refund of duties paid on entries of such wool fiber in each such calendar year in an amount equal to one-third of the amount of duties paid by the manufacturer on such wool fiber (without regard to micron level) imported in calendar year 1999.

(d) PROPER IDENTIFICATION AND APPROPRIATE CLAIM.—Any person applying for a rebate under this section shall properly identify and make appropriate claim for each entry involved.

SEC. 506. WOOL RESEARCH, DEVELOPMENT, AND PROMOTION TRUST FUND.

(a) ESTABLISHMENT.—There is hereby established within the Treasury of the United States a trust fund to be known as the Wool Research, Development, and Promotion Trust Fund (hereinafter in this section referred to as the ''Trust Fund''), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts as may be credited to the Trust Fund under subsection (c)(2).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund that are attributable to the duty received on articles under chapters 51 and 52 of the Harmonized Tariff Schedule of the United States, subject to the limitation in paragraph (2).

(2) LIMITATION.—The Secretary shall not transfer more than $2,250,000 to the Trust Fund in any fiscal year.

(3) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

(c) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) AVAILABILITY OF AMOUNTS FROM TRUST FUND.—From amounts available in the Trust Fund (including any amounts not obligated in previous fiscal years), the Secretary of Agriculture is authorized to provide grants to a nationally-recognized council established for the development of the United States wool market for the following purposes:

(1) Assist United States wool producers to improve the quality of wool produced in the United States, including to improve wool production methods.

(2) Disseminate information on improvements described in paragraph (1) to United States wool producers generally.

(3) Assist United States wool producers in the development and promotion of the wool market.

(e) REPORTS TO CONGRESS.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall prepare and submit to Congress an annual report on the financial condition and the results of the operations of the Trust Fund, including a description of the use of amounts of grants provided under subsection (d), during the preceding fiscal year and on its expected condition and operations during the next fiscal year.

(f) SUNSET PROVISION.—Effective January 1, 2004, the Trust Fund shall be abolished and all amounts in the Trust Fund on such date shall be transferred to the general fund of the Treasury of the United States.

TITLE VI—REVENUE PROVISIONS

SEC. 601. APPLICATION OF DENIAL OF FOREIGN TAX CREDIT REGARDING TRADE AND INVESTMENT WITH RESPECT TO CERTAIN FOREIGN COUNTRIES.

(a) IN GENERAL.—Section 901(j) of the Internal Revenue Code of 1986 (relating to denial of foreign tax credit, etc., regarding trade and investment with respect to certain foreign countries) is amended by adding at the end the following new paragraph:

''(5) WAIVER OF DENIAL.—

''(A) IN GENERAL.—Paragraph (1) shall not apply with respect to taxes paid or accrued to a country if the President—

''(i) determines that a waiver of the application of such paragraph is in the national interest of the United States and will expand trade and investment opportunities for United States companies in such country, and

''(ii) reports such waiver under subparagraph (B).

''(B) REPORT.—Not less than 30 days before the date on which a waiver is granted under this paragraph, the President shall report to Congress—

''(i) the intention to grant such waiver, and

''(ii) the reason for the determination under subparagraph (A)(i).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on or after February 1, 2001.

SEC. 602. ACCELERATION OF COVER OVER PAYMENTS TO PUERTO RICO AND VIRGIN ISLANDS.

(a) INITIAL PAYMENT.—Section 512(b) of the Ticket to Work and Work Incentives Improvement Act of 1999 is amended—

(1) by striking ''October 1, 2000,'' in the matter preceding paragraph (1) and inserting ''the first day of the month within which the date of enactment of the Trade and Development Act of 2000 occurs,'', and

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

''(2) SECOND TRANSFER OF INCREMENTAL INCREASE IN COVER OVER ATTRIBUTABLE TO PERIODS BEFORE RESUMPTION OF REGULAR PAYMENTS.—The Secretary of the Treasury shall transfer on the first payment date after the date of enactment of the Trade and Development Act of 2000 an amount equal to the excess of—

''(A) the amount of such increase otherwise required to be covered over after June 30, 1999, and before the first day of the month within which such date of enactment occurs, over

''(B) the amount of the transfer described in paragraph (1).''.

(b) CLARIFICATION OF DISPOSITION OF TAXES TO VIRGIN ISLANDS.—So much of paragraph (3) of section 7652(b) of the Internal Revenue Code of 1986 (relating to Virgin Islands) as precedes subparagraph (B) thereof is amended to read as follows:

''(3) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 percent and less the estimated amount of refunds or credits shall be subject to disposition as follows:

''(A) The payment of an estimated amount shall be made to the government of the Virgin Islands before the commencement of each fiscal year as set forth in section 4(c)(2) of the Act entitled 'An Act to authorize appropriations for certain insular areas of the United States, and for other purposes', approved August 18, 1978 (48 U.S.C. 1645), as in effect on the date of enactment of the Trade and Development Act of 2000. The payment so made shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine.''.

(c) RESOLUTION OF STATUTORY CONFLICT.—Section 7652 of the Internal Revenue Code of 1986 (relating to shipments to the United States) is amended by adding at the end the following new subsection:

''(h) MANNER OF COVER OVER OF TAX MUST BE DERIVED FROM THIS TITLE.—No amount shall be covered into the treasury of Puerto Rico or the Virgin Islands with respect to taxes for which cover over is provided under this section unless made in the manner specified in this section without regard to—

''(1) any provision of law which is not contained in this title or in a revenue Act, and

''(2) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers or payments made after the date of enactment of this Act.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

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

BENJAMIN A. GILMAN,
EDWARD R. ROYCE,
SAM GEJDENSON,

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

BILL ARCHER,
PHIL CRANE,
CHARLES B. RANGEL,

As additional conferees, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

AMO HOUGHTON,
JOE HOEFFEL,

Managers on the Part of the House.

W.V. ROTH, Jr.,
CHUCK GRASSLEY,
TRENT LOTT,
DANIEL P. MOYNIHAN,
MAX BAUCUS,
JOE BIDEN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 434), to authorize a new trade and investment policy for sub-Sahara Africa, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

SUBTITLE A—TRADE POLICY FOR SUB-SAHARAN AFRICA

SEC. 101. SHORT TITLE

Present law

No provision.

House bill

Section 1 of the House bill states that this Act may be cited as the ''African Growth and Opportunity Act.''

Senate amendment

Section 101 of the Senate amendment states that this title may be cited as the ''African Growth and Opportunity Act.''

Conference agreement

The conference agreement provides that title I of the bill may be referred to as the African Growth and Opportunity Act.

SEC. 102. FINDINGS

Present law

No provision.

House bill

In section 2 of the House bill, Congress finds that it is in the mutual economic interest of the United States and countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa and that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, countries in sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by:

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women owned businesses;

(2) encouraging increased trade and investment between the U.S. and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding U.S. assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for countries in sub-Saharan Africa attempting to build civil societies.

Senate amendment

In section 102 of the Senate amendment, Congress finds that:

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced a rise in both economic development and political freedom as countries in sub-Saharan Africa have taken steps toward liberalizing their economies and encouraged broader participation in the political process;

(5) the countries of sub-Saharan Africa have made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages less than $500 annually;

(7) U.S. foreign direct investment in the region has fallen in recent years and the sub-Saharan African region receives only minor inflows of direct investment from around the world;

(8) trade between the United States and sub-Saharan Africa remains, apart from the import of oil, an insignificant part of total U.S. trade;

(9) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for building a stable political environment in which political freedom can flourish;

(10) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(11) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(12) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

Conference agreement

The House recedes to the Senate except to delete certain findings related to the decline in foreign direct investment in sub-Saharan Africa and the low levels of U.S. trade with sub-Saharan Africa. In addition, the conference agreement clarifies the findings related to the political and economic development.

SEC. 103. STATEMENT OF POLICY

Present law

No provision.

House bill

In section 3 of the House bill, Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to economic and political reform; market incentives and private sector growth; the eradication of poverty; and the importance of women to economic growth and development.

Senate amendment

Section 103 of the Senate amendment states the support of the Congress for:

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and U.S. trade;

(3) expanding U.S. assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and countries in sub-Saharan Africa;

(5) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa;

(7) supporting the development of civil societies and political freedom in sub-Saharan Africa; and

(8) establishing a United States-Sub-Saharan African Economic Cooperation Forum.

In section 717 of the Senate amendment, Congress makes the following:

(1) Corruption and bribery of public officials is a major problem in many African countries and represents a serious threat to the development of a functioning domestic private sector, to United States business and trade interests, and to prospects for democracy and good governance in African countries.

(2) Of the 17 countries in sub-Saharan Africa rated by the international watchdog group, Transparency International, as part of the 1998 Corruption Perception Index, 13 ranked in the bottom half.

(3) The Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which has been signed by all 29 members of the OECD plus Argentina, Brazil, Bulgaria, Chile, and the Slovak Republic and which entered into force on February 15, 1999, represents a significant step in the elimination of bribery and corruption in international commerce.

(4) As a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the United States should encourage the highest standards possible with respect to bribery and corruption.

Section 717 of the Senate amendment expresses the sense of Congress that the United States should encourage at every opportunity the accession of sub-Saharan African countries, as defined in section 104, to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

Conference agreement

The House recedes to the Senate with the addition of language from the House bill related to the importance of small businesses and women owned enterprises in strengthening and expanding the private sector in sub-Saharan Africa. In addition, the conference agreement includes a new policy statement, based on section 717 of the Senate bill, expressing Congressional support for the accession of countries in sub-Saharan Africa to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development.

SEC. 104. ELIGIBILITY REQUIREMENTS

Present law

Title V of the Trade Act of 1974 grants authority to the President under the Generalized System of Preferences (GSP) program to provide duty-free treatment on imports of eligible articles from beneficiary developing countries (BDC), which meet specific eligibility criteria.

House bill

Section 4 of the House bill states that a sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country does not engage in gross violations of internationally recognized human rights and has established, or is making continual progress toward establishing, a market economy, such as the establishment and enforcement of appropriate policies relating to:

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for export through joint venture projects between African and foreign investors;

(3) trade issues, such as the protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) the protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(6) appropriate fiscal systems, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(7) foreign investment issues, such as the provision of national treatment for foreign investors, removing restrictions on investment, and other measures to create an environment conducive to domestic and foreign investment;

(8) supporting the growth of regional markets within a free trade area framework;

(9) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(10) supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(11) encouraging the private ownership of government-controlled economic enterprises through divestiture programs; and

(12) observing the rule of law, including equal protection under the law and the right to due process and a fair trial.

In determining whether a sub-Saharan African country is eligible under this section, the President shall take into account the following factors:

(1) an expression by a country of its desire to be an eligible country;

(2) the extent to which a country has made substantial progress toward reducing tariff levels, binding its tariffs in the World Trade Organization (WTO) and assuming meaningful binding obligations in other sectors of trade, and eliminating nontariff barriers to trade;

(3) whether such country, if not already a member of the WTO, is actively pursuing membership in that organization;

(4) the extent to which such country has a recognizable commitment to reducing poverty, increasing the availability of health care and educational opportunities, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees, and promoting and enabling the formation of capital to support the establishment and operation of micro-enterprises;

(5) whether or not such country engages in activities that undermine U.S. national security or foreign policy interests.

The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility to participate in this Act. Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report requested by section 15 of this Act.

A sub-Saharan African country that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

Senate amendment

Section 111 of the Senate amendment amends title V of the Trade Act of 1974 by inserting after section 506 a new section 506A on the ''Designation of sub-Saharan African countries for certain benefits.''

Notwithstanding any other provision of law, the President is authorized to designate a sub-Saharan African country eligible for the enhanced GSP benefits, if the President determines that the country:

(A) has established, or is making continual progress toward establishing:

(i) a market-based economy, where private property rights are protected and the principles of an open, rules-based trading system are observed;

(ii) a democratic society, where the rule of law, political freedom, participatory democracy, and the right to due process and a fair trial are observed;

(iii) an open trading system through the elimination of barriers to United States trade and investment and the resolution of bilateral trade and investment disputes;

(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, and promote the establishment of private enterprise; and

(v) a system to combat corruption and bribery, such as signing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

(B) does not engage in gross violations of internationally recognized human rights or

provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities; and

(C) subject to the authority granted to the President under the GSP program, otherwise satisfies the GSP eligibility criteria.

The President shall monitor and review the progress of each sub-Saharan African country in meeting these eligibility requirements described in paragraph 1 in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country. The President shall include the reasons for the determinations in the annual report required by section 115 of this title.

If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the eligibility requirements, the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective January 1 of the year following the year in which such determination is made.

Conference agreement

The conference agreement authorizes the President to designate a sub-Saharan African country that meets the eligibility criteria as eligible for the economic development related provisions in subtitle C. The eligibility criteria as in effect on the date of enactment apply to the trade benefits through an amendment to the Trade Act of 1974 included in subtitle B.

The eligibility criteria as contained in the conference report reflect the Senate provisions, with the addition of criteria from the House bill on the protection of internationally recognized worker rights and the prohibition on the designation of countries as eligible under this Act that engage in activities that undermine U.S. national security or foreign policy interests. In addition, the conference agreement incorporates elements from the House bill on the provision of national treatment and measures to create an environment conducive to domestic and foreign investment; minimizing government interference in the economy through price controls, subsidies, and government ownership of economic assets; the protection of intellectual property; and the importance of micro-credit to the formation of capital markets.

The section also stipulates that the President shall terminate the eligibility for preferential treatment under this Act for any sub-Saharan African country that is making continual progress in meeting the eligibility requirements.

The eligibility criteria are designed to identify sub-Saharan countries that are creating a climate conducive to greater levels of trade and investment, and with which the U.S. can build a growing economic partnership. While this section is designed to afford flexibility in this identification, and while the conferees have no target number of participants, it is clear that several sub-Saharan African countries unfortunately have in place policies that would not qualify them from accessing the benefits of the bill. These are sub-Saharan African countries that discourage trade and investment. The conferees note that the eligibility criteria are similar to those USAID uses to allocate development assistance among African countries.

The conferees urge the President to make determinations regarding country eligibility as soon as practicable.

SEC. 105. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM

Present law

No provision.

House bill

Section 5 of the House bill requires the President to convene annual high-level meetings between appropriate officials of the U.S. government and the governments of sub-Saharan African countries in order to foster closer economic ties. Not later than 12 months after enactment, the section requires the President, after consulting with Congress and the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum.

In creating the Forum, the President shall:

(1) direct the Secretaries of Commerce, the Treasury, State, and the United States Trade Representative (USTR) to host the first annual meeting with their counterparts from eligible sub-Saharan African countries, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act;

(2) in consultation with Congress, encourage U.S. non-governmental organizations (NGOs) and representatives of the private sector to host annual meetings with their respective counterparts from sub-Saharan Africa in conjunction with the annual meetings of the Forum; and

(3) to the extent practicable, meet with the heads of government of eligible sub-Saharan African countries no less than once every 2 years. The first meeting should take place not later than 12 months after enactment.

In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

The provision authorizes such sums as may be necessary to carry out this section. None of the funds authorized under this section may be used to create or support any NGO for the purpose of expanding or facilitating trade between the United States and sub-Saharan Africa.

Senate amendment

Section 113 of the Senate amendment requires the President to convene annual meetings between senior officials of the U.S. Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa. Not later than 12 months after the date of enactment, the President, after consulting with the officials of interested sub-Saharan African governments, shall establish a United States-Sub-Saharan African Trade and Economic Cooperation Forum.

In creating the Forum, the President shall:

(1) direct the Secretaries of Commerce, the Treasury, State, and the USTR to invite their counterparts from interested sub-Saharan African governments and representatives of appropriate regional organizations to participate in the first annual meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa;

(2) in consultation with Congress, invite U.S. NGOs and private sector representatives to host meetings with their respective counterparts from sub-Saharan Africa in conjunction with meetings of the Forum to discuss expanding trade and investment relations between the United States and sub-Saharan Africa;

(3) as soon as practicable after enactment, meet with the heads of the governments of interested sub-Saharan African countries for the purpose of discussing the issues described in paragraph 1.

In selecting issues of common interest to the United States-Sub-Saharan African Trade and Economic Cooperation Forum, section 706 of the Senate amendment requires the President to instruct the U.S. delegates to the Forum to promote a review by the Forum of the HIV/AIDS epidemic in each sub-Saharan African country and the effect of the HIV/AIDS epidemic on human and social development in each country.

Conference agreement

In order to expand U.S. trade and investment relations with sub-Saharan Africa and achieve the goals of the Act, the conferees believe that it is important to foster a regular dialogue between U.S. government officials and their counterparts from sub-Saharan African countries. Therefore, the legislation establishes a yearly forum at the Ministerial level to facilitate these discussions. The conferees also believe that it would help to promote the goals of this Act if the President, to the extent practicable, met with the heads of state of sub-Saharan African governments not less than once every two years.

With respect to the countries eligible to participate in the Forum and the heads of state meeting to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this title, the Senate recedes to the House with a modification to permit participation by countries that the President determines are taking substantial positive steps towards meeting the eligibility requirements set forth in section 104 of the Act (as well as countries that are found eligible under section 104). The conferees expect the Administration to interpret this provision narrowly to allow as Forum participants only those countries that are undertaking substantial, positive reforms, although they may not satisfy all of the eligibility requirements. In addition, the conference agreement directs the Administration to invite to the Forum appropriate representatives of sub-Saharan African regional organizations, and government officials from other appropriate countries in sub-Saharan Africa.

In addition, the conference agreement requires the President to encourage NGOs and representatives of the private sector to host annual meetings with their respective counterparts from sub-Saharan Africa in conjunction with the annual meetings of the Forum. The conferees observe that there is no precedent of using taxpayer funds to facilitate such meetings in conjunction with other multilateral fora and do not intend that taxpayer funds should be used in this instance.

The conference agreement updates the reference to the United States Information Agency from the House bill to the United States Information Service.

The conference agreement also includes the language from section 706 of the Senate amendment requiring the President to direct the U.S. delegates at the Forum to promote a review by the Forum on the HIV/AIDS epidemic in sub-Saharan Africa and the effect of the HIV/AIDS epidemic on the economic development of each country in sub-Saharan Africa.

SEC. 106. REPORTING REQUIREMENT

Present law

Section 134(b) of the Uruguay Round Agreements Act requires the President to submit five annual reports to Congress on his ''Comprehensive Trade and Development Policy for Countries in Africa.'' The President's fifth and final report was submitted in January 2000.

House bill

Section 15 of the House bill requires the President to submit to Congress, not later

than 1 year after enactment and for 6 years thereafter, a comprehensive report on the trade and investment policy of the United States for sub-Saharan Africa, and on the implementation of this Act. The last report required by section 134(b) of the Uruguay Round Agreements Act shall be consolidated and submitted with the first report required by this section.

Senate amendment

Section 115 of the Senate amendment requires the President to submit a report to Congress on the implementation of this title not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years.

Conference agreement

The conference agreement reflects House language requiring annual Presidential reports for 8 years on the trade and investment policy of the United States toward sub-Saharan Africa and on the implementation of this title, but strikes the language on the consolidation of the final report required by the Uruguay Round Agreements Act. This report was submitted to Congress in January 2000.

SEC. 107. SUB-SAHARAN AFRICA DEFINED

Present law

No provision.

House bill

Section 16 of the House bill defines the terms 'sub-Saharan Africa', 'sub-Saharan African country', 'country in sub-Saharan Africa', and 'countries in sub-Saharan Africa' for the purposes of this Act as referring to the following or any successor political entities:

Republic of Angola (Angola), Republic of Botswana (Botswana), Republic of Burundi (Burundi), Republic of Cape Verde (Cape Verde), Republic of Chad (Chad), Democratic Republic of Congo, Republic of the Congo (Congo), Republic of Djibouti (Djibouti), State of Eritrea (Eritrea), Gabonese Republic (Gabon), Republic of Ghana (Ghana), Republic of Guinea-Bissau (Guinea-Bissau), Kingdom of Lesotho (Lesotho), Republic of Madagascar (Madagascar), Republic of Mali (Mali), Republic of Mauritius (Mauritius), Republic of Namibia (Namibia), Federal Republic of Nigeria (Nigeria), Democratic Republic of Sao Tome and Principe (Sao Tome and Principe), Republic of Sierra Leone (Sierra Leone), Somalia, Kingdom of Swaziland (Swaziland), Republic of Togo (Togo), Republic of Zimbabwe (Zimbabwe), Republic of Benin (Benin), Burkina Faso (Burkina), Republic of Cameroon (Cameroon), Central African Republic, Federal Islamic Republic of the Comoros (Comoros), Republic of Cote d'Ivoire (Cote d'Ivoire), Republic of Equatorial Guinea (Equatorial Guinea), Ethiopia, Republic of the Gambia (Gambia), Republic of Guinea (Guinea), Republic of Kenya (Kenya), Republic of Liberia (Liberia), Republic of Malawi (Malawi), Islamic Republic of Mauritania (Mauritania), Republic of Mozambique (Mozambique), Republic of Niger (Niger), Republic of Rwanda (Rwanda), Republic of Senegal (Senegal), Republic of Seychelles (Seychelles), Republic of South Africa (South Africa), Republic of Sudan (Sudan), United Republic of Tanzania (Tanzania), Republic of Uganda (Uganda), Republic of Zambia (Zambia).

Senate amendment

Section 104 of the Senate amendment is identical to the House bill provision except for the exclusion of the language applying the definition to any successor political entities.

Conference agreement

The conference agreement includes the language from the House bill permitting the designation of successor political entities of the countries listed for benefits under this title. In addition, the conference agreement arranges the list of countries in alphabetical order.

SUBTITLE B—TRADE PROVISIONS

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS

Present law

Title V of the Trade Act of 1974, as amended, grants authority to the President to provide duty-free treatment on imports of eligible articles from beneficiary developing countries (BDC). Under section 503(a)(1), the President may not designate any article as GSP eligible within the following categories:

(1) textiles and apparel articles which were not eligible articles for purposes of this title on January 1, 1994;

(2) watches, except watches entered after June 30, 1989 that the President determines will not cause material injury to watch or watch band, strap, or bracelet manufacturing and assembly operations in the United States or U.S. insular possessions;

(3) import-sensitive electronic articles;

(4) import-sensitive steel articles;

(5) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not GSP eligible articles on January 1, 1995;

(6) import-sensitive semimanufactured and manufactured glass products; and,

(7) any other articles the President determines to be import-sensitive in the context of GSP.

Under section 502(a)(2), the President is authorized to designate any article that is the growth, product, or manufacture of a least developed developing country (LDDC) as an eligible article with respect to imports from LDDCs, if the President determines such article is not import-sensitive in the context of imports from LDDCs. This authority does not apply to statutorily exempt articles listed under paragraphs (1), (2) , and (5) above.

Under section 503(b)(3), no quantity of an agricultural product subject to a tariff-rate quota that exceeds the in-quota quantity is eligible for duty-free treatment.

Under section 503(c)(2)(D), whenever the President determines that exports by any BDC to the United States of a GSP eligible article (1) exceed a dollar limit of $75 million a year (a number which was set in 1996 and is indexed to increase by $5 million annually), or (2) equal or exceed a 50 percent share of the total value of U.S. imports of the article, then, not later than July 1 of the next year, such country is not treated as a BDC with respect to such article.

Under section 503(c)(2)(A), GSP duty-free treatment applies to any eligible article which is the growth, product or manufacture of a BDC if: (1) that article is imported directly from a BDC into the U.S. customs territory; and, (2) the sum of (a) the cost or value of the materials produced in the BDC or member countries in an association which is treated as one BDC, plus (b) the direct costs of processing operations performed in such BDC or member countries is not less than 35 percent of the value of the article.

Under section 505, no duty-free treatment shall remain in effect after September 30, 2001.

House bill

In order to receive extended and enhanced GSP benefits under the House bill, sub-Saharan African countries must meet all of the criteria in current law regarding designation of beneficiary developing countries and also the eligibility requirements set forth in section 4 of H.R. 434. The existing statutory GSP designation criteria include internationally recognized worker rights, intellectual property rights, compensation for property expropriation, and market access.

Section 8(a) of the House bill amends section 503(a)(1) of the Trade Act of 1974 to authorize the President to grant duty-free GSP treatment for products from eligible African GSP beneficiary countries that are currently excluded from the GSP program, if, after receiving advice from the International Trade Commission, he determines that imports of these products are not import sensitive in the context of imports from sub-Saharan African countries. Opportunities for public comment would be provided in making this determination.

The House bill does not change the rule of origin requirements under current law for GSP duty-free treatment on any currently eligible or any additional products, including textiles and apparel.

With respect to the second required test of value content, section 8(b) of the House bill amends section 503(a)(2) of the Trade Act of 1974 to allow up to 15 percent of the total value of the article from U.S.-made materials to count toward the 35 percent local value requirement for duty-free entry under the GSP program. In order to encourage regional economic integration in Africa, the bill provides that the minimum 35 percent local value content may be cumulated in any eligible sub-Saharan African country.

Section 8(c) amends section 503(c)(2)(D) of the Trade Act of 1974 to stipulate that the competitive need limits do not apply to imports from eligible countries in sub-Saharan Africa.

Section 8(d) amends section 505 of the Trade Act of 1974 to extend the GSP program until June 30, 2009, for eligible countries in sub-Saharan Africa.

Section 8(f) establishes July 1, 1999 as the effective date for the amendments made to the GSP program for sub-Saharan Africa.

Senate amendment

Section 111 of the Senate amendment creates a new section 506A in the Trade Act of 1974, authorizing the President to provide duty-free treatment for imports from beneficiary sub-Saharan African countries of any item, other than textiles or apparel products or textile luggage, that is designated as import sensitive under section 503(b)(1) of title V of the Trade Act of 1974. A beneficiary sub-Saharan African country is defined as those that meet the eligibility criteria under GSP and the criteria added under the new section 506A of the Trade Act of 1974. The general rules of origin governing duty-free entry under the GSP program would continue to apply, except that, in determining whether products are eligible for the enhanced benefits of the bill, up to 15 percent of the appraised value of the article at the time of importation may be derived from materials produced in the United States. In addition, under the new section 506A, the value of materials produced in any beneficiary sub-Saharan African country may be applied in determining whether the product meets the applicable rules of origin for purposes of determining the eligibility of an article to receive the duty-free treatment provided by this section. Section 111 also amends section 503(c)(2)(D) to waive permanently the competitive need limits that would otherwise apply to beneficiary sub-Saharan African countries.

The new section 506A established by section 111 of the Senate amendment also requires the President to monitor, and report annually to Congress, on the progress the sub-Saharan African countries have made in meeting the three categories of eligibility criteria set forth. The new section 506A requires the President to terminate the designation of a country as a beneficiary sub-Saharan African country if that country is

not making continual progress in meeting the eligibility requirements. Any such termination would be effective on January 1 of the year following the year in which the determination is made that the eligibility criteria are no longer met.

Section 111 of the Senate amendment sets as a termination date for the duty-free treatment provided by this title as September 30, 2006. It further includes a clerical amendment to the table of contents in title V of the Trade Act of 1974 and sets the effective date for this title as October 1, 1999.

Conference agreement

The House recedes to the Senate on the creation of a new section 506A in the Trade Act of 1974 for the ''Designation of Sub-Saharan African Countries for Certain Benefits.'' The provision incorporates the eligibility requirements in section 107 as in effect on the date of enactment, as well as the eligibility requirements in the GSP program, for countries to receive the enhanced trade benefits under subtitle B.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL

Present law

At present, textile and apparel articles are ineligible for duty-free treatment under the GSP program. Normal trade relations tariff rates apply to imports of textile and apparel articles into the United States from sub-Saharan Africa. Currently, only two countries in sub-Saharan Africa, Kenya and Mauritius, are subject to quantitative restrictions on the levels of textile and apparel articles that they can export to the United States.

House bill

Section 4 of the House bill provides duty-free treatment under the GSP program to textile and apparel articles from eligible sub-Saharan African countries. Textile and apparel products eligible for duty-free and quota-free treatment must be substantially transformed in sub-Saharan Africa as determined by the ''Breaux-Cardin'' rules of origin enacted into law in 1994 (section 334 of P.L. 103 465). The rule of origin remains that articles must be the growth, product, or manufacture of an eligible country and also contain a minimum 35 percent local value. As under present law, processes such as simple combining, packaging, or dilution would not constitute substantial transformation to qualify an article for trade benefits under this program. The article must also be directly imported from a beneficiary country.

Section 7(b) of the House bill expresses the sense of Congress that:

(1) It would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization are faithfully implemented in each of the member countries;

(2) Reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade can assist the countries of the region in achieving greater diversification of textile and apparel export commodities and products and export markets; and

(3) The President should support textile and apparel trade reform in sub-Saharan Africa by providing technical assistance and encouraging business-to-business contacts with the region.

Section 7(c)(1) provides that, pursuant to the WTO Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States from Kenya and Mauritius within 30 days after these countries adopt an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents. The provision requires the Customs Service to provide technical assistance to Kenya and Mauritius in the development and implementation of visa systems.

Section 7(c)(2) requires the President to continue the existing no quota policy for other countries in sub-Saharan Africa.

Section 7(d)(1) states that the President should ensure that any sub-Saharan African country that intends to export textile and apparel goods to the United States: 1) has in place an effective visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and 2) will cooperate fully with the United States to address and take action necessary to prevent circumvention, as provided in Article 5 of the WTO Agreement on Textiles and Clothing.

Senate amendment

Section 112 of the Senate amendment provides beneficiary sub-Saharan African countries (as designated under the new section 506A of the Trade Act of 1974 created by the Senate amendment) with duty-free and quota-free access to the U.S. market for certain textiles and apparel products. In order to receive these benefits, a beneficiary sub-Saharan African country must (1) adopt an effective and efficient visa system to guard against unlawful transshipment of textile and apparel products and the use of counterfeit documents; and (2) enact legislation or regulations that would permit the U.S. Customs Service to investigate thoroughly allegations of transshipment through such country. Section 112 directs the U.S. Customs Service to provide technical assistance to the beneficiary sub-Saharan African countries in complying with these two requirements.

The benefits under section 112 of the Senate amendment are available only for the following textile and apparel products:

(1) Apparel articles assembled in beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States;

(2) Apparel articles cut and assembled in beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, and assembled with thread formed in the United States; and

(3) Handloomed, handmade and folklore articles, that have been certified as such by the competent authority in the beneficiary sub-Saharan African country.

The Senate intends that this new program of textile and apparel benefits will be administered in a manner consistent with the regulations that apply under the ''Special Access Program'' for textile and apparel articles from Caribbean and Andean Trade Preference Act countries, as described in 63 Fed. Reg. 16474–16476 (April 3, 1998). Thus, the requirement that products must be assembled from fabric formed in the United States applies to all textile components of the assembled products, including linings and pocketing, subject to the exceptions that currently apply under the ''Special Access Program.''

Section 112 also includes a safeguard measure, authorizing the President to impose appropriate remedies, including restrictions on or the removal of quota-free and duty-free treatment, in the event that imports of textile and apparel articles from a beneficiary sub-Saharan African country are being imported in such increased quantities as to cause serious damage, or actual threat of such damage, under the WTO Agreement on Textile and Clothing.

Conference agreement

The conference agreement provides preferential treatment to certain apparel articles imported from beneficiary sub-Saharan countries meeting the transhipment requirements set forth in section 113.

Duty-free and quota-free treatment is provided for the following apparel articles:

(1) apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States;

(2) apparel articles cut and assembled or knit-to-shape in one or more beneficiary sub-Saharan African countries from fabrics or yarns wholly formed and cut in the United States, from yarns wholly formed in the United States and assembled with thread formed in the United States;

(3) knit-to-shape sweaters made from cashmere and fine merino wool;

(4) apparel articles wholly assembled in one or more beneficiary sub-Saharan countries from fabrics not available in commercial quantities in the United States (e.g., those fabrics and yarns identified in Annex 401 of the NAFTA, which include fine count cotton knitted fabrics for certain apparel, linen, silk, cotton velveteen, fine wale corduroy, Harris Tweed, certain woven fabrics made with animal hairs, certain lightweight, high thread count poly-cotton woven fabrics, and certain lightweight, high thread count broadwoven fabrics used in the production of men's and boy's shirts); and

(5) certified handloomed, handmade and folklore articles.

Certain other apparel articles would be free of duties and of quantitative restrictions up to a specified level of imports. The cap on preferential treatment is 1.5% of total U.S. apparel imports (in square meter equivalents) for the first year of the bill, growing in equal increments in each of the seven succeeding one-year periods, to a maximum of 3.5% of U.S. apparel imports in the last year of the bill. The following apparel articles are eligible for preferential treatment under this cap:

(1) for the first four years of the bill, apparel articles wholly assembled in one or more lesser developed beneficiary sub-Saharan African countries (defined as beneficiary sub-Saharan African countries with a 1998 per capita GNP of less than $1500), without regard to the origin of the fabric; and

(2) apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary countries from yarn originating either in the United States or in one or more beneficiary sub-Saharan African countries (the country of origin of the yarn is to be determined by the rules of origin set forth in section 334 of the Uruguay Round Agreements Act).

The conferees intend that the Secretary of Commerce shall determine and publish in the Federal Register in a timely manner on an annual basis the level of apparel imports (in square meter equivalents) eligible for duty-free treatment under the cap described above for each one year period. The conferees recognize that special program indicators will be necessary to identify apparel articles qualifying for duty-free treatment under the cap. In addition, in order to evaluate the trade liberalizing benefits provided under section 112 of the bill, the conferees encourage special program indicators to be created for all apparel articles covered by the bill.

The bill also provides that import relief in the form of a tariff snapback shall be provided if the Secretary determines that an article qualifying for duty-free treatment under the cap from a single beneficiary sub-Saharan African country is being imported in such increased quantities and under such conditions as to cause ''serious damage, or threat thereof'' to the domestic industry

producing the like or directly competitive article. The conference agreement directs the Secretary of Commerce to conduct inquiries under this section. Under authority delegated by Executive Order 11651, the Committee for the Implementation of Textile Agreements currently supervises the implementation of U.S. bilateral textile and apparel agreements, including making determinations of market disruption due to textile and apparel imports.

Under the bill, the Secretary of Commerce will initiate an inquiry to determine whether import relief is warranted if there has been a surge in imports under the cap from a single beneficiary sub-Saharan African country based on import data. The Secretary of Commerce shall initiate an inquiry upon written request by an interested party, when such request is supported by sufficient evidence. The conferees intend the inquiry into whether import relief is warranted to be open and transparent. Key elements for ensuring an open and transparent process include notice of initiation, opportunity for a hearing open to interested parties (if requested), opportunity for written submissions and responses, and a written, published determination setting forth the reasoning that justifies the determination. The conferees intend the Secretary of Commerce to consider all relevant information received from interested parties. Furthermore, the conferees intend that when the Secretary of Commerce relies on information that is not publicly available, that information should be, to the extent practicable, corroborated with reasonably available information.

For purposes of this section, the term ''interested party'' means any producer of a like or directly competitive article, a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production or sale in the United States of a like or directly competitive article, a trade or business association representing producers or sellers of like or directly competitive articles, producers engaged in the production of essential inputs for like or directly competitive articles, a certified union or group of workers which is representative of an industry engaged in the manufacture, production or sale of essential inputs for the like or directly competitive article, or a trade or business association representing companies engaged in the manufacture, production or sale of such essential inputs.

The conference agreement also authorizes the President to proclaim duty-free and quota-free treatment for fabrics and yarns not available in the United States, in addition to those fabrics and yarns already listed in Annex 401 of the NAFTA. Any interested party may request the President to consider such treatment for additional fabrics and yarns. The requesting party will bear the burden of demonstrating that a change is warranted by providing sufficient evidence. The President must make a determination within 60 calendar days of receiving a request from an interested party.

The Senate recedes to the House on the elimination of existing quotas on textile and apparel articles imported into the United States from Kenya and Mauritius.

With regards to findings and trimmings, the conference agreement states that an article eligible for preferential treatment under section 112 of the bill shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled article. For most apparel imports, findings and trimmings include sewing thread, hooks and eyes, snaps, buttons, ''bow buds'', decorative lace trim, elastic strips, and zippers, including zipper tapes, labels, and certain elastic strips. However, for apparel articles cut and assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, sewing thread is not included in the findings or trimmings exception.

The conference agreement also provides that certain interlinings are eligible for treatment as findings and trimmings. The treatment of interlinings above shall be terminated if the President determines that U.S. manufacturers are providing such interlinings in the United States in commercial quantities.

The conference agreement further provides that an article otherwise eligible for preferential treatment under section 112 shall not be ineligible for such treatment because the article contains fibers or yarns not wholly formed in the United States or 1 or more beneficiary sub-Saharan African countries if the total weight of all such fibers and yarns is not more than 7 percent of the total weight of the article.

SEC. 113. PROTECTIONS AGAINST TRANSSHIPMENT

Present law

The Tariff Act of 1930, as amended, provides for civil monetary penalties for unlawful transshipment. These include penalties under section 1592 for up to a maximum of the domestic value of the imported merchandise or eight times the loss of revenue, as well as denial of entry, redelivery or liquidated damages for failure to redeliver the merchandise determined to be inaccurately represented. In addition, an importer may be liable for criminal penalties, including imprisonment for up to five years, under section 1001 of title 18 of the United States Code for making false statements on import documentation.

House bill

Section 7(c)(1) provides that, pursuant to the WTO Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States from Kenya and Mauritius within 30 days after these countries adopt an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents. The provision requires the Customs Service to provide technical assistance to Kenya and Mauritius in the development and implementation of visa systems.

Section 7(c)(2) requires the President to: (1) continue the existing no quota policy for other countries in sub-Saharan Africa; and (2) submit a report to Congress by March 31 of each year concerning the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury due to the no quota policy.

Section 7(d)(1) states that the President should ensure that any sub-Saharan African country that intends to export textile and apparel goods to the United States: (1) has in place an effective visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and (2) will cooperate fully with the United States to address and take action necessary to prevent circumvention, as provided in Article 5 of the WTO Agreement on Textiles and Clothing.

Section 7(d)(2) requires the President to impose penalties by denying an exporter, or any of its successors, duty-free treatment under this section for textile and apparel articles for a period of two years if the President determines, based on sufficient evidence, that the exporter has willfully falsified information regarding the country of origin, manufacture, processing, or assembly of a textile or apparel article for which duty-free treatment under the GSP program is claimed.

Section 7(d)(3) underscores that all provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws shall apply to imports from sub-Saharan countries.

In order to facilitate close monitoring by the Administration and expanded oversight by the Committee, section 7(d)(4) requires that the Customs Service submit to the Congress, by not later than March 31 of each year, a report on the effectiveness of visa systems required of Kenya and Mauritius and other countries that intend to export textiles and apparel products to the United States, and on measures taken by countries in sub-Saharan Africa to prevent circumvention as described in Article 5 of the WTO Agreement on Textiles and Clothing.

Senate amendment

Section 112(a) of the Senate amendment provides that the preferential treatment accorded to imports of textiles and apparel shall only be extended to beneficiary sub-Saharan African countries that adopt an efficient visa system to guard against transshipment and the use of counterfeit documents, and enact legislation or promulgate regulations to permit transshipment investigations by the U.S. Customs Service.

Section 112(d) directs the Customs Service to provide technical assistance to the beneficiary sub-Saharan African countries for the implementation of these requirements.

Section 112 of the Senate amendment also provides that if an exporter is found to have engaged in transshipment with respect to textile or apparel products from a beneficiary sub-Saharan African country, the President must deny all benefits under section 112 and 111 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter for a period of five years.

Conference agreement

The conference agreement includes provisions from both the House and Senate bills, as well as several additional elements intended to prevent the transshipment of textile and apparel articles from sub-Saharan Africa.

Section 113(a) sets forth the following requirements that beneficiary sub-Saharan countries must satisfy before preferential tariff treatment is extended to the covered textile and apparel articles pursuant to section 112(a):

The country has adopted an effective visa system, domestic laws, and enforcement procedures to prevent unlawful transshipment of the covered articles and the use of counterfeit documents relating to the entry of the articles into the United States. An effective visa system should require documentation supporting the country of origin such as production records, information relating to the place of production, the number and identification of the types of machinery used in the production, the number of employees employed in production, and certification from both the manufacturer and exporter. The conferees also expect that countries adopt and implement domestic laws and procedures consistent with Article 5 of the WTO Agreement on Textiles and Clothing, which obligates countries to establish the necessary legal provisions and/or administrative procedures to address and take action against circumvention.

The country has adopted legislation or regulations to permit verification of information by the U.S. Customs Service. Such laws or regulations should be clear and unambiguous.

The country agrees to report on a timely basis export and import information requested by U.S. Customs. This requirement is not intended to unnecessarily burden beneficiary countries and specifically requires that the requested information be consistent with the manner in which the country keeps those records.

The country cooperates fully with the Customs Service to prevent circumvention and transshipment as provided in Article 5 of the Agreement on Textiles and Clothing. Article 5 of that Agreement establishes that cooperation will include: (1) investigation of circumvention practices; (2) exchange of documents, correspondence, reports, and other relevant information to the extent available; and (3) facilitation of plant visits and contacts. The conferees also intend cooperation and action to include the following: suspending or denying export visas to manufacturers/exporters suspected of transshipping; sharing trade data with the U.S. Customs Service (including import data relating to textile and apparel); performing factory visits in order to verify production (including verification of the commodity produced, the quota category and volume); providing information to U.S. Customs on actions taken by the country relating to production verification, the identity of factories and/or companies suspected of illegal transshipment, further investigation or administrative action, the names of open and producing factories and the types of goods produced, and the names of closed factories; and executing a memorandum of understanding with the United States establishing the commitment of the beneficiary sub-Saharan country to self-policing and sharing enforcement results (including border searches, results of factory verification visits, and administrative penalties assessed against factories and exporters). The United States fully expects that beneficiary sub-Saharan countries will take action against circumvention and implement the cooperation principles in Article 5 of the Agreement, including denial of entry into the beneficiary sub-Saharan country of merchandise suspected of transshipment. The United States will vigorously enforce its rights to deny entry and/or adjust quota charges to reflect the true origin of the transshipped goods.

The country agrees to report on a timely basis, at the request of the Customs Service, documentation establishing the country of origin of covered articles.

Section 113(b)(1) also requires that importers comply with requirements similar in all material respects to the requirements regarding Certificates of Origin contained in Article 502.1 of the North American Free Trade Agreement (NAFTA) for a similar importation from Mexico, and section 113(b)(2) sets forth the exceptions where a certificate of origin is not required.

The conferees believe that transshipment is a serious violation of U.S. laws and undermines the benefits that would otherwise accrue to the beneficiary sub-Saharan African countries. Section 113(b)(3) of the conference agreement incorporates the penalty provisions from the Senate amendment denying for a period of five years all benefits provided under section 112 of this bill to the exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter if the President determines, based on sufficient evidence, that an exporter has engaged in transshipment as defined in paragraph 4 of this section.

Section 113(b)(4) incorporates the definition of transshipment from the Senate amendment. Transshipment is defined to have occurred when preferential treatment for a textile or apparel product has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. False information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment.

Section 113(b)(5) incorporates the House provision requiring the U.S. Customs Service to monitor and report to Congress (on an annual basis beginning no later than March 31) on the effectiveness of the visa systems and measures taken to deter circumvention as described in the Article 5 of the Agreement on Textiles and Clothing.

The conferees also believe that it is important for the U.S. Customs Service to make available technical assistance in preventing transshipment to interested sub-Saharan African countries. Section 113(c) directs U.S. Customs Service to provide technical assistance to beneficiary sub-Saharan countries for the implementation of an effective visa system and domestic laws. Section 113(c) also requires the Customs Service to provide assistance in training sub-Saharan African officials in anti-transshipment enforcement and to the extent feasible, assist such countries in developing and adopting an electronic visa system (ELVIS). The conferees expect that the U.S. Customs Service will provide model laws, regulations, and enforcement procedures and training seminars to beneficiary sub-Saharan countries requesting such assistance.

Finally, the conferees believe that it is critical to provide the Customs Service with additional resources in order to provide technical assistance to sub-Saharan countries as well as for increased transshipment enforcement. Section 113(d) of the conference agreement authorizes $5,894,913.00 for this purpose. The conferees expect the U.S. Customs Service to utilize these resources as follows:

hiring of import specialists to be assigned to selected U.S. ports, strategically placed teams, and the Headquarters textile program, to administer the program and provide oversight;

hiring of inspectors and investigators (Special Agents) to be assigned to selected ports, and to Headquarters textiles program to coordinate and ensure implementation of Textile Production Verification Team results;

hiring of international trade specialists to be assigned at Headquarters to work on illegal textile transshipment policy issues, and to the Strategic Trade Center in New York to work on targeting and risk assessment for illegal transshipment;

increased office space for additional personnel in Hong Kong;

hiring of auditors for internal control and document reviews to audit importers to ensure that they are not engaging in textile and apparel transshipment;

additional travel funds to be used for deployment of additional textile production verification teams (''jump teams'') to sub-Saharan countries as required under the bill and as warranted, based on U.S. Customs risk analysis of suspected illegal textile transshipment;

internal training for Customs personnel; and

training of foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, including training in effective border examination, factory inspection techniques, audit reviews skills, and model laws and regulations; and for outreach to the U.S. Importing Community for voluntary compliance programs and troubleshooting.

The U.S. Customs Service has estimated that its current enforcement against textile and apparel transshipment from sub-Saharan Africa has resulted in over 90% compliance. The conferees believe that the additional resources of $5,594,913.00, used as described above, will enable the U.S. Customs Service to continue, and even increase, this compliance rate after passage of this bill because the U.S. Customs Service will have more resources to continually review, expand, and modify its current practice of transshipment enforcement. The current practices include the use of jump-teams, informants, collection of production information, monitoring and analyzing imports trends, and the use of lists designating persons and companies found to be engaged in transshipping (''592A,'' ''592B,'' and the Administrative List containing the names of convicted foreign factories and foreign factories that have had administrative penalties assessed against them). The U.S. Customs Service will also use information available from private sector groups that monitor trade production activities in assessing risk factors and enforcing transshipment.

SEC. 114. TERMINATION

Present law

The Generalized System of Preferences (GSP) program is authorized through September 30, 2001.

House bill

Section 8 of the House bill establishes the effective dates of the GSP program and the amendments made by this Act as July 1, 1999 through June 30, 2009 for eligible countries in sub-Saharan Africa.

Senate amendment

Section 111 of the Senate amendment extends the regular GSP program for countries in sub-Saharan Africa through September 30, 2006 and establishes October 1, 1999, as the effective date for the enhanced GSP benefits set forth in this section with an expiration date of September 30, 2006.

Conference agreement

The Conference agreement creates a new section 506C in the Trade Act of 1974 extending the regular GSP and enhanced duty-free treatment provided to beneficiary sub-Saharan African countries through September 30, 2008.

SEC. 115. CLERICAL AMENDMENTS

Present law

Title V of the Trade Act of 1974 authorizes the President to extend duty-free treatment to eligible imports from beneficiary developing countries in accordance with the provisions of the title. The table of contents for the Trade Act of 1974 lists the sections contained in each title.

House bill

No provision.

Senate amendment

Section 111 of the Senate amendment amends the table of contents for title V of the Trade Act of 1974 by inserting after the item relating to section 505 the following new items:

506A. Designation of sub-Saharan African countries for certain benefits.

506B. Termination of benefits for sub-Saharan African countries.

Conference agreement

The House recedes to the Senate. The conference agreement also adds a listing for ''Protections against transshipment'' as a new section 506B in the table of contents and redesignating the section on ''Termination of benefits for sub-Saharan African countries'' as a new section 506C.

SEC. 116. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES

Present law

No provision.

House bill

In section 6 of the House bill, Congress declares that a United States-Sub-Saharan Africa Free Trade Area should be established, or free trade agreements entered into, to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa, and increasing private sector development in sub-Saharan Africa.

To this end, section 6 requires the President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations, to develop a plan for entering into one or more trade agreements with eligible sub-Saharan African countries in order to establish a United States-Sub-Saharan Africa Free Trade Area. The plan shall include the following:

(1) the specific objectives of the United States with respect to the establishment of the free trade area and a suggested timetable;

(2) the benefits to both the United States and sub-Saharan Africa with respect to the free trade area;

(3) a mutually agreed-upon timetable for establishing a free trade area;

(4) the implications for and the role of regional and sub-regional organizations in sub-Saharan Africa;

(5) subject matter anticipated to be covered and U.S. laws, programs, and policies, as well as the laws of participating eligible African countries and existing economic cooperation and trade agreements that may be affected; and

(6) procedures to ensure adequate consultation with Congress and the private sector during the negotiations, consultation with the Congress regarding all matters relating to implementing of the agreement(s), approval by the Congress of the agreement(s), and adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement(s).

Not later than 12 months after the date of enactment, the President shall prepare and transmit to Congress a report on the plan developed.

Senate amendment

Section 114 of the Senate amendment requires the President to examine the feasibility of negotiating a free trade agreement (or agreements) with interested sub-Saharan African countries.

Not later than 12 months after the date of enactment of this Act, the President shall submit a report to the Senate Finance Committee and the House Ways and Means Committee regarding the feasibility of negotiating such agreement (or agreements). If the President determines that the negotiation of any such free trade agreement is feasible, the President shall provide a detailed plan for such negotiation that outlines the objectives, timing, any potential benefits to the United States and sub-Saharan Africa, and the likely economic impact of any such agreement.

Conference agreement

By eliminating the barriers that currently exist to developing stronger, mutually beneficial trade and investment relations between the United States and sub-Saharan Africa, the conferees believe that the negotiation of one or more free trade agreements would serve an important catalyst in the economic development of sub-Saharan Africa.

The Senate recedes to the House, with a modification to state that the negotiation of free trade agreements, rather than the establishment of a Free Trade Area, with interested countries in sub-Saharan Africa, is an important catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

Consistent with this policy objective, the conference agreement requires the President to prepare and transmit to Congress a plan for the purpose of negotiating and entering into one or more trade agreements with interested eligible sub-Saharan African countries. The plan shall include the specific objectives of the United States with respect to the negotiations and a suggested timetable, the benefits to both the United States and the relevant sub-Saharan African countries, a mutually agreed upon timetable for the President's report should also include procedures to ensure adequate consultation with Congress and the private sector during the negotiations, consultation with Congress regarding all matters relating to implementation of the free trade agreements, approval by Congress of the agreements, and adequate consultation with the relevant African governments and regional and sub-regional intergovernmental organizations during the negotiations.

The conference agreement also clarifies that the President's report should include procedures to ensure adequate consultation with Congress and the private sector during the negotiations, consultation with Congress regarding all matters relating to implementation of free trade agreements, approval by Congress of the agreements, and adequate consultation with the relevant African governments, and regional and sub-regional intergovernmental organizations during the negotiations.

SEC. 117. ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR AFRICAN AFFAIRS

Present law

Section 141 of the Trade Act of 1974 established within the Executive Office of the President the office of the United States Trade Representative (USTR). The President is directed to appoint a person to head the office and to serve as USTR.

House bill

Section 13 of the House bill expresses the sense of Congress that the position of Assistant United States Trade Representative (AUSTR) for African Affairs is integral to the U.S. commitment to increasing U.S.-sub-Saharan African trade and investment.

The provision requires the President to maintain a position of AUSTR for African Affairs within the Office of USTR to direct and coordinate interagency activities on U.S.-Africa trade policy and investment matters and serve as: (1) a primary point of contact in the executive branch for persons engaged in trade between the U.S. and sub-Saharan Africa; and (2) the chief advisor to the USTR on issues of trade with Africa.

The President shall ensure that the AUSTR for African Affairs has adequate funding and staff to carry out the duties described in this section.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House with a modification. The modification expresses the Sense of Congress that the position of AUSTR should be maintained and is integral to strengthening U.S.-sub-Saharan African trade and economic relations.

The conferees note that since the Office on African American Affairs was created in 1998, the United States has signed several significant trade agreements with sub-Saharan Africa, including a Bilateral Trade and Investment Treaty with Mozambique, and Trade and Investment Framework Agreements with South Africa and Ghana.

The conference agreement reflects the conferees' opinion that the AUSTR for African Affairs should: (1) act as a senior negotiator with sub-Saharan African countries; (2) take a lead role in designating participants in the U.S.-sub-Saharan African Economic and Cooperation Forum; (3) take a lead role in designating sub-Saharan African countries as beneficiary countries; and (4) take a lead role in administering and implementing the trade provisions of this Act.

SUBTITLE C—ECONOMIC DEVELOPMENT RELATED ISSUES

SEC. 121. SENSE OF CONGRESS REGARDING COMPREHENSIVE DEBT RELIEF FOR THE WORLD'S POOREST COUNTRIES

Present law

In FY2000, Congress supported U.S.-led efforts to enhance the Heavily Indebted Poor Countries (HIPC) Initiative by funding roughly one-third of the direct costs to the United States, as well as authorizing the use of IMF internal resources, including earnings on investments of profits of sales of IMF gold, for HIPC debt relief (Consolidated Appropriations Act for FY 2000 H.R. 3194; P.L. 106–113).

House bill

Section 9 of the House bill expresses the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the ''Heavily Indebted Poor Countries'' (HIPC) debt initiative.

It is the sense of the Congress that relief provided to countries in sub-Saharan Africa that qualify for the HIPC debt initiative should be made primarily through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

Senate amendment

In Section 714 of the Senate amendment, Congress makes the following findings:

(1) The burden of external debt has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.

(2) Until recently, the United States Government and other official creditors sought to address this problem by rescheduling loans and in some cases providing limited debt reduction.

(3) Despite such efforts, the cumulative debt of many of the world's poorest countries continued to grow beyond their capacity to repay.

(4) In 1997, the Group of Seven, the World Bank, and the International Monetary Fund adopted the HIPC Initiative, a commitment

by the international community that all multilateral and bilateral creditors, acting in a coordinated and concerted fashion, would reduce poor country debt to a sustainable level.

(5) The HIPC Initiative is currently undergoing reforms to address concerns raised about country conditionality, the amount of debt forgiven, and the allocation of savings realized through the debt forgiveness program to ensure that the Initiative accomplishes the goals of economic growth and poverty alleviation in the world's poorest countries.

(6) Recently, the President requested Congress to provide additional resources for bilateral debt forgiveness and additional United States contributions to the HIPC Trust Fund.

Section 714 expresses the sense of Congress that:

(1) Congress and the President should work together, without undue delay and in concert with the international community, to make comprehensive debt relief available to the world's poorest countries in a manner that promotes economic growth and poverty alleviation;

(2) this program of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) this program of debt relief should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these debt relief agreements should be designed and implemented in a transparent manner and with the broad participation of the citizenry of the debtor country and should ensure that country circumstances are adequately taken into account;

(5) no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in conflict or spends excessively on its military; and

(6) in order to prevent adverse impact on a key industry in many developing countries, the International Monetary Fund must mobilize its own resources for providing debt relief to eligible countries without allowing gold to reach the open market, or otherwise adversely affecting the market price of gold.

Conference agreement

The House recedes to the Senate with minor technical modifications.

SEC. 122. EXECUTIVE BRANCH INITIATIVES

Present law

No provision.

House bill

In section 10 of the House bill Congress recognizes that the stated policy of the executive branch in 1997, the ''Partnership for Growth and Opportunity in Africa'' initiative, is a step toward the establishment of a comprehensive trade and development policy for sub-Saharan Africa. It is the sense of the Congress that this Partnership is a companion to the policy goals set forth in this Act.

Section 10 provides that in addition to continuing bilateral and multilateral economic and development assistance, the President shall target technical assistance toward:

(1) developing relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks;

(2) providing assistance to the governments of sub-Saharan African countries to:

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the WTO in conjunction with membership in that Organization;

(C) make financial and fiscal reforms; and

(D) promote greater agribusiness linkages;

(3) addressing such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities;

(4) increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa;

(5) increasing trade in services; and

(6) encouraging greater sub-Saharan participation in future negotiations in the WTO on services and making further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 123. OVERSEAS PRIVATE INVESTMENT CORPORATION INITIATIVES

Present law

Title IV of Part I of the Foreign Assistance Act of 1961, as amended, (Public Law 87–195) established the Overseas Private Investment Corporation (OPIC), a Board of Directors for the Corporation, consisting of 15 members, and authorized the corporation to create equity funds.

House bill

Section 11 of the House bill expresses the sense of the Congress that OPIC should use its current authorities to initiate an equity fund or funds in support of projects in the countries in sub-Saharan Africa, in addition to the existing equity fund for sub-Saharan Africa created by the Corporation. The provision specifies how each fund should be structured, capitalized and implemented.

Section 12 of the bill amends Section 233 of the Foreign Assistance Act of 1961 to direct the OPIC Board to form an advisory committee to develop and implement policies, programs and financial instruments with respect to sub-Saharan Africa. It directs the advisory committee to make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. And it also provides for the termination of the committee four years after the date of enactment and for a report on the steps that the Board has taken to implement the committee's recommendations six months after the date of enactment and annually thereafter for the next four years.

Senate bill

No provision.

Conference agreement

The Senate recedes to the House with a slightly modified provision changing the name of the advisory committee to the investment advisory council. In addition, the conference agreement specifies that the OPIC Board shall take measures to increase the loan, guarantee and insurance programs, and financial commitments of the corporation in sub-Saharan Africa, including through the use of an investment advisory council to assist the Board in developing and implementing programs and policies for sub-Saharan Africa.

SEC. 124. EXPORT-IMPORT BANK INITIATIVES

Present law

The Export-Import Bank is advised by a sub-Saharan Africa Advisory Committee (SAAC) on the expansion of its activities in sub-Saharan Africa.

House bill

Section 12(b) of the House bill would establish a SAAC for the Bank.

Senate amendment

No provision.

Conference agreement

The conference agreement strikes section 12(b) of the House bill in its entirety, since an advisory committee was created previously by the Export-Import Bank Reauthorization Act of 1997 (P.L. 105–121). Instead, the conference agreement expresses the sense of Congress that the Export-Import Bank should continue to take measures to promote the expansion of the Bank's commitments in sub-Saharan Africa. The conference provision also commends the SAAC for aiding the Bank in doubling the number of sub-Saharan African countries in which the Bank is open, and by increasing by tenfold the Bank's support for sales to sub-Saharan Africa from fiscal year 1998 to fiscal year 1999.

SEC. 125. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA

Present law

No provision.

House bill

Section 14 of the House bill would make a number of findings regarding the Service's presence in sub-Saharan Africa and direct the Service to expand its presence in that region. It also would require the Service to identify new market opportunities and barriers thereto, and to make efforts to facilitate U.S. entry into those markets, with an annual report on such efforts to Congress.

Senate amendment

No provision.

Conference agreement

The conference agreement adopts a modified version of the House provision that directs the International Trade Administration (ITA), rather than the Service, to carry out the market entry and barrier identifications and make those identifications publicly available. The ITA, which already undertakes trade-related research efforts, is better suited to carrying out this initiative.

SEC. 126. DONATION OF AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES

Present law

No provision.

House bill

Section 16 of the House bill expresses the sense of the Congress that, to the extent appropriate, the U.S. Government should make every effort to donate to governments of sub-Saharan African countries (determined to be eligible under section 4 of this Act) air traffic control equipment that is no longer in use, including appropriate related reimbursable technical assistance.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 127. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA

Present law

Section 496 of Chapter 10 of the Foreign Assistance Act of 1961 established the Development Fund for Africa (DFA) to promote the participation of Africans in long term sustainable development. Title V of the International Security and Cooperation Act of

1981 established the African Development Foundation (ADF) in order to provide assistance aimed at promoting economic opportunities and community development in Africa.

House bill

Section 17 of the House bill expresses the sense of Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

In section 17 of the House bill, Congress makes the following declarations:

(1) The DFA established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The DFA will complement the other provisions of this Act and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Supporting democratization, good governance and civil society and conflict resolution efforts.

(D) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(E) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(F) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(G) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(H) Ensuring sustainable economic growth through environmental protection.

(4) The ADF has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The ADF has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The ADF should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this Act.

In addition, section 17 of the House bill amends section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) by:

(A) redesignating paragraph (3) as paragraph (4); and

(B) inserting after paragraph (2) the following:

(3) Democratization and conflict resolution capabilities.—Assistance under this section may also include program assistance—

(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.

Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking paragraphs (1) and (2) in the first sentence and inserting paragraphs (1), (2), and (3).

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 128. ASSISTANCE FROM UNITED STATES PRIVATE SECTOR TO PREVENT AND REDUCE HIV/AIDS IN SUB-SAHARAN AFRICA

Present law

No provision.

House bill

Section 18 of the House bill expresses the sense of Congress that U.S. businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, U.S. businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 129. SENSE OF THE CONGRESS RELATING TO HIV/AIDS CRISIS IN SUB-SAHARAN AFRICA

Present law

No provision.

House bill

In section 19 of the House bill, Congress finds that:

(1) Sustained economic development in sub-Saharan Africa depends in large measure upon successful trade with and foreign assistance to the countries of sub-Saharan Africa.

(2) The HIV/AIDS crisis has reached epidemic proportions in sub-Saharan Africa, where more than 21,000,000 men, women, and children are infected with HIV.

(3) 83 percent of the estimated 11,700,000 deaths from HIV/AIDS worldwide have been in sub-Saharan Africa.

(4) The HIV/AIDS crisis in sub-Saharan Africa is weakening the structure of families and societies.

(5)(A) The HIV/AIDS crisis threatens the future of the workforce in sub-Saharan Africa.

(B) Studies show that HIV/AIDS in sub-Saharan Africa most severely affects individuals between the ages of 15 and 49—the age group that provides the most support for the economies of sub-Saharan African countries.

(6) Clear evidence demonstrates the HIV/AIDS is destructive to the economies of sub-Saharan African countries.

(7) Sustained economic development is critical to creating the public and private sector resources in sub-Saharan Africa necessary to fight the HIV/AIDS epidemic.

Section 19 of the House bill expresses the sense of Congress that:

(1) addressing the HIV/AIDS crisis in sub-Saharan Africa should be a central component of U.S. foreign policy with respect to sub-Saharan Africa;

(2) significant progress needs to be made in preventing and treating HIV/AIDS in sub-Saharan Africa in order to sustain a mutually beneficial trade relationship between the United States and sub-Saharan African countries; and

(3) the HIV/AIDS crisis in sub-Saharan Africa is a global threat that merits further attention through greatly expanded public, private, and joint public-private efforts, and through appropriate U.S. legislation.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SEC. 130. STUDY ON IMPROVING AFRICAN AGRICULTURAL PRACTICES

Present law

No provision.

House bill

No provision.

Senate amendment

Section 716 of the Senate amendment authorizes the USDA, in consultation with the American Land Grant Colleges and Universities and not-for-profit international organization, to conduct a two-year study on ways to improve the flow of American farming techniques and practices to African farmers. The study conducted by the USDA shall include an examination of ways of improving or utilizing:

(1) knowledge of insect and sanitation procedures;

(2) modern farming and soil conservation techniques;

(3) modern farming equipment (including maintaining the equipment);

(4) marketing crop yields to prospective purchasers; and

(5) crop maximization practices.

The study shall be submitted to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than September 30, 2001.

The USDA is encouraged to consult with American Land Grant Colleges and not-for-profit international organizations that have firsthand knowledge of current African farming practices.

There is authorized to be appropriated $2,000,000 to conduct the study.

Conference agreement

The House recedes to the Senate, with a modification to delete the authorization of funds.

SEC. 131. SENSE OF THE CONGRESS REGARDING EFFORTS TO COMBAT DESERTIFICATION IN AFRICAN AND OTHER COUNTRIES

Present law

No provision.

House bill

No provision.

Senate amendment

In section 718 of the Senate amendment, Congress finds that:

(1) desertification affects approximately one-sixth of the world's population and one-quarter of total land area;

(2) over 1,000,000 hectacres of Africa are affected by desertification;

(3) dryland degradation is an underlying cause of recurrent famine in Africa;

(4) the United Nations Environmental Programme estimates that desertification costs the world $42,000,000,000 a year, not including incalculable costs in human suffering; and

(5) the United States can strengthen its partnership throughout Africa and other nations affected by desertification, help alleviate social economic crises caused by misuse of natural resources, and reduce dependence on foreign aid, by taking a leading role to combat desertification.

Section 718 of the Senate amendment expresses of the sense of the Senate that the United States should expeditiously work with the international community, particularly Africa and other nations affected by desertification to:

(1) strengthen international cooperation to combat desertification;

(2) promote the development of national and regional strategies to address desertification and increase public awareness of this serious problem and its effects;

(3) develop and implement national action programs that identify the causes of desertification and measures to address it; and

(4) recognize the essential role of local governments and nongovernmental organizations in developing and implementing measures to address desertification.

Conference agreement

The House recedes to the Senate with a technical modification to express the sense of the Congress instead of the sense of the Senate.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

SUBTITLE A—TRADE POLICY FOR CARIBBEAN BASIN COUNTRIES

SEC. 201. SHORT TITLE

Present law

No provision.

House bill

No provision, but Section 1 of H.R. 984, as approved by the Committee on Ways and Means, provides that the subtitle may be cited as the Caribbean and Central America Relief and Economic Stabilization Act (CCARES).

Senate amendment

Section 201 of the Senate bill provides that the subtitle may be cited as the Caribbean Basin Trade Enhancement Act (CBTEA)

Conference agreement

The Title of the Act is the Caribbean Basin Trade Partnership Act.

SEC. 202. FINDINGS AND POLICY

Present law

The Caribbean Basin Initiative (CBI) program was established by the Caribbean Basin Economic Recovery Act (CBERA), which was enacted on August 5, 1983. This legislation authorized the President to grant duty-free treatment to imports of eligible articles from designated Caribbean countries. The basic purpose of the CBI program, as originally proposed by President Ronald Reagan, was to respond to an economic crisis in the Caribbean by encouraging industrial development primarily through preferential access to the U.S. market. The goal was to promote political and social stability in a strategically important region. CBI trade benefits were made permanent in 1990.

House bill

No provision, however Section 2 of H.R. 984, as approved by the Committee on Ways and Means makes Congressional findings relating to the damage caused to the Caribbean Basin region by Hurricanes Mitch and George and states that United States assistance to the region should focus on, in addition to the short-term disaster assistance, long-term solutions for a successful economic recovery of Central America and the Caribbean. Finally the findings state that the Caribbean Basin Economic Recovery Act has represented a permanent and successful commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

Section 102 of H.R. 984, as approved by the Committee on Ways and Means, states that it is, therefore, the policy of the United States to: (1) offer Caribbean Basin beneficiary countries tariff and quota treatment equivalent to that accorded to products of NAFTA countries, and to seek the accession of these partnership countries to NAFTA or a free trade agreement comparable to NAFTA at the earliest possible date, with the goal of achieving full NAFTA participation by all Caribbean countries by January 1, 2005; and (2) assure that the domestic textile and apparel industry remains competitive in the global marketplace by encouraging the formation and expansion of ''partnerships'' between the textile and apparel industry of the United States and the textile and apparel industry of various countries located in the Western Hemisphere.

Senate amendment

The Senate bill contains similar Congressional findings.

Section 202(b) of the Senate bill states that it is the policy of the United States to: (1) offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or a comparable trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and (2) seek the participation of Caribbean Basin beneficiary countries in the FTAA or a trade agreement comparable to the FTAA at the earliest possible date, with the goal of achieving full participation in such an agreement not later than 2005.

Conference agreement

The findings contained in section 2 of the conference agreement set out the underlying rationale for expansion of the CBI program. This section describes the conferees' agreement that the U.S. response to the devastation caused by Hurricanes Mitch and Georges should include, in addition to short-term disaster assistance, a long-term mechanism to promote economic recovery in Central America and the Caribbean. Based on the successful record of the Caribbean Basin Initiative, the Conferees believe that economic recovery will be achieved most effectively by enhancing the region's opportunities to expand its international trade with important trading partners such as the United States.

The success of the CBI program indicates that increasing international trade with the CBI region will also promote the growth of United States exports, decrease illegal immigration, and improve regional cooperation in efforts to fight drug trafficking. Finally, the conferees intend that this bill foster increased opportunities for U.S. companies in the textile and apparel sector to expand co-production arrangements with countries in the CBI region, thereby sustaining and preserving manufacturing operations in the United States that would otherwise be relocated to the Far East.

SEC. 203. DEFINITIONS

Section 3 defines several terms used in the bill.

SUBTITLE B—TRADE BENEFITS FOR CARIBBEAN BASIN COUNTRIES

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES

Present law

Under the CBERA, imports from CBI beneficiary countries, except for certain products that are statutorily excluded, are granted duty-free treatment, subject to specific eligibility requirements. Statutorily excluded articles are ineligible for duty-free treatment under the CBI. These excluded products are: textile and apparel articles that are subject to textile agreements, canned tuna, petroleum and petroleum products, footwear, handbags, luggage, flat goods, work gloves, and leather-wearing apparel. Also excluded are certain watches and watch products.

Under NAFTA, imports of these products from Mexico (excluded from CBI and listed above) receive either declining tariff or duty-free and quota-free treatment. Chapter Four of NAFTA establishes rules of origin for identifying goods that are to be treated as ''originating in the territories of NAFTA parties'' and are therefore eligible for preferential treatment accorded to originating goods under NAFTA, including reduced duties and duty-free and quota-free treatment.

House bill

No provision, however section 104 of the H.R. 984 amends section 213(b) of the CBERA to provide tariff and quota treatment on imports from CBI beneficiary countries of excluded articles that is identical to tariff and quota treatment accorded like articles imported from Mexico under NAFTA during a temporary period ending on the date that either NAFTA accession or a reciprocal free trade agreement enters into force with the partnership country, or on the fifth anniversary of the temporary treatment, whichever is earlier.

Section 104 of the bill provides that NAFTA tariff and quota treatment would apply to CBI articles that meet NAFTA rules of origin (treating the United States and CBI beneficiary countries as ''parties'' under the agreement for this purpose). Customs procedures applicable to exporters under NAFTA also must be met for partnership countries to qualify for parity treatment. Imports of articles currently excluded under CBI, which do not meet the conditions of NAFTA parity, would continue to be excluded from the CBI program.

Senate amendment

The Senate bill applies NAFTA tariff treatment to all excluded products, with the exception of textiles and apparel which are treated separately as described below.

Conference agreement

NAFTA tariff treatment applies to goods excluded from CBI, except to textiles and apparel. More specifically, for imports of canned tuna, petroleum and petroleum products, footwear, handbags, luggage, flat goods, work gloves, and leather-wearing apparel, the conference agreement provides an immediate reduction in tariffs equal to the preference Mexican products enjoy under NAFTA. The applicable duty paid by importers on such goods would be equal to the duty applicable to the same goods if entered from Mexico. In order for their products to qualify for the preferences afforded under this Act, whether applied to textiles and apparel or other products, the beneficiary country must comply with customs procedures equivalent to those required under the NAFTA.

TREATMENT OF TEXTILE AND APPAREL IMPORTS FROM CARIBBEAN COUNTRIES AND MEXICO

A. GAL PROGRAM AND ''807'' TARIFF TREATMENT

Present law

The ''Special Access Program for Textiles,'' established by regulation in February 1986, provides flexible Guaranteed Access Levels (GALs) to the United States market for textile or apparel and ''made up'' textile product categories (not fabric, yarn, or other textile products) assembled in CBI countries from fabrics wholly formed and cut in the United States, under bilateral agreements. GALs (also known as ''807A'') are separate limits from (and usually significantly higher than) standard quota levels, and are generally increased upon request of the exporting country.

Imports under item 9802.00.80 of the U.S. Harmonized Tariff Schedule (HTS) (previously item 807), which are assembled abroad from U.S.-fabricated components, including apparel assembled in Caribbean countries from fabric cut in the United States, are assessed duty only on the value-added abroad. Under NAFTA, Mexico receives duty-free and quota-free treatment on articles assembled from U.S.-formed and cut fabric.

Certain textile and apparel articles from major supplying CBI countries are subject to import quotas under bilateral agreements negotiated on a product-category basis under authority of section 204 of the Agricultural Act of 1956 and in accordance with the Uruguay Round Agreement on Textiles and Clothing. Articles under quota may be assembled from U.S. and/or foreign components.

House bill

No provision, but under section 104 of H.R. 984, as approved by the Committee on Ways and Means, imports of textile and apparel articles from CBI partnership countries that meet NAFTA rules of origin would receive tariff treatment equivalent to such goods originating in Mexico and would enter quota-free. Under H.R. 984, there would be no change in the treatment of non-originating textile products currently subject to import quotas under bilateral and multilateral textile agreements.

Section 104 of H.R. 984 eliminates import restraint levels and duties on textile and apparel articles: 1) assembled in a partnership country from fabrics wholly formed and cut in the United States from yarns formed in the United States; 2) cut and assembled in a partnership country from fabrics wholly formed in the United States, from yarns wholly formed in the United States; 3) knit-to-shape in a partnership country from yarns wholly formed in the United States; or 4) made in a partnership country from fabric knit in a partnership country from yarn wholly formed in the United States. Handmade, hand-loomed and folklore articles of the region also qualify for duty-free and quota-free treatment.

Senate amendment

The Senate bill provides no preferential treatment for textile products, with the exception of certain hand-made, hand-loomed and folklore articles and certain textile luggage. With respect to apparel products, duty-free, quota-free treatment applies to those products listed below. Section 101 of the Senate bill would extend immediate duty-free and quota-free treatment to the following apparel products:

(1) apparel articles assembled in an eligible CBI beneficiary country from U.S. fabrics wholly formed from U.S. yarns and cut in the United States that would enter the United States under Harmonized Tariff Schedule (HTS) item number 9802.00.80 (a provision that otherwise allows an importer to pay duty solely on the value-added abroad when U.S. components are shipped abroad for assembly and re-imported into the United States);

(2) apparel articles entered under chapters 61 and 62 of the HTS where they would have qualified for HTS 9802.00.80 treatment but for the fact that the articles were subjected to certain types of washing and finishing;

(3) apparel articles cut and assembled in the eligible CBI country from U.S. fabric formed from U.S. yarn and sewn in the Caribbean with U.S. thread;

(4) handloomed, handmade and folklore articles originating in the CBI beneficiary country;

(5) textile luggage assembled in an eligible CBI beneficiary country from U.S. fabrics wholly formed from U.S. yarns and cut in the United States that would enter the United States under Harmonized Tariff Schedule (HTS) item number 9802.00.80; and

(6) textile luggage cut and assembled in the eligible CBI country from U.S. fabric formed from U.S. yarn and sewn in the Caribbean with U.S. thread.

The Senate intends that this new program of textile and apparel benefits will be administered in a manner consistent with the regulations that apply under the ''Special Access Program'' for textile and apparel articles from Caribbean and Andean Trade Preference Act countries, as described in 63 Fed. Reg. 16474–16476 (April 3, 1998). Thus, the requirement that products must be assembled from fabric formed in the United States applies to all textile components of the assembled products, including linings and pocketing, subject to the exceptions that currently apply under the ''Special Access Program.''

Conference agreement

The House recedes with an amendment that provides duty-free, quota-free treatment to the following apparel products:

(1) apparel articles assembled in a CBTPA country from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States that are (I) entered under subheading 9802.00.80 of the HTS or (II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes;

(2) apparel articles cut in a CBTPA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in such country with thread formed in the United States;

(3) certain apparel articles knit-to-shape (other than socks provided for in heading 6115 of the HTS) in a CBTPA beneficiary country from yarns wholly formed in the United States, and knit apparel articles (other than certain T-shirts, as described below) cut and wholly assembled in one or more CBTPA beneficiary countries from fabric formed in one or more CBTPA beneficiary countries or the United States from yarns wholly formed in the United States, in an amount not to exceed 250 million square meter equivalents (SMEs) during the 1-year period beginning on October 1, 2000. That amount will increase by 16 percent, compounded annually, in each succeeding 1-year period through September 30, 2004. In each 1–year period thereafter through September 30, 2008, the amount will be the amount that was in effect for the 1-year period ending on September 30, 2004, or such other amount as may be provided by law. For T-shirts, other then underwear T-shirts, the amount eligible for duty-free, quota-free treatment is 4.2 million dozen during the 1–year period beginning on October 1, 2000. That amount will be increased by 16 percent, compounded annually, in each succeeding 1–year period through September 30, 2004 and thereafter will be the amount in effect for the period ending on September 30, 2004, or such other amount as may be provided by law. The conference agreement provides that it is the sense of Congress that the Congress should determine, based on the record of expansion of exports from the United States as a result of the preferential treatment of articles under this provision, the percentage by which the amounts referred to above with respect to knit-to-shape articles and T-shirts should be compounded for the one-year periods occurring after the period ending on September 30, 2004;

(4) certain brassieres, subject to the requirements set forth in the Act;

(5) certain articles assembled from fibers, yarns or fabric not widely available in commercial quantities, with reference to the relevant provisions of the NAFTA; the conference agreement also authorizes the President to extend duty-free and quota-free treatment to certain other fibers, fabrics and yarns. Any interested party may submit to the President a request for extension of benefits to fibers, fabrics and yarns not available. The requesting party will bear the burden of demonstrating that a change is warranted by providing sufficient evidence. The President must make a determination within 60 calendar days of receiving a request from an interested party;

(6) certain handloomed, handmade and folklore articles; and

(7) certain textile luggage, as described in the legislation.

The conference agreement establishes certain special rules:

(1) Findings and trimmings.—Articles otherwise eligible for preferential treatment shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. However, sewing thread shall not be treated as a finding or trimming for purposes of apparel articles cut in a CBTPA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States, where preferential treatment is contingent upon assembly with thread formed in the United States

(2) Interlinings.—Articles otherwise eligible for preferential treatment shall not be ineligible for such treatment because the articles contain certain interlinings, as described in the legislation, of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled articles. This rule will not apply if the President determines that United States manufacturers are producing such interlinings in the United States in commercial quantities;

(3) De Minimis.—An article otherwise ineligible for preferential treatment because the article contains fibers or yarns not wholly formed in the United States or in 1 or more beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good. However, in order for an apparel article containing elastomeric yarns to be eligible for preferential treatment, such yarns must be wholly formed in the United States.

The conferees agree that offering trade benefits to CBI countries for certain apparel

products would be a valuable mechanism to promote long-term economic growth by enhancing the region's opportunities to expand trade with the United States. At the same time, the conferees believe these provisions would promote growth of U.S. exports and the use of U.S. fabric, yarn and cotton.

(4) Special Origin Rule.—An article otherwise eligible for preferential treatment shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn), if entered under certain tariff headings from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995. The House position would have encompassed these articles. The Senate rule of origin would have precluded eligibility. The Senate recedes.

B. TRADE PREFERENCE LEVELS (TPLS)

Present law

Appendix 6(B) of NAFTA provides a limited exception to NAFTA rules of origin for textile and apparel goods. The exception takes the form of Tariff Preference Levels (TPLs), under which specific quantities of goods from each NAFTA country that do not meet NAFTA ''yarn-forward'' rules of origin will nonetheless be accorded NAFTA preferential tariff rates. Imports of such goods that exceed these quantities will be subject to Normal Trade Relations (NTR) duty rates. Under NAFTA, TPLs are available for three broad categories of products: (1) cotton or man-made apparel; (2) wool apparel; and, (3) goods entered under subheading 9802.00.80 of the HTS.

House bill

No provision. But Section 104(2)(B)(i) of H.R. 984, as passed by the Committee on Ways and Means authorizes USTR to establish TPLs for Caribbean textile and apparel products which are similar to those established for Mexican textile and apparel products in NAFTA. After consulting with the domestic industry and other interested parties, USTR is authorized to establish TPLs in the following categories at specified levels: not more than 45,000,000 square meter equivalents of cotton or man-made fiber apparel; not more 1,500,000 square meter equivalents of wool apparel; and, not more than 25,000,000 square meter equivalents of goods entered under subheading 9802.00.80 of the HTS.

Senate amendment

No provision.

Conference agreement

No provision.

2. EFFECTIVE DATE AND TERMINATION OF TEMPORARY TREATMENT

Present law

CBI trade benefits were made permanent in 1990.

House bill

No provision, however under section 104, of H.R. 984 a temporary transitional period would begin upon date of enactment and end on the date that either NAFTA accession or a reciprocal free trade agreement enters into force with the partnership country, or on December 31, 2004, whichever is earlier.

Senate amendment

The Senate bill establishes a temporary transitional period of 51 months beginning on October 1, 2000, and ending on December 31, 2004.

Conference agreement

The Conference agreement establishes a transition period that begins on October 1, 2000 and ends on the earlier of September 30, 2008, or the date on which the Free Trade Area of the Americas or another free trade agreement as described in the legislation enters into force with respect to the United States and the CBTPA beneficiary country.

3. DESIGNATION CRITERIA

Present law

In determining whether to designate any country as a CBI beneficiary country, the President must take into account 7 mandatory and 11 discretionary criteria, which are listed in section 212 of the CBERA:

(1) whether the country is a Communist country;

(2) whether the country has nationalized, expropriated, or otherwise seized ownership or control of U.S. property (including intellectual property), unless he determines that prompt, adequate, and effective compensation has been or is being made, or good faith negotiations to provide such compensation are in progress, or the country is otherwise taking steps to discharge its international obligations, or a dispute over compensation has been submitted to arbitration;

(3) whether the country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of U.S. citizens;

(4) whether the country affords ''reverse'' preferences to developed countries and whether such treatment has or is likely to have a significant adverse effect on U.S. commerce;

(5) whether a government-owned entity in the country engages in the broadcast of copyrighted material belonging to U.S. copyright owners without their express consent or the country fails to work toward the provision of adequate and effective intellectual property rights;

(6) whether the country is a signatory to an agreement regarding the extradition of U.S. citizens;

(7) whether the country has or is taking steps to afford internationally recognized worker rights to workers in the country;

(8) an expression by the country of its desire to be designated;

(9) the economic conditions in the country, its living standards, and any other appropriate economic factors;

(10) the extent to which the country has assured the United States it will provide equitable and reasonable access to its markets and basic commodity resources;

(11) the degree to which the country follows accepted rules of international trade under the World Trade Organization;

(12) the degree to which the country uses export subsidies or imposes export performance or local content requirements which distort international trade;

(13) the degree to which the trade policies of the country are contributing to the revitalization of the region;

(14) the degree to which the country is undertaking self-help measures to protect its own economic development;

(15) the extent to which the country provides under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive intellectual property rights;

(16) the extent to which the country prohibits its nationals from engaging in the broadcast of copyrighted material belonging to U.S. copyright owners without their express consent; and

(17) the extent to which the country is prepared to cooperate with the United States in the administration of the Act.

Under the CBERA, the President is prohibited from designating a country a beneficiary country if any of criteria (1)–(7) apply to that country, subject to waiver, if the President determines that country designation will be in the U.S. national economic or security interest. The waiver does not apply to criteria (4) and (6). Criteria (8)–(18) are discretionary. Under the CBERA, criteria on (7) is included as both mandatory and discretionary.

House bill

No provision, however H.R. 984, as approved by the Committee on Ways and Means, makes no change in country designation criteria established in the CBERA.

Senate amendment

Under the Senate bill, eligibility for the new trade benefits is left to the discretion of the President, but the proposal would provide specific guidance as to the criteria the President should apply in making that determination. The starting point under the Senate bill is compliance with the eligibility criteria set out in the original CBERA. The Senate bill would add certain trade-related criteria, such as the extent to which the beneficiary country fully implements the various Uruguay Round agreements, whether the beneficiary country affords adequate intellectual property protection and protection to U.S. investors, and the extent to which the country applies internationally accepted rules on government procurement and customs valuation.

This section of the Senate bill also adds other criteria that reflect important U.S. initiatives. They include, among others, the extent to which the country has become a party to and implements the Inter-American Convention Against Corruption, is or becomes a party to a convention regarding the extradition of its nationals, satisfies the criteria for counter-narcotics certification under section 490 of the Foreign Assistance Act of 1961, and provides internationally recognized worker rights.

Conference agreement

The conference agreement provides that the President, in designating a country as eligible for the enhanced CBTPA benefits, shall take into account the existing eligibility criteria established under CBERA, as well as other appropriate criteria, including whether a country has demonstrated a commitment to undertake its WTO obligations and participate in negotiations toward the completion of the FTAA or comparable trade agreement, the extent to which the country provides intellectual property protection consistent with or greater than that afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights, the extent to which the country provides internationally recognized worker rights, whether the country has implemented its commitments to eliminate the worst forms of child labor, the extent to which a country has taken steps to become a party to and implement the Inter-American Convention Against Corruption, and the extent to which the country applies transparent, nondiscriminatory and competitive procedures in government procurement equivalent to those included in the WTO Agreement on Government Procurement and otherwise contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

In evaluating a potential beneficiary's compliance with its WTO obligations, the conferees expect the President to take account of the extent to which the country follows the rules on customs valuation set forth in the WTO Customs Valuation Agreement. With respect to intellectual property protection, it is the intention of the conferees that the President will also take into account the extent to which potential beneficiary countries are providing or taking steps to provide protection of intellectual property rights comparable to the protections provided to the United States in bilateral intellectual property agreements.

In evaluating a potential beneficiary's performance with respect to the existing eligibility criteria under CBERA, the conferees expect that the President will take into account, in evaluating a potential beneficiary's performance with respect to subsections (b)(2) and (c)(5) of section 212 of CBERA, the extent that beneficiary countries are providing or taking steps to provide protection of investment and investors comparable to the protection provided to the United States in bilateral investment treaties. And with respect to evaluating a potential beneficiary's performance with respect to subsection (c)(3) of CBERA relating to market access, the conferees intend that the President shall take into account the extent to which the country provides the United States and other WTO members nondiscriminatory, equitable, and reasonable market access with respect to the products that will receive the enhanced benefits provided under the CBTPA.

4. GENERAL REVIEW OF COUNTRIES

Present law

Section 212(f) of the CBERA requires the President to submit to the Congress every three years a complete report regarding the operation of the CBI program, including the results of a general review of beneficiary countries.

House bill

No provision, however section 104 of H.R. 984 amends section 212(f) of the CBERA to provide that the next review take place one year after the effective date of H.R. 984 and subsequent reviews occur at three year intervals thereafter. The bill requires the President to report to Congress on a triennial basis regarding the benefits accorded under the terms of H.R. 984. The review will be based on the 18 eligibility criteria listed in section 212 of the CBERA, as further interpreted by the bill. These criteria address such issues as intellectual property protection, investment protection, market access, worker rights, cooperation in administering the program, and the degree to which the country follows accepted rules of international trade provided for under the World Trade Organization. The President may determine, based on the review, whether to withdraw, suspend, or limit new parity benefits. Existing authority in the CBERA would continue to withdraw, suspend, or limit current benefits at any time based on the criteria under existing laws.

Senate amendment

No provision.

Conference Agreement

No provision.

5. SAFEGUARDS

Present law

The import relief procedures and authorities under sections 201–204 of the Trade Act of 1974 apply to imports from CBI beneficiary countries, as they do to imports from other countries. If CBI imports cause serious injury, or threat of such injury, to the domestic industry producing a like or directly competitive article, section 213(e) of the CBERA authorizes the President to suspend CBI duty-free treatment and proclaim a rate of duty or other relief measures.

Under NAFTA, the United States may invoke a special safeguard provision at any time during the tariff phase-out period if a NAFTA-origin textile or apparel good is being imported in such increased quantities and under such conditions as to cause ''serious damage, or actual threat thereof,'' to a domestic industry producing a like or directly competitive good. The President is authorized to either suspend further duty reductions or increase the rate of duty to the NTR rate for up to three years. The NAFTA also provides for a ''quantitative restriction'' safeguard, which the United States or Mexico may invoke against ''non-originating'' textile or apparel goods, using the standard of ''serious damage, or actual threat thereof.''

House bill

Under H.R. 984, normal safeguard authorities under CBERA would apply to imports of all products except textiles and apparel. The NAFTA equivalent safeguard authorities would apply to imports of textile and apparel products from CBI countries, except that, under the bill, the United States, if it applied a safeguard action, would not be obligated to provide equivalent trade liberalizing compensation to the exporting country.

Senate amendment

Identical provision except that the Senate bill does not contain provide a ''quantitative restriction'' safeguard.

Conference agreement

Senate provision.

6. TERMINATION OR WITHDRAWAL OF BENEFITS

Present law

The President may withdraw or suspend designation of any beneficiary country or withdraw, suspend, or limit the application of duty-free treatment to any article from any country if he determines that, as a result of changed circumstances, the country is not meeting criteria set forth in the statute for beneficiary country designation. The President must publish at least 30-days advance notice of the proposed action. The U.S. Trade Representative shall accept written public comments and hold a public hearing on the proposed action.

House bill

No provision. But under H.R. 984, all country designation criteria apply as under the CBERA. The President may withdraw, suspend, or limit the application of duty-free or preferential quota treatment to any article if he determines the country or the product, based on changed circumstances, should be barred from eligibility. The bill makes no change in the President's authority to withdraw, suspend, or limit current benefits under the CBERA at any time.

Senate amendment

The Senate bill provides that the President may withdraw or suspend the designation of a CBERA beneficiary country or withdraw, suspend, or limit duty-free treatment if, as a result of changed circumstances, the country no longer satisfies the mandatory eligibility criteria or fails adequately to meet one or more of the discriminatory criteria.

The Senate bill also provides that the President may withdraw or suspend the designation of CBTEA beneficiary country or CBTEA benefits if the President determines that, as result of changed circumstances, the country's performance is not satisfactory under the CBTEA eligibility criteria.

Conference agreement

The Conference Agreement merges the House and Senate provisions. The Conferees believes that it is appropriate to retain broad authority for the President to withdraw, suspend, or limit benefits under the CBERA and to provide similar authority for the President with respect to the new trade benefits under the bill.

D. CUSTOMS PROCEDURES AND PENALTIES FOR TRANSSHIPMENT

Present law

Under the NAFTA, Parties to the Agreement must observe Customs procedures and documentation requirements, which are established in Chapter 5 of NAFTA. Requirements regarding Certificates of Origin for imports receiving preferential tariffs are detailed in Article 502.1 of NAFTA.

House bill

No provision, but H.R. 984, as approved by the Committee on Ways and Means, requires the Secretary of the Treasury to prescribe regulations that require, as a condition of entry, that any importer of record claiming preferential tariff treatment for textile and apparel products under the bill must comply with requirements similar in all material respects to the requirements regarding Certificates of Origin contained in Article 502.1 of NAFTA, for a similar importation from Mexico. In addition, if an exporter is determined under the laws of the United States to have engaged in illegal transshipment of textile or apparel products from a partnership country, then the President shall deny all benefits under the bill to such exporter, and to any successors of such exporter, for a period of 2 years.

No provision. H.R. 984 requires the Commissioner of Customs to conduct a study analyzing the extent to which each partnership country has: 1) cooperated with the United States in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel products; and 2) has taken appropriate measures consistent with its laws and domestic procedures to prevent transshipment and circumvention from taking place.

Senate amendment

The Senate bill provides that if the President determines that an exporter has engaged in transshipment with respect to textile and apparel products from a beneficiary country, the President shall deny all enhanced benefits to such exporter and any successor for a period of 2 years. In cases where the President has requested a beneficiary country to take action to prevent transshipment and the country has failed to do so, the President shall reduce the quantities of textile and apparel articles that may be imported into the U.S. from that country by three times the quantity of articles transshipped.

Conference agreement

The Conference Agreement merges the House and Senate provisions, but clarifies that the President may only ''triple-charge'' quotas to the extent that such action is consistent with WTO rules. The conferees believe these transshipment provisions will address concerns that increasing trade with the Caribbean Basin region could result in illegal transshipment of textile and apparel products through the region.

F. DUTY-FREE TREATMENT FOR CERTAIN BEVERAGES MADE WITH CARIBBEAN RUM

Present law

Rum and beverages made with rum are eligible for duty-free entry into the United States both under the CBI program and NAFTA, provided that they meet the CBI or NAFTA rules of origin and other requirements. When Caribbean rum is processed in Canada into a rum beverage and the beverage is exported from Canada into the United States, it is not eligible for duty-free treatment under either the CBI or NAFTA. Specifically, the beverage is ineligible for duty-free treatment under CBI, because it is not shipped directly from a beneficiary country to the United States as the CBI rules require. The beverage does not qualify for NAFTA duty-free treatment, because the processing in Canada is not sufficient to qualify it as a NAFTA ''originating good.''

House bill

No provision, however section 106 of H.R. 984, as approved by the Committee on Ways

and Means, amends the CBERA to accord duty-free treatment to certain beverages imported from Canada if: 1) the rum is the growth, product, or manufacture of a beneficiary country or the U.S. Virgin Islands; 2) the rum is imported directly into Canada, and the beverages made from it are imported directly from Canada into the United States; and 3) the rum accounts for at least 90 percent by volume of the alcoholic content of the beverages. This provision would ensure that certain rum beverages that originate in the CBI, but which are processed in Canada, are not denied duty-free treatment under the CBERA.

Senate amendment

No provision.

Conference agreement

Adopt provisions from H.R. 984.

G. MEETING OF CARIBBEAN TRADE MINISTERS AND USTR

Present law

No provision.

House bill

No provision, however section 107 of H.R. 984, as approved by the Committee on Ways and Means directs the President to convene a meeting with the trade ministers of CBI partnership countries in order to establish a schedule of regular meetings, to commence as soon as practicable, of the trade ministers and USTR. The purpose of the meetings is to advance consultations between the United States and partnership countries concerning the likely timing and procedures for initiating negotiations for partnership countries to: (1) accede to NAFTA; or (2) enter into comprehensive, mutually advantageous trade agreements with the United States that contain comparable provisions to NAFTA, and would make substantial progress in achieving the negotiation objectives listed in Section 108(b)(5) of Public Law 103–182. This provision is intended to encourage the United States Trade Representative to expand efforts to increase trade with countries in the Caribbean Basin region.

Senate amendment

No provision.

Conference agreement

Adopt provision of H.R. 984, with minor amendments.

TITLE III—NORMAL TRADE RELATIONS

SEC. 301. PERMANENT NORMAL TRADE RELATIONS FOR ALBANIA

Present law

Albania's trade status is currently governed by title IV of the Trade Act of 1974, as amended by the Customs and Trade Act of 1990 (title IV). Section 402 of title IV (also known as the Jackson-Vanik amendment) sets forth requirements relating to freedom of emigration, which must be met or waived by the President in order for the President to grant nondiscriminatory normal trade relations (NTR) status to non-market economy countries. Title IV also requires that a trade agreement remain in force between the United States and a non-market economy country receiving NTR status and sets forth minimum provisions which must be included in such agreement.

Albania, which was first granted NTR status in 1992, was found to be in full compliance with the Jackson-Vanik freedom of emigration requirements on December 5, 1997. Since then, NTR has been granted to Albania subject to semiannual review and disapproval by a Joint Resolution of Congress.

House bill

No provision.

Senate amendment

Section 701 of the Senate amendment authorizes the President to determine that title IV should no longer apply to Albania and to proclaim permanent normal trade relations (PNTR) for Albania. Application of title IV shall terminate with respect to Albania on the effective date of the President's extension of PNTR.

Conference agreement

The House recedes to the Senate.

The conferees note that Albania has concluded a bilateral investment treaty with the United States and been very cooperative with NATO and the international community during and after the Kosova crisis. Albania is also currently negotiating to join the World Trade Organization.

SEC. 302. PERMANENT NORMAL TRADING RELATIONS FOR KYRGYZSTAN

Present law

Kyrgyzstan's NTR status is currently governed by title IV of the Trade Act of 1974, as amended by the Customs and Trade Act of 1990 (title IV). Section 402 of title IV (also known as the Jackson-Vanik amendment) sets forth requirements relating to freedom of emigration, which must be met or waived by the President in order for the President to grant nondiscriminatory normal trade relations (NTR) status to non-market economy countries. Title IV also requires that a trade agreement remain in force between the United States and a non-market-economy country receiving NTR status and sets forth minimum provisions which must be included in such agreement.

Kyrgyzstan, which was granted NTR in 1992, was found to be in full compliance with the Jackson-Vanik freedom of emigration requirements on December 5, 1997. Since then, NTR has been granted to Kyrgyzstan subject to semiannual review, and disapproval by a Joint Resolution of Congress.

Kyrgyzstan joined the World Trade Organization (WTO) on December 20, 1998, and the United States was forced to invoke Article XIII of the Agreement Establishing the World Trade Organization, which allows the United States to withhold application of the WTO Agreements with respect to Kyrgyzstan until the United States extends it permanent normal trade relations status.

House bill

No provision.

Senate amendment

Section 702 of the Senate amendment authorizes the President to determine that title IV should no longer apply to Kyrgyzstan and to proclaim PNTR for Kyrgyzstan. Application of title IV shall terminate with respect to Kyrgyzstan on the effective date of the President's extension of PNTR.

Conference agreement

The House recedes to the Senate.

The conferees recognize that title IV of the Trade Act of 1974 has promoted the right to emigrate. Since the dissolution of the Soviet Union, minority groups have secured the return of communal properties confiscated during the Soviet period, thereby facilitating the reemergence of communal organizations and participation in domestic affairs. Based upon the report on compliance with title IV, the conferees conclude that Kyrgyzstan is in compliance with the emigration provisions of title IV and should be graduated from title IV, thereby permitting the extension of permanent normal trade relations to Kyrgyzstan.

With respect to national minorities, the conferees note that the member states of the Organization for Security and Cooperation in Europe (OSCE), including the former USSR and its successor states, have committed to ''adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality . . . individually as well as in community with other members of their group.''

The conferees note that Kyrgyzstan is the first former Soviet state to be graduated from Jackson-Vanik and expect that the graduation of other successor states to the former Soviet Union will be contingent upon a thorough public assessment of their laws and policies regarding emigration.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. REPORT ON EMPLOYMENT AND TAA

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; the TAA program for firms, which provides technical assistance to qualifying firms; and the North American Free Trade Agreement Act (NAFTA) transitional adjustment assistance program which provides training and income support for workers who may be adversely impacted by imports from or production shifts to Canada and/or Mexico.

House bill

No provision.

Senate amendment

Section 703 of the Senate amendment requires GAO to submit a report to Congress within 9 months after the date of enactment offering specific data and recommendations concerning the effectiveness and efficiency of inter-agency and federal-state coordination of a number of worker training programs, including the general TAA program for workers, the NAFTA Transitional Adjustment Assistance program, the Workforce Investment Act of 1998 and the federal unemployment insurance program. GAO would be required to examine the compatibility of the existing worker retraining/compensation programs, the effects of foreign trade and shifts in production on workers in the United States and the impact that the trade effects and production shifts have had on ''secondary'' workers, i.e., those whose jobs are affected indirectly by import competition because their customers were adversely affected by imports or production shifts. The amendment responds to the concern that there are conflicting requirements in the worker retraining programs, including eligibility requirements and the benefits available. It also aims at establishing an objective assessment of the impact of imports and production shifts on job loss in the United States.

Conference agreement

The House recedes to the Senate.

SEC. 402. TRADE ADJUSTMENT ASSISTANCE

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; the TAA program for firms, which provides technical assistance to qualifying firms; and the North American Free Trade Agreement Act (NAFTA) transitional adjustment assistance program which provides training and income support for workers who may be adversely impacted by imports from

or production shifts to Canada and/or Mexico. Under the general TAA program for workers, a worker must be certified by the Secretary of Labor as eligible for benefits before applying for the assistance. A worker is not eligible for benefits, however, if they have applied for such assistance after the expiration of the 2-year period beginning with the worker's initial certification for benefits by the Secretary of Labor.

House bill

No provision.

Senate amendment

Section 704 of the Senate amendment provides that a group of workers who will lose their jobs at a nuclear power plant in Oregon that is closing would be eligible for TAA benefits, notwithstanding the fact that their original eligibility for TAA benefits, as determined by the Labor Department, expired more than two years ago. In 1993, the Department of Labor certified workers at a nuclear power plant near Portland, Oregon, as eligible for TAA benefits as a result of increased competition from imports of electricity from British Columbia. The plant was slated to be shut down and has been going through the decommissioning process since that time. Because of the length of time it takes to decommission a nuclear power plant, a number of workers kept their jobs for several years and would otherwise be ineligible for TAA benefits because of the expiration of the initial certification. This provision would reinstate their eligibility for TAA.

Conference agreement

The House recedes to the Senate.

SEC. 403. RELIQUIDATION OF CERTAIN NUCLEAR FUEL ASSEMBLIES

Present law

Nuclear fuel rods containing fuel elements are classifiable under Harmonized Tariff System (HTS) subheading 8401.30.00, which provides for ''fuel elements (cartridges), non-irradiated, and parts thereof.'' Prior to the adoption of the HTS in 1989, these fuel elements were classifiable in a separate duty free provision under the Tariff Schedules of the United States Annotated (TSUSA).

House bill

No provision.

Senate amendment

Section 708 authorizes the Secretary of the Treasury, upon a proper request filed no later than 90 days after the enactment of the Act, to reliquidate as free of duty five identified entries of nuclear fuel assemblies, and refund duties paid on each identified entry, including duties paid on October 4, 1994, referenced in Customs Service Collection Receipt Number 527006753.

Conference agreement

The House recedes to the Senate, with an amendment to correct a date of entry.

SEC. 404. REPORTS TO THE FINANCE AND WAYS AND MEANS COMMITTEES

Present law

Section 607 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1999 (as contained in section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (112 Stat. 2681–224) directs the Administration to report to certain Congressional Committees on various issues. Among these were a certification by the Treasury Secretary and the Chairman of the Federal Reserve Board that the International Monetary Fund is requiring borrowers to liberalize restrictions on trade in goods and services, consistent with the terms of all international trade agreements of which the borrowing country is a signatory. The Secretary of the Treasury is also directed to periodically report on the progress of efforts to reform the architecture of the international monetary system, with a focus on minimizing disruptions in patterns of trade.

Section 1704(b) of the International Financial Institutions Act (22 U.S.C. 262r–3(b)) requires the Secretary of the Treasury to report to certain Congressional Committees semiannually on financial stabilization programs led by the IMF in connection with financing from the Exchange Stabilization Fund. The reports are to include a description of the degree to which recipient countries are ensuring that no government subsidies or tax privileges will be provided to bail out individual corporations, particularly in the semiconductor, steel, and paper industries. Also, the report is to include a description of the trade policies of the countries involved, including any unfair trade practices or adverse effects of the trade policies on the U.S.

Section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)) requires the Secretary of the Treasury to report to certain Congressional committees annually on the state of the international financial system.

Section 1706(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)) requires the Comptroller General to report to certain Congressional committees on the trade policies of IMF borrower countries.

Section 629 of the Treasury and General Government Appropriations Act, 1999 requires the Administration to report to certain Congressional committees on the protection of United States borders against drug traffic.

Although each of these reports is required to address international trade issues, none are specifically directed to the Senate Finance or House Ways and Means Committees.

House bill

No provision.

Senate amendment

Sec. 710 of the Senate amendment includes the Finance and Ways and Means Committees among those Congressional Committees receiving the certifications and reports on international trade and international economic issues which are otherwise mandated by section 607 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1999 (Pub. L. 105–277; 112 Stat. 2681–224); section 1704(b) of the International Financial Institutions Act (22 U.S.C. 262r–3(b)); section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)); section 1706(a) of the International Financial Institutions Act (22 U.S.C. 262r–5(a)); section 629 of the Treasury and General Government Appropriations Act, 1999.

Conference agreement

The House recedes to the Senate.

SEC. 405. CLARIFICATION OF SECTION 334 OF THE URUGUAY ROUND AGREEMENTS ACT

Present law

Section 334 of the Uruguay Round Agreements Act (URAA) (P.L. 103–465) (1994), commonly referred to as the Breaux-Cardin rules of origin for textile and apparel, directed the Secretary of the Treasury to prescribe rules for determining the origin of textile and apparel products. Under those new rules, fabrics and certain products (such as scarves and handkerchiefs) derive their origin in the country where the fabric is woven or knitted (notwithstanding any further processing such as dyeing and printing). In addition, the country of origin of any other textile or apparel product is the country in which the textile or apparel product is wholly assembled. Under the multicountry rule, origin is conferred in the country in which the most important assembly or manufacturing process occurs, or if origin cannot be determined in this manner, origin is conferred in the last country in which important assembly or manufacturing occurs.

House bill

No provision.

Senate amendment

Section 711 would reinstate the rules of origin that existed prior to URAA for certain products. Specifically, the amendment would confer origin as the country in which dyeing, printing, and two or more finishing operations were done on fabrics classified under the HTS as of silk, cotton, man-made, and vegetable fibers. This rule would also apply to various products classified in 18 identified HTS subheadings (mostly flat products) except for goods made from cotton, wool, or fiber blends containing 16 percent or more of cotton.

Conference agreement

The House recedes to the Senate.

Prior to the Breaux-Cardin enactment, the rules of origin permitted the processes of dyeing and printing to confer origin when accompanied by two or more finishing operations for certain products. Under the new regulations prescribed by the Secretary of the Treasury, certain fabrics, silk handkerchiefs and scarves were considered to originate where the base fabric was knit and woven, notwithstanding any further processing.

In May 1997, the European Union (EU) requested consultations in the World Trade Organization (WTO) with the United States, charging that the changes to the rules of origin made by URAA violated United States obligations under a number of agreements: the Agreement on Textiles and Clothing, the Agreement on Rules of Origin, the Agreement on Technical Barriers to Trade, and the General Agreement on Tariffs and Trade. A number of countries requested third-party participation in the dispute. A ''process-verbal'' was concluded between the two countries in July 1997, which was later amended. Formal consultations were held in January 1999.

In August 1999, the United States and the EU agreed to settle the dispute. A second ''process-verbal'' concluded between the two countries obligates the U.S. Administration to submit legislation which, as described above, amends the rule-of-origin requirements in section 334 of the URAA in order to allow dyeing, printing, and two or more finishing operations to confer origin on certain fabrics and goods. In particular, this dyeing and printing rule would apply to fabrics classified under the Harmonized Tariff Schedule (HTS) as silk, cotton, man-made, and vegetable fibers. The rule would also apply to the various products classified in 18 specific subheadings of the HTS listed in the bill, except for goods made from cotton, wool, or fiber blends containing 16 percent or more of cotton.

SEC. 406. CHIEF AGRICULTURAL NEGOTIATOR

Present law

Currently, a special Trade Negotiator with the rank of Ambassador serves as the Chief Negotiator for agricultural trade in the Office of the United States Trade Representative. The position is not established in statute.

House bill

No provision.

Senate amendment

Section 712 amends section 141 of the Trade Act of 1974 ((19 U.S.C.) 2171) to establish in

statute within the Office of the United States Trade Representative a Chief Agricultural Negotiator with the rank of Ambassador who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative or the Chief Agricultural Negotiator submitted to the Senate for its advice and consent, and referred to a committee, shall be referred to the Committee on Finance.

The principal function of the Chief Agricultural Negotiator shall be to conduct trade negotiations, enforce trade agreements relating to United States agricultural products and service, and be a vigorous advocate on behalf of United States agricultural interests.

Conference agreement

The House recedes to the Senate.

SEC. 407. REVISION OF RETALIATION LIST OR OTHER REMEDIAL ACTION

Present law

No provision.

House bill

No provision.

Senate amendment

Section 713 of the Senate amendment amends the Trade Act of 1974 to require the United States Trade Representative (USTR) to make periodic revisions of retaliation lists 120 days from the date the retaliation list is made and every 180 days thereafter. The purpose of this provision is to facilitate efforts by the USTR to enforce the rights of the United States in instances where another World Trade Organization (WTO) member fails to comply with the results of a dispute settlement proceeding.

Conference agreement

The House recedes to the Senate. The conferees added language that requires the USTR to include on any retaliation list reciprocal goods of the industries affected by the failure of the World Trade Organization member to implement the decision of the WTO. This new provision does not apply when the preliminary or initial retaliation list does not include any reciprocal goods of the industries affected.

The conferees are of the view that compliance with dispute settlement panel and Appellate Body decisions is essential to the successful operation of the WTO. This objective has been threatened by non-compliance in some recent cases brought by the United States—particularly in disputes with the European Union involving beef and bananas.

It is the view of the Conferees that this provision affirms authority already available to the U.S. Trade Representative under the Trade Act of 1974. It is further the view of the conferees that this provision is consistent with the United States international obligations under the Dispute Settlement Understanding of the WTO, and that the USTR would retain ample discretion and authority to ensure that retaliation implemented by the United States remained within the levels authorized by the WTO. As the provision makes clear, actions taken by the USTR are intended to be structured carefully and to effectuate substantial changes that will maximize the likelihood of compliance by the losing member. The Ways and Means and Finance Committees will monitor those actions to ensure that changes are made consistent with that intention.

With regard to pending cases in which the United States has taken retaliatory measures, and in which the initial timetable for action laid out in the provision has already passed, the conferees expect that the USTR will undertake the initial action required by the provision no later than 30 days after the enactment of the law, and will undertake any subsequently required action every 180 days thereafter. It is also the sense of the conferees that USTR should vigorously defend the authority granted under the statute with its trading partners.

SEC. 408. REPORT ON TAA FOR AGRICULTURAL COMMODITY PRODUCERS

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; the TAA program for firms, which provides technical assistance to qualifying firms; and the North American Free Trade Agreement Act (NAFTA) transitional adjustment assistance program which provides training and income support for workers who may be adversely impacted by imports from or production shifts to Canada and/or Mexico.

House bill

No provision.

Senate amendment

Section 715 of the Senate amendment requires that the Secretary of Labor, not later than 4 months after enactment of the provision and in consultation with the Secretary of Agriculture and Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that examines the applicability to farmers of trade adjustment assistance programs under title II of the Trade Act of 1974. The report will also set forth recommendations to improve the operation of those programs as they apply to farmers or to establish a new trade adjustment assistance program for farmers.

Conference agreement

The House recedes to the Senate.

SEC. 409 AGRICULTURE TRADE NEGOTIATING OBJECTIVES AND CONSULTATIONS WITH CONGRESS

Present law

No provision.

House bill

No provision.

Senate amendment

Section 723 of the Senate amendment consists of three sections. The first section lists findings of the Congress. The second section contains the specific agricultural negotiating objectives of the United States for the World Trade Organization's agriculture negotiations mandated by the Uruguay Round. The third section mandates consultations with Congress at specific points during the negotiations.

Conference Agreement

The House recedes to the Senate.

SEC. 410. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS

Present law

Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) sets forth the procedures for the entry of merchandise imported into the United States. Under section 484, the Customs Service has permitted a limited weekly entry procedure for foreign trade zones (FTZ) since May 12, 1986 (as authorized by T.D. 86–16, 51 Fed. Reg. 5040). This procedure has been limited to merchandise which is manufactured or changed into its final form just prior to its transfer from the zone. Section 637 of the Customs Modernization Act (included as title VI of the North American Free Trade Agreement Implementation Act, Pub. L. 103–182, 107 Stat. 2057) provided the Customs Service with additional statutory support for the weekly entry procedure.

House bill

No provision.

Senate amendment

Sec. 302 of the Senate amendment amends Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) to allow merchandise withdrawn from a foreign-trade zone during a week (i.e., any 7 calendar day period) to be the subject of a single entry, at the option of the zone operator or user. Such an entry is treated under the new provision as a single entry or release of merchandise for purposes of assessment of the merchandise processing fee of 19 U.S.C. 8c(a)(9)(A) and thus may not be assessed such fee in excess of the fee limitations provided for under 19 U.S.C. 58c(b)(8)(A)(i). All other pertinent exceptions and exclusions from the merchandise processing fee would also apply, as appropriate. The amendment establishes a new section 19 U.S.C. 1484(a)(3). The provision is self executing and accordingly does not require the issuance of implementing regulations by the Secretary of the Treasury in order for it to go into effect.

The net effect of the provision is to require Customs to expand the weekly entry system (which currently is only available to certain manufactured goods) to permit FTZ operators and users to use a weekly entry system, under certain limitations, if they so choose. This expanded procedure allows for goods stored in a FTZ for the purpose of warehouse and distribution to be removed from the zone under a weekly Customs entry process. This provision would also mean that the merchandise processing fee (MPF) that Customs collects would be collected on the basis of that single weekly entry at the same rate applicable to any other single entry of such merchandise into the Customs territory of the United States.

Conference agreement

The House recedes to the Senate.

While the Customs Service issued proposed regulations to expand the weekly entry system (62 Fed. Reg. 12129 (March 14, 1997) consistent with Congress' intent as set out in the Customs Modernization Act, those regulations were never finalized. The conferees intend the new provision to remedy that failure by requiring such treatment as a matter of law.

The new provision is not intended to qualify, limit or restrict any foreign-trade zone weekly entry procedures now in effect. Rather, it is intended to broaden the availability of weekly entry procedures to all zones, including general purpose zones and special purpose subzones, and to all zone operations and processes authorized by law. Consistent with the Foreign Trade Zones Act, the new procedure is available for merchandise of every description, except such as is prohibited by law, regardless of whether such merchandise is of the same class, type or category or of different classes, types, and categories.

The conferees are mindful of the revenue impact of this expanded procedure, but the conferees also believe that, consistent with the notion of a user fee, the MPF is not a revenue raiser for Customs expenses, but instead is intended to cover the cost of the service U.S. Customs provides.

The conferees also believe that the Customs Service pilot procedure to expand the weekly entry filing procedures to activities other than manufacturing operations is consistent with Congress' intent relating to

periodic entry for weekly entries for merchandise from general purpose foreign trade zones, as set out in the Mod Act. Section 637 of the Mod Act, which amended 19 U.S.C. 1484 concerning the entry of merchandise generally, among other things, provides further statutory support for the weekly entry procedure. Part 1, page 136 of the Ways and Means NAFTA Implementation Act Report (103–361) reflects the intent of Congress. The report states, ''in developing the regulations for periodic entry, the Committee intends that Customs will allow for weekly and monthly entries for merchandise shipments from general purpose foreign trade zones and subzones.''

SEC. 411. GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR

Present law

Section 307 of the Tariff Act of 1930 prohibits the importation of articles made by convict labor or/and forced labor or/and indentured labor under penal sanctions.

House bill

No provision.

Senate amendment

Section 707 of the Senate bill amends section 307 of the Tariff Act of 1930 to clarify that the ban on articles made with forced or/and indentured labor includes those articles made with forced or/and indentured child labor.

Conference agreement

The House recedes to Senate.

SEC. 412. WORST FORMS OF CHILD LABOR

Present law

No provision.

House bill

No provision.

Senate amendment

Section 722 provides that no benefits under the Act (with respect to the provisions covering sub-Saharan Africa, CBI, or GSP) shall be granted to countries that fail to meet and effectively enforce the standards established by ILO Convention No. 182 on the Worst Forms of Child Labor.

Conference agreement

The conference agreement adds a new eligibility criterion to the Generalized System of Preferences so that the President shall not designate a country for benefits if it has not implemented its obligations to eliminate the worst forms of child labor. The conference agreement adopts the GSP program's standard for purposes of the eligibility criteria applicable to the additional trade benefits extended to African beneficiary countries. The conferees intend that the GSP standard, including the provision with respect to implementation of obligations to eliminate the worst forms of child labor, apply to eligibility for those additional benefits.

The conferees note the tremendous progress on the elimination of the worst forms of child labor accomplished in the International Labor Organization through the unanimous approval of ILO Convention No. 182. The conferees believe that the practices described in the Convention, as agreed by all ILO members, represent heinous activities that should not be tolerated. For this reason the conferees are willing for the first time to include an eligibility criterion relating to whether a country has implemented its obligations to eliminate the worst forms of child labor. The conferees recognize that the convention represents the international standard on the worst forms of child labor and have accordingly defined the worst forms of child labor using the definition in ILO Convention No. 182.

It is the expectation of the conferees that the beneficiaries of the Africa, CBI and GSP programs will join the United States in ratifying ILO Convention No. 182 as soon as possible and promptly come into compliance with the procedural requirements of that convention including the submission to the ILO of the National Action Plans required by the convention, the designation of a competent authority responsible for the implementation of the convention and the submission of annual reports to the ILO identifying steps taken to implement the provisions of the convention.

In determining whether a country is complying with the terms of section 502(b)(2)(G) with respect to GSP (and related provisions with respect to benefits for sub-Saharan Africa), the conferees intend that the President consider (1) whether the country has adequate laws and regulations proscribing the worst forms of child labor; (2) whether the country has adequate laws and regulations for the implementation and enforcement of such measures; (3) whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor; (4) whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor, and to assist with the removal of children engaged in the worst forms of child labor; (5) whether the country has a comprehensive policy for the elimination of the worst forms of child labor; and (6) whether the country is making continual progress toward eliminating the worst forms of child labor.

The conferees intend that the phrase ''work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children'' be defined as provided in Article II of Recommendation No. 190, which accompanies ILO Convention No. 182. Accordingly, work that is ''likely to harm the health, safety or morals of children'' includes work that exposes children to physical, psychological, or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipment or tools, or work under circumstances which involve the manual handling or transport of heavy loads; work in an unhealthy environment that exposes children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and work under particularly difficult conditions such as for long hours, during the night or under conditions where children are unreasonably confined to the premises of the employer.

The conferees further intend that the phrase ''work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children'' be interpreted in a manner consistent with the intent of Article 4 of ILO Convention No. 182, which states that such work shall be determined by national laws or regulations or by the competent authority in the country involved. In addition, the conferees intend that the phrase generally not apply to situations in which children work for their parents on bona fide family farms or holdings.

The conferees expect that the Secretary of Labor, in preparing the report required under section 504, will invite public comment to assist in the preparation of his or her findings to be incorporated in each annual report. The conferees expect that the President, in making determinations under section 504(d) with respect to the withdrawal, suspension or limitation of benefits, will take into account the findings of the Secretary of Labor.

TITLE V—IMPORTS OF CERTAIN WOOL ARTICLES

Present law

Under current law, worsted wool fabric imported into the United States is subject to tariffs of 29.4 percent, whereas apparel articles made from such fabric, such as men's suits, may be imported at a tariff rate of 19.3 percent. By applying a higher tariff to the input product, the tariff schedule provides an incentive for the importation of the more-labor intensive and higher-value-added apparel item. That inversion has been compounded by the reduction of tariffs applicable to men's wool suits under U.S. free trade agreements, with the effect that U.S. suit-makers face a still more considerable competitive disadvantage relative to imports of suits from Canada and Mexico because the difference in tariffs applicable to worsted wool fabric relative to the zero rate of duty paid on imports of suits is the full 19.3 percent of the tariff applicable to fabric imported by such manufacturers.

House bill

No provision.

Senate amendment

Section 721 of the Senate amendment expresses the sense of the Senate that United States trade policy should, taking into account the conditions among U.S. producers, place a priority on the elimination of tariff inversions that undermine the competitiveness of United States consuming industries.

Conference agreement

The conferees agree to reduce tariffs on worsted wool fabric intended for use in the manufacture of men's suits, suit-type jackets, and trousers in order to limit the tariff inversion U.S. suit-makers face in the purchase of such fabric. For worsted wool fabric containing greater than or equal to 85 percent wool intended for use in the suit market made from fiber averaging 18.5 micron or less in diameter, the applicable tariff would be reduced from the current U.S. rate on such fabric to a level equivalent to the current Canadian ''most favored nation'' (''MFN'') rate applicable to imports of such fabric, to a quantity equaling 1.5 million square meter equivalents each year. For worsted wool fabric of the type used in the manufacture of men's suits made from fiber greater than 18.5 micron, the applicable tariff would be reduced from the current U.S. rate on such fabric to the current U.S. rate on worsted wool suit-type jackets, up to a quantity equaling 2.5 million square meter equivalents each year. The conference agreement suspends the current U.S. tariff on worsted wool yarn containing greater than or equal to 85 percent wool of average fiber diameter of 18.5 micron or finer and on wool fiber and wool top made from wool fiber of an average diameter of 18.5 micron and finer from the current U.S. normal trade relations (NTR) rate to zero.

The conference agreement also authorizes the President to grant additional tariff relief on wool fabric of up to 1 million square meter equivalents per year for worsted wool fabric from fiber of 18.5 micron and finer and up to 1 million square meter equivalents per year for worsted wool fabric from fiber greater than 18.5 micron. Expanding the quantity of fabric to which the tariff reductions would apply would depend each year on the President's determination with respect to then-current market conditions in the United States markets for suits, fabric, yarn and fiber. In particular, the President should focus on growth in production and the relative competitiveness and health of both the suit-making and fabric manufacturing industries in the United States.

Under the conference agreement, the President is obliged to monitor market conditions

in the United States and, toward that end, establish statistical suffixes in the Harmonized Tariff Schedule sufficient for the collection of certain data on imports of worsted wool fabric and apparel. The President has residual authority to reduce the applicable tariffs on imports of worsted wool fabric in order to take into account any staged reductions in the U.S. tariff rate applicable to worsted wool suits and the Canadian tariff rate applicable to worsted wool fabric that serve as benchmark rates under the conference report.

The conference report requires the President or his or her designee to allocate the available tariff relief on worsted wool fabric among manufacturers of the apparel items identified in the agreement based on historical production. The same principle would apply to the President's allocation of other tariff relief provided under these provisions of the conference agreement.

The conference agreement also provides for the refund of certain duties in each of three succeeding years on imports of worsted wool fabric used in men's and boys' suits, suit-type jackets and trousers, worsted wool yarn, wool fiber and wool top. In each instance, a U.S. manufacturer of a downstream product would be eligible for a refund of duties currently paid on certain inputs up to an amount that is one-third of the duties actually paid by such importing U.S. manufacturer on such items in calendar year 1999. In the case of worsted wool fabric, for example, a U.S. suit-maker would be eligible to claim a refund during calendar year 2000 for one-third of the duties paid on such fabric during calendar year 1999. The same refund schedule applies to a fabric-maker's importation of wool yarn, wool fiber, and wool top.

The conference agreement creates a fund for research and market development for American wool-growers that would assist in disseminating information that would help the industry improve the quality of the fiber provided and its production methods. The conference report sets aside duties collected under the HTS chapter relating to the products covered by these provisions—wool fiber and top and worsted wool yarn and fabric up to an amount of $2.25 million per year in each fiscal year from 2000–2003. It is the intent of the conferees that the United States Department of Agriculture shall designate an experienced cooperator such as the American Wool Council as the trust fund's representative for the purposes of this provision.

The conferees direct the President to determine what mechanisms are available under the North American Free Trade Agreement (NAFTA), the World Trade Organization and U.S. domestic law to alleviate the serious injury to the U.S. wool suit and fabric industries as a result of the Canadian wool tariff preference level under the NAFTA. The President shall recommend that the U.S. Trade Representative undertake the appropriate steps necessary to help remedy the adverse effect on this sector's competitiveness, and shall report his recommendations to the Committee on Ways and Means of the House of Representatives and the Senate Committee on Finance by January 1, 2001.

TITLE VI—REVENUE PROVISIONS

A. Limitation on the Use of Non-Accrual Experience Method of Accounting

(SEC. 21 OF THE HOUSE BILL, SEC. 504 OF THE SENATE AMENDMENT, AND SEC. 448 OF THE CODE)

Present law

An accrual method taxpayer generally must recognize income when all the events have occurred that fix the right to receive the income and the amount of the income can be determined with reasonable accuracy. An accrual method taxpayer may deduct the amount of any receivable that was previously included in income that becomes worthless during the year.

Accrual method taxpayers are not required to include in income amounts to be received for the performance of services which, on the basis of experience, will not be collected (the ''non-accrual experience method''). The availability of this method is conditioned on the taxpayer not charging interest or a penalty for failure to timely pay the amount charged. The Secretary of the Treasury has published temporary regulations[1] requiring the use of a formula comparing receivables not collected to total receivables earned during the testing period in determining the portion of the amount which, on the basis of experience, will not be collected. The temporary regulations provide that no other method or formula may be used by a taxpayer in determining the uncollectible amounts under this subsection.

A cash method taxpayer is not required to include an amount in income until it is received. A taxpayer generally may not use the cash method if purchase, production, or sale of merchandise is an income producing factor. Such taxpayers generally are required to keep inventories and use an accrual method of accounting. In addition, corporations (and partnerships with corporate partners) generally may not use the cash method of accounting if their average annual gross receipts exceed $5 million. An exception to this $5 million rule is provided for qualified personal service corporations. A qualified personal service corporation is a corporation (1) substantially all of whose activities involve the performance of services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts or consulting and (2) substantially all of the stock of which is owned by current or former employees performing such services, their estates or heirs. Qualified personal service corporations are allowed to use the cash method without regard to whether their average annual gross receipts exceed $5 million.

House bill

The House bill provides that the non-accrual experience method will be available only for amounts to be received for the performance of qualified personal services. Amounts to be received for the performance of all other services will be subject to the general rule regarding inclusion in income. Qualified personal services are personal services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts or consulting. As under present law, the availability of the method is conditioned on the taxpayer not charging interest or a penalty for failure to timely pay the amount.

Effective date.—The provision of the House bill is effective for taxable years ending after the date of enactment. Any change in the taxpayer's method of accounting necessitated as a result of the proposal will be treated as a voluntary change initiated by the taxpayer with the consent of the Secretary of the Treasury. Any required section 481(a) adjustment is to be taken into account over a period not to exceed four years under principles consistent with those in Rev. Proc. 99–49.[2]

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement does not include the House bill or the Senate amendment provision.

B. Add Certain Vaccines Against Streptococcus Pneumoniae to the List of Taxable Vaccines

(SEC. 22 OF THE HOUSE BILL AND SECS. 4131 AND 4132 OF THE CODE)

Present law

A manufacturer's excise tax is imposed at the rate of 75 cents per dose (sec. 4131) on the following vaccines recommended for routine administration to children: diphtheria, pertussis, tetanus, measles, mumps, rubella, polio, HIB (haemophilus influenza type B), hepatitis B, varicella (chicken pox), and rotavirus gastroenteritis. In addition, the Ticket to Work and Work Incentives Improvement Act of 1999 (Pub. L. No. 106–170, December 17, 1999) added any conjugate vaccine against streptococcus pneumoniae to the list of taxable vaccines. The tax applied to any vaccine that is a combination of vaccine components equals 75 cents times the number of components in the combined vaccine.

Amounts equal to net revenues from this excise tax are deposited in the Vaccine Injury Compensation Trust Fund (''Vaccine Trust Fund'') to finance compensation awards under the Federal Vaccine Injury Compensation Program for individuals who suffer certain injuries following administration of the taxable vaccines. This program provides a substitute Federal, ''no fault'' insurance system for the State-law tort and private liability insurance systems otherwise applicable to vaccine manufacturers and physicians. All persons immunized after September 30, 1988, with covered vaccines must pursue compensation under this Federal program before bringing civil tort actions under State law.

House bill

The House bill would add any conjugate vaccine against streptococcus pneumoniae to the list of taxable vaccines.

Senate amendment

No provision.

Conference agreement

No provision. However, the provision was enacted in the Ticket to Work and Work Incentives Improvement Act of 1999.

C. Modification of Installment Method and Repeal of Installment Method for Accrual Method Taxpayers

(SEC. 501 OF THE SENATE AMENDMENT AND SECS. 453 AND 453A OF THE CODE)

Present law

The installment method of accounting allows a taxpayer to defer the recognition of income from the disposition of certain property until payment is received. Sales to customers in the ordinary course of business are not eligible for the installment method, except for sales of property that is used or produced in the trade or business of farming and sales of timeshares and residential lots if an election to pay interest under section 453(1)(2)(B)) is made. The Ticket to Work and Work Incentives Improvement Act of 1999 prohibits the use of the installment method for a transaction that would otherwise be required to be reported using the accrual method of accounting, effective for dispositions occurring on or after December 17, 1999.

A pledge rule provides that if an installment obligation is pledged as security for any indebtedness, the net proceeds[3] of such indebtedness are treated as a payment on the

[1] Treas. Reg. sec. 1.448–2T.

[2] 1999–52 I.R.B. 725.

[3] The net proceeds equal the gross loan proceeds less the direct expenses of obtaining the loan.

obligation, triggering the recognition of income. Actual payments received on the installment obligation subsequent to the receipt of the loan proceeds are not taken into account until such subsequent payments exceed the loan proceeds that were treated as payments. The pledge rule does not apply to sales of property used or produced in the trade or business of farming, to sales of timeshares and residential lots where the taxpayer elects to pay interest under section 453(1)(2)(B), or to dispositions where the sales price does not exceed $150,000. The Ticket to Work and Work Incentives Improvement Act of 1999 provides that the right to satisfy a loan with an installment obligation will be treated as a pledge of the installment obligation, effective for dispositions occurring on or after December 17, 1999.

House bill

No provision.

Senate amendment

The Senate amendment contains provisions prohibiting the use of the installment method for a transaction that would otherwise be required to be reported using the accrual method of accounting and expanding the pledge rule.

Conference agreement

No provision. The provisions in the Senate amendment were enacted in the Ticket to Work and Work Incentives Improvement Act of 1999.

D. Impose Limitation on Prefunding of Certain Employee Benefits

(SEC. 502 OF THE SENATE AMENDMENT AND SECS. 419A AND 4976 OF THE CODE)

Present law

Under present law, contributions to a welfare benefit fund generally are deductible when paid, but only to the extent permitted under the rules of sections 419 and 419A. The amount of an employer's deduction in any year for contributions to a welfare benefit fund cannot exceed the fund's qualified cost for the year minus the fund's after-tax income for the year. With certain exceptions, the term qualified cost means the sum of (1) the amount that would be deductible for benefits provided during the year if the employer paid them directly and was on the cash method of accounting, and (2) within limits, the amount of any account consisting of assets set aside for the payment of disability benefits, medical benefits, supplemental unemployment compensation or severance pay benefits, or life insurance benefits. The account limit for a qualified asset account for a taxable year is generally the amount reasonably and actuarially necessary to fund claims incurred but unpaid (as of the close of the taxable year) for benefits with respect to which the account is maintained and the administrative costs incurred with respect to those claims. Specific additional reserves are allowed for future provisions of post-retirement medical and life insurance benefits.

The deduction limits of sections 419 and 419A for contributions to welfare benefit funds do not apply in the case of certain 10-or-more employer plans. A plan is a 10-or-more employer plan if (1) more than one employer contributes to it, and (2) no employer is normally required to contribute more than 10 percent of the total contributions contributed under the plan by all employers. The exception is not available if the plan maintains experience-rating arrangements with respect to individual employers.

If any portion of a welfare benefit fund reverts to the benefit of an employer, an excise tax equal to 100 percent of the reversion is imposed on the employer.

House bill

No provision.

Senate amendment.

The Senate amendment limits the present-law exception to the deduction limit for 10-or-more employer plans to plans that provide only medical benefits, disability benefits, and qualifying group-term life insurance benefits to plan beneficiaries. The legislative history provides that it is intended that a plan will not be treated as failing to provide only medical benefits, disability benefits, and qualifying group-term life insurance benefits to plan beneficiaries merely because the plan provides certain de minimis ancillary benefits addition to medical, disability, and qualifying group-term life insurance benefits (e.g., accidental death and dismemberment insurance, group-term life insurance coverage for dependents and directors, business travel insurance, and 24-hour accident insurance). Such ancillary benefits are considered de minimis only if the total premiums for all such insurance coverages for the year do not exceed 2 percent of the total contributions to the plan for the year for all employers. Of course, any benefits provided are includable in income unless expressly excluded under a specific provision under the Code.

The legislative history also provides that, for purposes of this provision, qualifying group-term life insurance benefits do not include any arrangements that permit a plan beneficiary to directly or indirectly access all or part of the account value of any life insurance contract, whether through a policy loan, a partial or complete surrender of the policy, or otherwise. The legislative history provides that it is intended that qualifying group-term life insurance benefits do not include any arrangement whereby a plan beneficiary may receive a policy without a stated account value that has the potential to give rise to an account value whether the exchange of such policy for another policy that would have an account value or otherwise.

Under the Senate amendment, the 10-or-more employer plan exception is no longer available with respect to plans that provide supplemental unemployment compensation, severance pay, or life insurance (other than qualifying group-term life insurance) benefits. Thus, the generally applicable deduction limits (sections 419 and 419A) apply to plans providing these benefits.

In addition, if any portion of a welfare benefit fund attributable to contributions that are deductible pursuant to the 10-or-more employer exception (and earnings thereon) is used for a purpose other than for providing medical benefits, disability benefits, or qualifying group-term life insurance benefits to plan beneficiaries such portion is treated as reverting to the benefit of the employers maintaining the fund and is subject to the imposition of the 100-percent excise tax.[4] Thus, for example, cash payments to employees upon termination of the fund, and loans or other distributions to the employee or employer, would be treated as giving rise to a reversion that is subject to the excise tax.

The legislative history indicates that no inference is intended with respect to the validity of any 10-or-more employer arrangement under the provisions of present law.

Effective date.—The Senate amendment is effective with respect to contributions paid or accrued on or after June 9, 1999, in taxable years ending after such date.

Conference agreement

No provision.

[4] For purposes of the provision, medical benefits, disability benefits, and qualifying group-term life insurance benefits include de minimis ancillary benefits as described above.

E. Treatment of Gain From Constructive Ownership Transactions

(SEC. 503 OF THE SENATE AMENDMENT AND SEC. 1260 OF THE CODE)

Present law

The maximum individual income tax rate on ordinary income and short-term capital gain is 39.6 percent, while the maximum individual income tax rate on long-term capital gain generally is 20 percent. Long-term capital gain means gain from the sale or exchange of a capital asset held more than one year. For this purpose, gain from the termination of a right with respect to property which would be a capital asset in the hands of the taxpayer is treated as capital gain.[5]

A pass-thru entity (such as a partnership) generally is not subject to Federal income tax. Rather, each owner includes its share of a pass-thru entity's income, gain, loss, deduction or credit in its taxable income. Generally, the character of the item is determined at the entity level and flows through to the owners.

Investors may enter into forward contracts, notional principal contracts, and other similar arrangements with respect to property that provides the investor with the same or similar economic benefits as owning the property directly but with potentially different tax consequences as to the character and timing of any gain. The Ticket to Work and Work Incentives Improvement Act of 1999 limits the amount of long-term capital gain a taxpayer can recognize from certain ''constructive ownership transactions;'' any excess gain is treated as ordinary income.

House bill

No provision.

Senate amendment

The Senate amendment provision limits the amount of long-term capital gain a taxpayer can recognize from certain constructive ownership transactions with respect to certain financial assets. This provision was enacted in the Ticket to Work and Work Incentives Improvement Act of 1999.

Conference agreement

No provision. However, the provision was enacted in the Ticket to Work and Work Incentives Improvement Act of 1999.

F. Require Consistent Treatment and Provide Basis Allocation Rules for Transfer of Intangibles in Certain Nonrecognition Transactions

(SEC. 505 OF THE SENATE AMENDMENT AND SECS. 351 AND 721 OF THE CODE)

Present law

Generally, no gain or loss is recognized if one or more persons transfer property to a corporation solely in exchange for stock in the corporation and, immediately after the exchange such person or persons are in control of the corporation. Similarly, no gain or loss is recognized in the case of a contribution of property in exchange for a partnership interest. Neither the Internal Revenue Code nor the regulations provide the meaning of the requirement that a person ''transfer property'' in exchange for stock (or a partnership interest). The Internal Revenue Service interprets the requirement consistent with the ''sale or other disposition of property'' language in the context of a taxable disposition of property. See, e.g., Rev. Rul. 69–156, 1969–1 C.B. 101. Thus, a transfer of less than ''all substantial rights'' to use property will not qualify as a tax-free exchange and stock received will be treated as payments for the use of property rather than

[5] Section 1234A, as amended by the Taxpayer Relief Act of 1997.

for the property itself. These amounts are characterized as ordinary income. However, the Claims Court has rejected the Service's position and held that the transfer of a nonexclusive license to use a patent (or any transfer of ''something of value'') could be a ''transfer'' of ''property'' for purposes of the nonrecognition provision. See *E.I. DuPont de Nemours & Co.* v. *U.S.*, 471 F.2d 1211 (Ct. Cl. 1973).

House bill

No provision.

Senate amendment

The Senate amendment treats a transfer of an interest in intangible property constituting less than all of the substantial rights of the transferor in the property as a transfer of property for purposes of the nonrecognition provisions regarding transfers of property to controlled corporations and partnerships. In the case of a transfer of less than all of the substantial rights, the transferor is required to allocate the basis of the intangible between the retained rights and the transferred rights based upon their respective fair market values.

No inference is intended as to the treatment of these or similar transactions prior to the effective date.

Effective date.—The provision is effective for transfers on or after the date of enactment.

Conference agreement

No provision.

G. Increase Elective Withholding Rate for Nonperiodic Distributions From Deferred Compensation Plans

(SEC. 506 OF THE SENATE AMENDMENT AND SEC. 3405 OF THE CODE)

Present law

Present law provides that income tax withholding is required on designated distributions from employer deferred compensation plans (whether or not such plans are tax qualified), individual retirement arrangements (''IRAs''), and commercial annuities unless the payee elects not to have withholding apply. A designated distribution does not include any payment (1) that is wages, (2) the portion of which it is reasonable to believe is not includible in gross income, (3) that is subject to withholding of tax on nonresident aliens and foreign corporations (or would be subject to such withholding but for a tax treaty), or (4) that is a dividend paid on certain employer securities (as defined in sec. 404(k)(2)).

Tax is generally withheld on the taxable portion of any periodic payment as if the payment is wages to the payee. A periodic payment is a designated distribution that is an annuity or similar periodic payment.

In the case of a nonperiodic distribution, tax generally is withheld at a flat 10-percent rate unless the payee makes an election not to have withholding apply. A nonperiodic distribution is any distribution that is not a periodic distribution. Under current administrative rules, an individual receiving an nonperiodic distribution can designate an amount to be withheld in addition to the 10-percent otherwise required to be withheld.

Under present law, in the case of a nonperiodic distribution that is an eligible rollover distribution, tax is withheld at a 20-percent rate unless the payee elects to have the distribution rolled directly over to an eligible retirement plan (i.e., an IRA, a qualified plan (sec. 401(a)) that is a defined contribution plan permitting direct deposits of rollover contributions, or a qualified annuity plan (sec. 403(a)). In general, an eligible rollover distribution includes any distribution to an employee of all or any portion of the balance to the credit of the employee in a qualified plan or qualified annuity plan. An eligible rollover distribution does not include any distribution that is part of a series of substantially equal periodic payments made (1) for the life (or life expectancy) of the employee or for the joint lives (or joint life expectancies) of the employee and the employee's designated beneficiary, or (2) over a specified period of 10 years or more. An eligible rollover distribution also does not include any distribution required under the minimum distribution rules of section 401(a)(9), hardship distributions from section 401(k) plans, or the portion of a distribution that is not includible in income. The payee of an eligible rollover distribution can only elect not to have withholding apply by making the direct rollover election.

House bill

H. Provisions Relating to Real Estate Investment Trusts (''REITS'')

(SECS. 610–622 OF THE SENATE AMENDMENT AND SECS. 852, 856, AND 857 OF THE CODE)

Present law

In general, a real estate investment trust (''REIT'') is an entity that receives most of its income from passive real estate related investments and that receives pass-through treatment for income that is distributed to shareholders. If an electing entity meets the qualifications for REIT status, the portion of its income that is distributed to the investors each year generally is taxed to the investors without being subjected to tax at the REIT level.

A REIT must satisfy a number of tests on a year-by-year basis that relate to the entity's: (1) organizational structure; (2) source of income; (3) nature of assets; and (4) distribution of income.

Under the organizational structure test, except for the first taxable year for which an entity elects to be a REIT, the beneficial ownership of the entity must be held by 100 or more persons. Generally, no more than 50 percent of the value of the REIT's stock can be owned by five or fewer individuals during the last half of the taxable year. Certain attribution rules apply in making this determination. No similar rule applies to corporate ownership of a REIT.

House bill

No provision.

Senate amendment

The Senate amendment contains a number of provisions relating to REITS. These include a provision generally limiting the level of investment a REIT can have in another entity to 10 percent of value (or vote), except in the case of taxable REIT subsidiaries, for which specific rules are provided. The provisions also permit REITs to own and operate health care facilities under certain circumstances, modify the definition of independent contractor and of real estate rental income, modify the earnings and profits rules for REITs and for regulated investment companies (''RICS''), and modify the estimated tax rules for investors in certain closely held REITs.

The Senate amendment also imposes an additional requirement for REIT qualification that makes certain controlled entities ineligible for REIT status and imposes a number of related rules. Under that provision, except for the first taxable year for which an entity elects to be a REIT, no one person can own stock of a REIT possessing 50 percent or more of the combined voting power of all classes of voting stock or 50 percent or more of the total value of shares of all classes of stock of the REIT. For purposes of determining a person's stock ownership, rules similar to attribution rules for REIT qualification under present law apply (secs. 856(d)(5) and 856(h)(3)). the provision does not apply to ownership by a REIT of 50 percent or more of the stock (vote or value) of another REIT.

An exception applies for a limited period to certain ''incubator REIT''. An incubator REIT is a corporation that elects to be treated as an incubator REIT and that meets all the following other requirements. (1) it has only voting common stock outstanding, (2) not more than 50 percent of the corporation's real estate assets consist of mortgages, (3) from not later than the beginning of the last half of the second taxable year, at least 10 percent of the corporation's capital is provided by lenders or equity investors who are unrelated to the corporation's largest shareholder, (4), the corporation must annually increase the value of real estate assets by at least 10 percent, (5) the directors of the corporation must adopt a resolution setting forth an intent to engage in a going public transaction, and (6) no predecessor entity (including any entity from which the electing incubator REIT acquired assets in a transaction in which gain or loss was not recognized in whole or in part) had elected incubator REIT status.

The new ownership requirement does not apply to an electing incubator REIT until the end of the REIT's third taxable year; and can be extended for an additional two taxable years if the REIT so elects. However, a REIT cannot elect the additional two-year extension unless the REIT agrees that if it does not engage in a going public transaction by the end of the extended eligibility period, it shall pay Federal income taxes for the two years of the extended period as if it had not made an incubator REIT election and had ceased to qualify as a REIT for those two taxable years. In such case, the corporation shall file appropriate amended returns within 3 months of the close of the extended eligibility period. Interest would be payable, but no substantial underpayment penalties would apply except in cases where there is a finding that incubator REIT status was elected for a principal purpose other than as part of a reasonable plan to engage in a going public transaction. Notification of shareholders and any other person whose tax position would reasonably be expected to be affected is also required.

If an electing incubator REIT does not elect to extend its initial 2-year extended eligibility period and has not engaged in a going public transaction by the end of such period, it must satisfy the new control requirements as of the beginning of its fourth taxable year (i.e., immediately after the close of the last taxable year of the two-year initial extension period) or it will be required to notify its shareholderss and other persons that may be affected by its tax status, and pay Federal income tax as a corporation that has ceased to qualify as a REIT at that time.

If the Secretary of the Treasury determines that an incubator REIT election was filed for a principal purpose other than as part of a reasonable plan to undertake a going public transaction, an excise tax of $20,000 is imposed on each of the corporation's directors for each taxable year for which the election was in effect.

For purposes of determining whether a corporation has met the requirement that it annually increase the value of its real estate assets by 10 percent, the following rules shall apply. First, values shall be based on cost and properly capitalizable expenditures with no adjustment for depreciation. Second, the test shall be applied by comparing the value of assets at the end of the first taxable year with those at the end of the second taxable year and by similar successive taxable year comparisons during the eligibility period.

Third, if a corporation fails the 10 percent comparison tests for one taxable year, it may remedy the failure by increasing the value of real estate assets by 25 percent in the following taxable year, provided it meets all the other eligibility period requirements in that following taxable year.

A going public transaction is defined as either (1) a public offering of shares of stock of the incubator REIT, (2) a transaction, or series of transactions, that result in the incubator REIT stock being regularly traded on an established securities market (as defined in section 897) and being held by shareholders unrelated to persons who held such stock before it began to be so regularly traded, or (3) any transaction resulting in ownership of the REIT by 200 or more persons (excluding the largest single shareholder) who in the aggregate own least 50 percent of the stock of the REIT. Attribution rules apply in determining ownership of stock.

Effective date.—Under the Senate amendment, the provision denying REIT status to certain controlled entities is effective for taxable years ending after July 14, 1999. Any entity that elects (or has elected) REIT status for a taxable year including July 14, 1999, and which is both a controlled entity and has significant business assets or activities on such date, will not be subject to the proposal. Under this rule, a controlled entity with significant business assets or activities on July 14, 1999, can be grandfathered even if it makes its first REIT election after that date with its return for the taxable year including that date.

For purposes of the transition rules, the significant business assets or activities in place on July 14, 1999, must be real estate assets and activities of a type that would be qualified real estate assets and would produce qualified real estate related income for a REIT.

Conference agreement

No provision. However, the Senate amendment provisions, except for the provision what would have denied REIT status to certain controlled entities, were enacted in the ticket to Work and Work Incentives Improvement Act of 1999.

I. Modification of Individual Estimated Tax Safe Harbor

(SEC. 623 OF THE SENATE AMENDMENT AND SEC. 6654 OF THE CODE)

Present law

Under present law, an individual taxpayer generally is subject to an addition to tax for any underpayment of estimated tax. An individual generally does not have an underpayment of estimated tax if he or she makes timely estimated tax payments at least equal to: (1) 90 percent of the tax shown on the current year's return of (2) 100 percent of the prior year's tax. For taxpayers with a prior year's AGI above $195,000,[6] however the rule that allows payment of 100 percent of prior year's tax is modified. Those taxpayers with AGI above $150,000 generally must make estimated payments based on either (1) 90 percent of the tax shown on the current year's return or (2) 110 percent of the prior year's tax.

For taxpayers with a prior year's AGI above $150,000, the prior year's tax safe harbor is modified for estimated tax payments made for taxable years 2000 and 2002. For such taxpayers making estimated tax payments based on prior year's tax payments must be made based on 108.6 percent of prior year's tax for taxable year 2000[7] and 112 percent of prior year's tax for taxable year 2002.

House bill

No provision.

Senate amendment

The Senate amendment further modifies the safe harbor rule by providing that taxpayers with prior year's AGI above $150,000 who make estimated tax payments based on prior year's tax must do so based on 106.5 percent of prior year's tax for estimated tax payments made for taxable year 2000. Taxpayers with prior year's AGI above $150,000 who made estimated tax payments based on prior year's tax must do so based on 106 percent of prior year's tax for estimated tax payments made for taxable year 2001. All other years remain as under present law.

Effective date.—The provision is effective for estimated payments made for taxable year beginning after December 31, 1999.

Conference agreement

No provision.

J. Provide Waiver From Denial of Foreign Tax Credits

(SEC. 724 OF THE SENATE AMENDMENT AND SEC. 901(J) OF THE CODE)

Present law

In general, U.S. persons may credit foreign taxes against U.S. tax on foreign-source income. The amount of foreign tax credits that can be claimed in a year is subject to a limitation that prevents taxpayers from using foreign tax credits to offset U.S. tax on U.S.-source income. Separate limitations are applied to specific categories of income.

Pursuant to special rules applicable to taxes paid to certain foreign countries, no foreign tax credit is allowed for income, war profits, or excess profits taxed paid, accrued, or deemed paid to a country which satisfies specified criteria, to the extent that the taxes are with respect to income attributable to a period during which such criteria were satisfied (sec. 901(j)). Section 901(j) applies with respect to any foreign country: (1) the government of which the United States does not recognize, unless such government is otherwise eligible to purchase defense articles or services under the Arms Export Control Act, (2) with respect to which the United States has severed diplomatic relations, (3) with respect to which the United States has not severed diplomatic relations but does not conduct such relations, or (4) which the Secretary of State has, pursuant to section 6(j) of the Export Administration Act of 1979, as amended, designated as a foreign country which repeatedly provides support for acts of international terrorisms (a ''section 901(j) foreign country''). The denial of credits applies to any foreign country during the period beginning on the later of January 1, 1987, or six months after such country becomes a section 901(j) country, and ending on the date the Secretary of State certifies to the Secretary of the Treasury that such country is no longer a section 901(j) country.

Taxes treated as noncreditable under section 901(j) generally are permitted to be deducted notwithstanding the fact that the taxpayer elects use of the foreign tax credit for the taxable year with respect to other taxes. In addition, income for which foreign tax credits are denied generally cannot be sheltered from U.S. tax by other creditable foreign taxes.

Under the rules of subpart F, U.S. 10-percent shareholders of a controlled foreign corporation (''CFC'') are required to include in income currently certain types of income of the CFC, whether or not such income is actually distributed currently to the shareholders (referred to as ''subpart F income''). Subpart F income includes income derived from any foreign country during a period in which the taxes imposed by that country are denied eligibility for the foreign tax credit under section 901(j).[8]

House bill

No provision.

Senate amendment

The Senate amendment provides that section 901(j) no longer applies with respect to a foreign country if: (1) the President determines that a waiver of the application of section 901(j) to such foreign country is in the national interest of the United States and will expand trade opportunities for U.S. companies in such foreign country, and (2) the President reports to the Congress, not less than 30 days before the waiver is granted, the intention to grant such a waiver and the reason for such waiver.

Effective date.—The provision is effective on or after February 1, 2001.

Conference agreement

The conference agreement follows the Senate amendment.

K. Accelerate Rum Excise Tax Coverover Payments to Puerto Rico and the U.S. Virgin Islands

(SEC. 221 OF THE SENATE AMENDMENT AND SEC. 7652 OF THE CODE)

Present law

A $13.50 per proof gallon[9] excise tax is imposed on distilled spirits produced in or imported (or brought) into the United States. The excise tax does not apply to distilled spirits that are exported from the United States or to distilled spirits that are consumed in U.S. possessions (e.g., Puerto Rico and the Virgin Islands).

The Code provides for coverover (payment) of $13.25 per proof gallon of the excise tax imposed on rum imported (or brought) into the United States (without regard to the country of origin) to Puerto Rico and the Virgin Islands during the period July 1, 1999 through December 31, 2001. Effective on January 1, 2002, the coverover rate is scheduled to return to its permanent level of $10.50 per proof gallon. The maximum amount attributable to the increased coverover rate over the permanent rate of $10.50 per proof gallon that can be paid to Puerto Rico and the Virgin Islands before October 1, 2000 is $20 million. Payment of this amount was made on January 3, 2000.[10] any remaining amounts attributable to the increased coverover rate are to be paid on October 1, 2000.

Amounts covered over to Puerto Rico and the Virgin Islands are deposited into the treasuries of the two possessions for use as those possessions determine.

House bill

No provision, but H.R. 984, as reported by the Committee on Ways and Means, would have provided an increase in the coverover amount to $13.50 per proof gallon for the period June 30, 1999, and before October 1, 1999. (The conference report on the Ticket to Work and Work Incentives Improvement Act of 1999 (Pub. L. No. 106–170, December 17, 1999) subsequently increased the coverover rate from $10.50 per proof gallon to $13.25 per proof gallon, and enacted the $20 million limit on transfer of the increased amount before October 1, 2000. The conference report

[6] The threshold is $75,000 for married taxpayers filing separately.

[7] This percentage was enacted in sec. 531 of P.L. 106–170, the Ticket to Work and Work Incentives Improvement Act of 1999 (December 17, 1999).

[8] Sec. 952(a)(5).

[9] A proof gallon is a liquid gallon consisting of 50 percent alcohol.

[10] The Department of the Interior, which administers the coverover payments for rum imported into the United States from the U.S. Virgin Islands, erroneously authorized full payment to the Virgin Islands of the increased coverover rate on that rum notwithstanding the statutory limit on these transfers for periods before October 1, 2000. The Bureau of Alcohol, Tobacco, and Firearms, which administers the coverover payments for the Virgin Islands' portion of tax collected on rum imported from other countries, complied with the statutory limit.

further indicated that the special payment rule would be reviewed during consideration of H.R. 434.)

Senate amendment

The Senate amendment is the same as the Ways and Means Committee-reported provisions of H.R. 984.

Conference agreement

The conference agreement provides that unpaid amounts attributable to the increase in the coverover rate to $13.25 per proof gallon for the period from July 1, 1999 through the last day of the month prior to the date of enactment will be paid on the first monthly payment date following the date of enactment.[11] With respect to amounts attributable to the period beginning with the month of the conference agreement's enactment, payments will be based on the full $13.25 per proof gallon rate.

The conference agreement further includes two clarifications to the rules governing coverover payments. First, clarification is provided that payments to the Virgin Islands with respect to rum imported from that possession are to be made annually in advance (based on estimates) as is the current administrative practice. Second, the conference agreement clarifies that the Internal Revenue Code provisions governing coverover payments are the exclusive authorize authority for making those payments.

Effective date.—The provision is effective on the date of enactment.

TRADE PROVISIONS NOT INCLUDED IN EITHER THE HOUSE OR SENATE BILL—ACCESS TO HIV/AIDS PHARMACEUTICALS AND MEDICAL TECHNOLOGIES

Present law

The Special 301 provisions of the Trade Act of 1974 require the President to identify, within 30 days after submission of the annual National Trade Estimates report to Congress, those foreign countries that deny adequate and effective protection of intellectual property rights or fair and equitable market access to U.S. persons that rely upon intellectual property protection, and those countries determined by USTR to be ''priority foreign countries.'' The President is to identify as priority countries only those that have the most onerous or egregious acts, policies, or practices with the greatest adverse impact on the relevant U.S. products, and that are not entering into good faith negotiations or making significant progress in bilateral or multilateral negotiations to provide adequate and effective intellectual property rights protection.

House bill

No provision.

Senate amendment

Section 116 of the Senate bill seeks to address the issue of access to HIV/AIDS pharmaceuticals and medical technologies in the beneficiary countries of sub-Saharan Africa. In subsection (a), Congress finds that since the onset of the worldwide HIV/AIDS epidemic, approximately 34,000,000 people living in sub-Saharan Africa have been infected with the disease. Of those infected, approximately 11,500,000 have died, representing 83 percent of the total HIV/AIDS-related deaths worldwide. Subsection (b) expresses the sense of Congress that:

It is in the interest of the United States to take all necessary steps to prevent further spread of infectious disease, particularly HIV/AIDS;

There is critical need for effective incentives to develop new pharmaceuticals, vaccines, and therapies to combat the HIV/AIDS crisis, especially effective global standards for protecting pharmaceutical and medical innovation;

The overriding priority for responding to the crisis on HIV/AIDS in sub-Saharan Africa should be the development of the infrastructure necessary to deliver adequate health care services, and of public education to prevent transmission and infection, rather than legal standards issues;

Individual countries should have the ability to determine the availability of pharmaceuticals and health care for their citizens in general, and particularly with respect to the HIV/AIDS epidemic.

Subsection (c) prohibits the Administration from seeking, through negotiation or otherwise, the revocation or revision of any intellectual property or competition law or policy that regulates HIV/AIDS pharmaceuticals or medical technologies of a beneficiary sub-Saharan African country if the law or policy promotes access to HIV/AIDS pharmaceuticals or medical technologies and the law or policy of the country provides adequate and effective intellectual property protection consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

Conference agreement

The Senate recedes to the House.

TRADE ADJUSTMENT ASSISTANCE

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: (1) the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; (2) the TAA program for firms, which provides technical assistance to qualifying firms; and (3) the North American Free Trade Agreement (NAFTA) Transitional Adjustment Assistance (NAFTA–TAA) program for workers (established by the North American Free Trade Agreement Implementation Act of 1993), which provides training and income support for workers adversely affected by imports from or production shifts to Canada and/or Mexico.

The authorizations for all three programs expire on September 30, 2001. At the time of the passage of the Senate bill, the authorization for these programs had expired on June 30, 1999.

House bill

No provision.

Senate amendment

Section 401 of the Senate bill reauthorizes each of the three TAA programs through September 30, 2001. It also caps the amount of money appropriated for any fiscal year from October 1, 1998 to September 30, 2001 at $30,000,000.

Section 402 of the Senate bill requires the Secretary of Labor to certify as eligible for benefits under the general TAA program workers in textile and apparel firms who lose their jobs as a result of either (1) a decrease in the firm's sales or production; or (2) a firm's plant or facility closure or relocation.

Conference agreement

The Senate recedes to the House.

TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Present law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by import competition. Those programs are: the general TAA program for workers, which provides training and income support for workers adversely affected by import competition; the TAA program for firms, which provides technical assistance to qualifying firms; and the North American Free Trade Agreement Act (NAFTA) transitional adjustment assistance program which provides training and income support for workers who may be adversely impacted by imports from or production shifts to Canada and/or Mexico.

House bill

No provision.

Senate amendment

The Trade Adjustment Assistance for Farmers provision would create a new TAA program for farmers as Chapter 6 of title II of the Trade Act of 1974. Under this new program, farmers would be eligible for cash assistance when commodity prices drop by more than 20 percent below the average for the previous five year period and imports contributed importantly to this price drop. When a commodity meets these criteria, individual farmers would be eligible to receive cash assistance equal to half the difference between the actual national average price for the year and 80 percent of the average price in the previous five years (the price trigger level), provided that the farmer's income had declined from the previous year. This assistance was capped at $10,000 per farmer. The program is authorized at $100 million annually and is to be administered by the Department of Agriculture.

REPORT ON DEBT RELIEF

Present law

No provision.

House bill

No provision.

Senate amendment

Section 705 of the Senate amendment requires the President to submit a report to Congress on the President's recommendations for: bilateral debt relief for sub-Saharan African countries; new loan, credit and guarantee programs for these countries; and the President's assessment of how debt relief will affect the ability of each country to participate fully in the international trading system.

Conference agreement

The Senate recedes to the House. Section 714 of the Senate bill, expressing Congress' support for comprehensive debt relief for the world's poorest countries, is included in Title I of the conference agreement.

SENSE OF SENATE REGARDING FAIR ACCESS TO JAPANESE TELECOMMUNICATIONS FACILITIES AND SERVICES

Present law

No provision.

House bill

No provision.

Senate amendment

Section 709 of the Senate amendment expresses the Sense of the Senate that the Administration should pursue efforts to open the Japanese telecommunications market, particularly to internet services. This provision notes that despite several bilateral agreements with Japan regarding its telecommunications market, the Senate remains concerned about Japan's excessive regulation and anti-competitive activity in the telecommunications sector. The provision urges the Administration to continue to pursue aggressively further market opening

[11] Thus, this provision of the conference agreement applies only to payments to Puerto Rico and to payments of the Virgin Islands' portion of tax on rum imported from other countries because the Interior Department erroneously has already paid in full amounts attributable to rum imported from the Virgin Islands.

with Japan as part of the multilateral negotiations that were to be launched at the WTO Ministerial in Seattle (November 30-December 3).

Conference agreement

The Senate recedes to the House.

REPORT ON WTO MINISTERIAL

Present law

No provision.

House bill

No provision.

Senate amendment

Section 709 of the Senate amendment expresses the Sense of Congress on the importance of the new round of international trade negotiations that was to be launched at the World Trade Organization (WTO) Ministerial Conference in Seattle, Washington from November 30 to December 3, 1999. Subsection (b) requires that the United States Trade Representative shall submit a report to Congress regarding any discussions on the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the Antidumping Agreement) and the Agreement on Subsidies and Countervailing Measures during the Seattle Ministerial Conference.

Conference agreement

The Senate recedes to the House.

MARKING OF IMPORTED JEWELRY

Present law

Section 304 of the Tariff Act of 1930 (19 U.S.C. §1304) requires that all articles of foreign origin imported into the United States ''shall be marked in a conspicuous place as legibly, indelibly and permanently as the nature of the article (or container) will permit a manner to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article.'' The provision authorizes several exceptions to this standard including where ''such article is incapable of being marked'' and ''such article cannot be marked prior to shipment to the United States, except at an expense economically prohibitive of its importation.'' 19 U.S.C. §1304(3)(A), (C). Part 134, Customs Regulations (19 C.F.R. part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304.

The Customs Service has not implemented any specific regulation with respect to costume jewelry. In practice, however, the Customs Service has interpreted the statute and its exceptions to permit articles of costume jewelry to be marked with a hang tag, applied tag, or similar labeling where the article is incapable of being marked in a more permanent manner or where it is economically prohibitive to indelibly mark the article.

House bill

No provision.

Senate amendment

Section 720 of the Senate bill directs the U.S. Department of Treasury to implement regulations, consistent with the existing statutory framework, with respect to the marking of costume jewelry of foreign origin within one year of the date of enactment of this bill. These regulations are intended to clarify the existing statutory standard and are to be modeled after the Customs Service's regulation with respect to Native American jewelry, codified in 19 C.F.R. §134.43(c).

The U.S. jewelry industry continues to report, however, that hang tags and labels on imported costume jewelry that are in place upon entry into the United States often disappear or are removed prior to the jewelry's display or sale. When country-of-origin markings do not appear on imported jewelry or other items offered to the consumer, it constitutes a violation of federal marking law and prevents purchasers from being informed about the origin of such products.

Conference agreement

The Senate recedes to the House.

UNREASONABLE ACTS, POLICIES AND PRACTICES.

Present law

Sections 301–310 of the Trade Act of 1974 provides authority to the United States Trade Representative to enforce U.S. rights under international trade agreements. Section 301(a) authorizes the Trade Representative to take action to enforce such rights if the Trade Representative determines that an act, policy, or practice of a foreign country is unreasonable or discriminatory and burdens or restricts United States commerce. Section 301(d)(3)(B)(i) defines unreasonable acts, policies, and practices to include acts which deny fair and equitable market opportunities, including the toleration by a foreign government of systematic anticompetitive activities by enterprises in the foreign country that have the effect of restricting access of U.S. goods or services in that foreign market or a third country market.

House bill

No provision.

Senate amendment

Section 725 of the Senate amendment adds language to section 301(d)(3)(B)(i) to define unreasonable acts, policies, and practices which deny fair and equitable market opportunities as including predatory pricing, discriminatory pricing, or pricing below the cost of production if such acts, policies or practices are inconsistent with commercial practices. This provision also deletes the existing reference to systematic anticompetitive activities.

Conference agreement

The House recedes to the Senate.

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

BENJAMIN A. GILMAN,
EDWARD R. ROYCE,
SAM GEJDENSON,

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

BILL ARCHER,
PHIL CRANE,
CHARLES B. RANGEL,

As additional conferees, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

AMO HOUGHTON,
JOE HOEFFEL,

Managers on the Part of the House.

W.V. ROTH, Jr.,
CHUCK GRASSLEY,
TRENT LOTT,
DANIEL P. MOYNIHAN,
MAX BAUCUS,
JOE BIDEN,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 434 AVAILABLE ON INTERNET

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

Mr. ROYCE. Mr. Speaker, I want to bring to the attention of the House that the conference report just filed for the Trade and Development Act of 2000, which contains the provisions of the Africa CBI legislation, is now available on the Internet at www.waysandmeans.com.

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DEBATE ABOUT CHINA IS NATIONAL SECURITY, NOT TRADE

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

Mr. TRAFICANT. Mr. Speaker, China is methodically developing a powerful military presence. China is building and buying missiles, tanks, aircrafts, and submarines. What China has not built, China has stolen from Uncle Sam, no less. To boot, China is doing all of this with our money. Beam me up.

The debate about China is not about trade, Mr. Speaker, it is about national security. I honestly believe our national security has been compromised by turning the Lincoln Bedroom into the Red Roof Inn. Think about that statement.

I yield back over 90 witnesses who took the Fifth Amendment when questioned about Chinese bribe money.

DEPARTMENT OF EDUCATION'S GROSS MISMANAGEMENT OF MONEY NO LONGER TOLERATED

(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, earlier this year, the Department of Education notified 39 very fortunate students they had won the prestigious Jacob Javits Fellowship Award, a rather high honor for these students. But, unfortunately, a few days later, the Department called these very same students back to say, ''Whoops, sorry, we were wrong. You actually did not win this award.''

Well, not surprisingly, Mr. Speaker, this will cost the American taxpayers nearly $4 million since, by law, the Department of Education now must provide these students with the promised scholarships even if awarded in error.

This mistake is not the first and probably will not be the last costly mistake for the Department of Education. Such mistakes simply highlight the agency's lack of responsibility in managing the Federal dollars appropriated for our children's education.

Gross mismanagement of the American taxpayer dollars can no longer be tolerated.

I yield back the failing and obvious delinquency of the Department of Education.

EDUCATION

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

Ms. SCHAKOWSKY. Mr. Speaker, last September, I toured Daniel Boone School in Chicago to see firsthand its overcrowded conditions. Boone School has an enrollment of 1,100 students, 300 more than the school can reasonably accommodate.

Classes were being held in hallways, and students were learning in makeshift classrooms like the teachers' lounge and cafeteria. Three different classes were being taught in the same room at the same time.

Last week, I returned to Boone School; and I am sad to report that nothing has changed. Classes are still being held in hallways and teachers' lounges. But what moved me most was the seventh grade girl who stood up and looked me in the eye and said, ''You came last September, how come nothing is changed; and when will we see improvements in our school.'' That is a legitimate and tough question.

Boone School, however, is not alone. Eighty-nine percent of Illinois schools are in need of repair, rebuilding, or upgrade. How can we expect to deliver the best quality education to our students when they are learning about gravity from falling ceiling tiles. It is just unacceptable to send our children to 19th century schools when we go into the 21st century.

Yesterday, a study released by the NEA shows that it costs $322 billion to repair and modernize American schools. I urge my colleagues to support H.R. 4094, America's Better Classroom Act of 2000.

BREAST AND CERVICAL CANCER TREATMENT ACT

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

Mr. OSE. Mr. Speaker, I want to thank the leadership for agreeing to bring the Breast and Cervical Cancer Treatment Act to the House floor before Mother's Day. This legislation is vital to provide treatment for low-income, uninsured working women who are diagnosed with breast or cervical cancer. Giving States the option to provide Medicaid coverage for these women if they are found to have cancer through the Center for Disease Control's early detection program will help save thousands of lives.

The program currently provides screening for breast cancer, but it does not provide funding for treatment options for these women. The harsh reality is they will die because they have no options. This must change.

The funding for H.R. 1070 was included in the budget resolution and has overwhelming support from my friends on both sides of the aisle with nearly 300 cosponsors.

Again, I want to thank the leadership for bringing this critical piece of legislation to the House floor before Mother's Day.

INTERNATIONAL CHILD ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, I rise today to address the House and talk about an intolerable situation, that is, the abduction of 10,000 American children to foreign countries. I am asking my colleagues to focus on these children and to help pass legislation that will bring them home. Today I will tell the story of an American parent, Kenneth Roche, to illustrate the problem.

In 1991, a U.S. court granted Kenneth a divorce from his German wife, and granted both parents joint legal custody, with physical custody going to the mother and generous access rights for Kenneth. The court also ordered that the child must not be removed from Massachusetts unless authorized by the court.

In 1993, Kenneth's ex-wife took the child to Germany, and the United States issued an arrest warrant, granted him temporary custody, and ordered the immediate return of the child. Both a lower court and a higher court in Germany has ordered the return of the child, but the mother has refused to comply and the courts refused to enforce their own orders.

Kenneth Roche has not seen his child since 1993 and does not know where he is. Mr. Speaker, American parents and children should not be separated like this. The effects on both are painful and devastating. I ask this House to join me and help bring our children home.

HAPPY 50TH ANNIVERSARY TO JACK AND NORMA QUINN

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

Mr. QUINN. Mr. Speaker, I rise this morning to take a personal prerogative of the House and ask the indulgence of my colleagues. I want to join other Quinn clan members from Buffalo and Hamburg and Blasdell, New York in honoring and wishing my parents, Jack and Norma Quinn, happy 50th anniversary this Saturday, May 6.

I have to be clear that I represent only five sons, five great daughter-in-laws, 13 grandchildren, and one great granddaughter, but I have a chance to do it here that they might not have. We offer congratulations of course and thanks.

Mr. Speaker, if I could quote the Chaplain this morning who said, ''that we are a reflection of Your love in this world.'' I think I would want our parents to know that we, too, are a reflection of their love in this world.

We congratulate them on 50 years of wedded bliss and thank them for all the sacrifices they made for us.

CONGRESS MUST PASS SCHOOL CONSTRUCTION

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

Mr. ETHERIDGE. Mr. Speaker, I would also like to acknowledge and congratulate the Quinns.

Mr. Speaker, I rise today on behalf of the more than 53 million children across this country that right now are attending school in our Nation's classrooms. That is more students than at the height of the Baby Boom and there will be more next year.

Unfortunately, too many of our children are stuffed into trailers, closets, cramped bathrooms, overcrowded and substandard facilities. Our schools are literally bursting at the seams.

For more than 2 years, I tried to pass my school construction bill to provide tax credits to help local communities build quality schools for our children. But the Republican leadership has refused to allow this essential legislation to pass. The same Republican leadership that has tried to eliminate the Department of Education, slash school lunches, refuses to pass this modest bill to build just a few schools for our children.

This same leadership has constantly pushed private school vouchers, block grants, and even antipublic school bills that have suffered from time to time.

Fortunately, Mr. Speaker, a bipartisan group of Members have come together to support a common sense compromise to school construction legislation. The Johnson-Rangel bill will pay the interest on about $24.8 billion worth of school construction bonds across this country. I urge my colleagues to support it.

EDUCATION HAS ALWAYS BEEN A STATE AND LOCAL PRIORITY

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

Mr. KINGSTON. Mr. Speaker, I wanted to talk about education a little bit, because if one looks at the record on education, Republican versus Democrat leadership, it is not even close.

Republicans have put far more resources into education, far more flexibility for local teachers, far more money into the special Individuals with Disability Education Act, far more money into school lunch program.

I hope that some of these Democrats will actually read the bill. They will see if they want to measure their money. They have lost.

Now, this proposal to construct new schools is great if one is in Chicago or New York City where one has not kept up with one's education or here in Washington, D.C. where one's roofs are leaking. Do my colleagues know why? Because the cities and States have not made the investment into education.

Why should my South Georgia school districts be penalized? They have raised taxes locally. They have done the right thing. They have been responsible. They built new school systems. Why should they be penalized to subsidize Chicago and New York City school systems. It is ridiculous.

Education has always been a State and local priority. We do not need to federalize it and have Uncle Sam in the Department of Education knowing best.

EDUCATION

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

Mr. BROWN of Ohio. Mr. Speaker, this education problem is not only a big city problem in spite of the comments of the previous speaker. Yesterday, the National Education Association estimated the country's construction needs at over $300 billion. This includes basic necessities, a desk in a classroom rather than in a broom closet, plumbing that works, computers capable of reaching the Internet.

My State, the State of Ohio, rural, urban, suburban, is home to one of the greatest needs, ranked 49th in the country for infrastructure, in spite of local effort and State effort. Ohio faces a $25 billion bill to provide children a safe and healthy learning environment.

The State recently committed to spending $10 billion over 26 years to do just that. Unfortunately, that is just not enough. In my district, Elyria High School is over 70 years old and does not qualify for any State funds. The children of Elyria, as are other places across the country, simply cannot wait any longer. If we work together, they will not have to.

I am cosponsor of the America's Better Classroom Act by providing zero-interest bonds, it would leverage local and Federal resources to begin to take care of this national disgrace.

Only a unified front can fix this problems. I urge my colleagues to support it.

TAX FREEDOM DAY

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

Mr. HEFLEY. Mr. Speaker, Americans love to celebrate landmarks and anniversaries: Christmas day, Independence Day, New Year's Day. But yesterday was one of my personal favorites, Tax Freedom Day. That is the day when hard-working Americans have finally paid their tax burdens and can begin earning for themselves and their families.

This chart illustrates when that day is over the years. I invite Members to use this opportunity to reflect on the problems with our current tax system. First, it is cumbersome. Our Tax Code exceeds 2.8 million words, more than War and Peace and the Bible combined.

It is unfair. It discriminates against married couples, the elderly, even the dead. It is discouraging. It punishes investing and saving and steals profits from healthy businesses and confuses a large majority of Americans trying to decipher its complicated forms.

Today, I encourage my colleagues to support reform and tax reduction measures that will truly provide tax freedom for hard-working Americans.

EDUCATION

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

Ms. WOOLSEY. Mr. Speaker, education must be our Nation's number one priority. Our children are 25 percent of the population, but they are 100 percent of our future. If we act now to strengthen our education system, our children and our country will be prepared for the economic and growth challenges of the future.

The Democrats' Safe and Successful Schools Act of 2000 would give teachers, parents, and students the tools they need for success.

As Democratic legislation proposes, investing in modernizing schools; hiring new, qualified teachers; and providing safe after-school programs for children will, indeed, take us into the new millennium and truly help our children and their future.

Let us not play politics with our children's future. Let us work together to support the Safe Schools Act and show our children that they are our number one priority.

The Republicans have proposed what they would call reforms, but, Mr. Speaker, closing troubled schools, doling out vouchers is not the answer. Investing in our education system is.

PERMANENT NORMAL TRADE RELATIONS TO CHINA

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

Mr. KNOLLENBERG. Mr. Speaker, later this month, Members of the House will be casting their votes on one of the most important trade issues that we have faced in recent years. I am referring, of course, to extend permanent normal trade relations to China.

The United States and the international community have been working together with China for decades to bring China into the WTO. For the first time in history, the doors of China's economy will be opened up to international commerce and competition.

Congress will be faced with a simple choice then. If Congress passes PNTR, we will allow U.S. companies to freely participate in the nearly $4 billion Chinese economy. However, if we do not pass PNTR, American products and American workers will be denied this opportunity.

Faced with these options, I think the choice is clear. I urge my colleagues to avoid the temptation to give in to the protectionist forces inside our country and instead support free trade and progress in China.

HONORING MERITORIOUS SERVICE OF VIETNAM VETERANS

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

Mr. STUPAK. Mr. Speaker, the Vietnam conflict began from 1964 and ended 25 years ago on April 30, 1975. During that time, over 3.4 million U.S. American military personnel served in southeastern Asia.

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Our veterans served in the rice paddies of the Delta, in the jungle of the Central Highlands, on river patrols of the Mekong River, and from air bases in the Pacific. Brave Americans went halfway around the world to help an embattled country and to perform the duty that we asked of them.

Many Vietnam veterans were not sufficiently acknowledged for their service to the country in those contentious times. For some, the war is still not over; some of our veterans have not recovered from their wounds, and families will not forget their loss. The war ended 25 years ago, but the event of those days remain deep in our collective memory.

It is never too late to express our appreciation. Recently, Congress passed House Concurrent Resolution 228 honoring members of the armed forces and Federal civilian employees who served during the Vietnam era. This resolution acknowledges the significance of the fall of South Vietnam and the importance of the events of April 30, 1975, as a benchmark in American history and an indelible memory for those who so honorably served.

I am pleased that Congress has so recognized and commended the meritorious service of our Vietnam veterans. Let there be no doubt that this country does indeed respect, appreciate, and honor the personal commitment and sacrifice of our Vietnam veterans for their service to this Nation.

ELIAN AND RELIGIOUS VALUES

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

Mr. STEARNS. Mr. Speaker, for those persons who say that Elian must be returned to his biological father at all cost, I submit these other arguments.

Let us point out that his real father, if he goes back to Cuba, will be Castro. In a Communist state, the government controls the state and controls the lives of the people. Those are the facts.

Returning Elian to Cuba after so long in America will doom him to psychological abuse by the Communist regime.

Ancient religious tradition from the Talmud, back 5,000 years, cites examples that, under Jewish law, a child must honor a person who teaches his moral and religious values above, above, a parent who does not.

Since there are no religious values in Cuba, it follows that Elian could just as well honor his relatives in the United States, here, where they will teach him moral and religious values.

EDUCATION

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

Mr. UDALL of Colorado. Mr. Speaker, the time has come for Congress to reauthorize the Elementary and Secondary Education Act. With this act we have the opportunity to make significant progress towards repairing and modernizing schools, reducing class size, and ensuring that our classrooms are healthy and safe learning environments.

Too many schools are stressed by population growth and crumbling infrastructure. Our average school is 42 years old. While money cannot solve problems in all of our schools, I believe matching our talk about the importance of education with an appropriate level of funding would go a long way towards improving classroom resources, reducing class size, and giving kids the space and tools they need to learn well.

Yesterday, the House passed the IDEA Full Funding Act. This bill is an important step towards honoring the commitment that we have made at the Federal level to share an important part of the resources needed at the local level.

Mr. Speaker, time is running short for Congress to complete its work. The stage is set for Congress to make meaningful improvements in the area of class size reduction and school facilities repair and modernization. We should not let this opportunity pass us by. We need to act soon.

HIGH TECH'S QUIET REVOLUTION EMPOWERING CHINA'S CITIZENS

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

Mr. LINDER. Mr. Speaker, the growth of high tech and the openness of the Internet are spreading democratic ideals throughout China, enlightening their people with ideas of freedom and opportunity.

In Nanjing, young Chinese men and women are being exposed to a quiet revolution led by the growth of the Internet. A Times of London article, entitled ''China Embraces Its Last Revolution,'' underscores high tech's role in opening up Chinese society. The article says China's older generation now recognizes that the economic development on which China's future depends requires a new openness to the world, the encouragement of the Internet, entry into the World Trade Organization, and concentration on education and globalization. They know this will change the political and social balance of China.

We can encourage this change. PNTR for China will maintain America's technological leadership in the world and provide high-tech jobs for Americans. It will also provide the Chinese people with access to Western influence and ideas. The open technology of the Internet will force China to open their society to bring about positive economic and social changes.

Mr. Speaker, China PNTR is in the best interest of both the American and the Chinese people.

CARDINAL JOHN O'CONNOR

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

Mr. FORBES. Mr. Speaker, after 16 years as the head of the New York Archdiocese and a life of devotion, faith, and of love for the Catholic Church and all of its parishioners, Cardinal John O'Connor passed on last night. And as we say in the Catholic faith, entered eternal life. He was the voice of all of God's people. He never forgot those in need.

Soon after the Cardinal was ordained, he began an illustrious career in the Navy. Entering the Navy as a chaplain, he rose to the rank of a rear admiral after 27 years of service. He traveled the globe celebrating mass in foxholes and on aircraft carriers, spreading the word of God.

He was a passionate defender of the rights of all workers. In fact, his father was a skilled interior painter and a union man. His father passed these views on to his son. And at a Catholic charities event not too long ago, the cardinal, who was a man of great humor, said jokingly, I told the Pope that there was only two requirements for the guy who replaces me. One is that he be Catholic and the other that he be a union guy. Cardinal O'Connor's working-class roots remained with him throughout his career until the very end.

His relations with people of all faiths were strengthened. He was a champion of the Jewish faith and helped the Vatican as it began to recognize Israel. His lifelong devotion to all those less fortunate and sick will not be forgotten. We will miss him terribly.

RECOGNIZING CINCO DE MAYO AND WELCOMING THE INLAND EMPIRE MARIACHI YOUTH GROUP TO WASHINGTON

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

Mr. BACA. Mr. Speaker, this week is Cinco de Mayo week, a time to celebrate the tremendous courage and bravery of Mexican Americans. I have introduced House Concurrent Resolution 313. This resolution calls for a presidential proclamation to recognize the struggle of Mexican American people as we celebrate this holiday.

The Mexican American people have fought against great odds for their freedom. Cinco de Mayo is indeed a great day to be filled with celebration, symbolism, and remembrance. It is about culture, tradition, heritage, and pride. It marks the victory of the Mexican Army over the French at the Battle of Pueblo. Many of us come from different places, but we share a common bond: we are united and proud Mexican Americans.

I would also like to salute the students from the Inland Empire Mariachi Youth Education Foundation of Southern California, who have been performing this week in our Nation's capital. My daughter, Jennifer Baca, is one of those performing and exposing individuals to this culture, tradition and heritage as we celebrate Cinco de Mayo. It represents a dream come true for many of these students.

This Friday we will remember Cinco de Mayo. It is an important day in the history of Mexico and California.

PROVIDING FOR CONSIDERATION OF H.R. 673, FLORIDA KEYS WATER QUALITY IMPROVEMENTS ACT OF 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 483

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 673) to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys. The first reading of the bill will be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider

as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 483 is an open rule, providing for the consideration of H.R. 673, the Florida Keys Water Quality Improvements Act of 2000. The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives clause 4(a) of Rule XIII, requiring a 3-day layover of the committee report against consideration of the bill. The rule also makes in order the committee amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be open for amendment at any point.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

In addition, Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendment if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, I am pleased to support this open rule which provides for the full and fair consideration of the Florida Keys Water Quality Improvements Act. I am pleased to be a cosponsor of this very important legislation, which authorizes grants for wastewater and storm water management projects to address the need for infrastructure improvements in the beautiful Florida Keys.

I am extremely proud of the Florida Keys, a unique marine environment which includes the only living coral reef barrier ecosystem in North America. This chain of over 800 individual islands, or keys, provides significant recreational and commercial opportunities and are a favorite among scuba divers, anglers, bird watchers, and tourists of all kinds.

In 1990, Congress passed the Florida Keys National Marine Sanctuary and Protection Act, which directed the EPA and the State of Florida to establish a water quality steering committee for the sanctuary and develop a comprehensive water quality protection program.

That steering committee identified inadequate wastewater and storm water management systems as the largest man-made sources of pollution in the near shore waters off the Florida Keys. The cost of needed wastewater improvements is between $184 to $418 million, and the cost of necessary storm water management proposals is between $370 and $680 million.

This legislation, which will help preserve our national treasure, authorizes $212 million in EPA grants to the Florida Keys Aqueduct Authority, or other agencies of the State of Florida or of Monroe County, for projects to replace inadequate wastewater treatment systems and establish, replace, or improve storm water systems in Monroe County, Florida; and it requires that the non-Federal cost share for projects carried out under this bill shall be not less than 25 percent of the total.

I believe it is entirely appropriate for there to be a Federal role in cleaning up and preserving the delicate ecosystem in the Florida Keys National Marine Sanctuary so that our children and their children, as well as generations of visitors from throughout the world, may be able to enjoy this extraordinary living coral reef barrier ecosystem, the only one in North America.

Mr. Speaker, I urge adoption of both this open rule and the underlying legislation, H.R. 673, the Florida Keys Water Quality Improvements Act of 2000.

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

☐ 1045

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the customary 30 minutes.

Mr. Speaker, I support this rule that allows Members to offer all germane amendments to the underlying bill, the Florida Keys Water Improvements Act, H.R. 673.

The underlying bill is completely noncontroversial and goes a long way toward protecting the Florida Keys. As many in this body already know, the Florida Keys are a spectacular chain of 800 independent islands located southeast of Florida.

The Keys are a unique and nationally significant marine environment and include North America's only living coral barrier reef ecosystem. But with rapid population growth, the Keys have begun to experience significant water quality problems.

In 1990, Congress passed the Florida Keys National Marine Sanctuary and Protection Act designating the Florida Keys National Marine Sanctuary. That Act directed EPA and the State of Florida to develop a comprehensive water quality protection program for the Sanctuary.

Since that time, the EPA and other Federal and State and local agencies have identified wastewater infrastructure improvements as the single most important investment to improve the water quality around the Florida Keys.

Improvement of storm water management in the area of the Florida Keys is also needed to reduce pollutant loadings from largely uncontrolled storm water runoff from existing development.

This Act provides the Federal share of funds for projects to replace these inadequate wastewater treatment systems that are damaging the Keys. These funds will supplement commitment by the State of Florida and Monroe County, Florida, for planning and construction of wastewater and storm water projects.

H.R. 673 would authorize appropriations of $213 million over the 2001–2005 period for this new grant program.

Mr. Speaker, I do not oppose this open rule.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS), my distinguished colleague, the vice-chairman of the Committee on Rules, a fighter for the environment, and one of the leading advocates for environmental causes in this Congress and especially in Florida.

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

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague from Florida (Mr. DIAZ-BALART) for his kind words and for his action on this rule.

Mr. Speaker, I remember very well back in the old days when we had a merchant marine and fisheries committee and Dante Fascell came forward

with this. And in the tradition of Mr. Fascell and the delegation working together, it has come to fruition.

I congratulate the gentleman from Florida (Mr. DEUTSCH) and all the rest of the delegation and, of course, the gentleman from Pennsylvania (Chairman SHUSTER) and his committee for bringing us forward to this date.

This is a continuum of efforts to protect one of the most unique, captivating, spectacular resources we have in the United States of America, the Florida Keys.

This is complementary to the efforts that this body has taken with regard to the Everglades and protection of Florida Bay. This is an investment. That is well worthwhile.

If my colleagues have not visited the Florida Keys, they should. If they have visited the Florida Keys, they will understand why this is necessary legislation.

I urge support of this rule and support of the legislation.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), a distinguished leader, who, in the short period of time he has been in Congress, has already left quite a mark on a number of critical issues to South Florida.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules, for his leadership as well. He is from South Florida and has undertaken to represent that community and the entirety of the State and the Nation in a very competent fashion.

I first want to thank the chairman and also thank especially our colleague from Florida (Mr. DEUTSCH) who has spearheaded this legislation which is vital, obviously, to the Florida Keys and to thank, as well, the gentleman from New York (Mr. BOEHLERT), the chairman of the committee, for endeavoring to bring this bill to the floor.

Mr. Speaker, we have heard quite a bit today about the importance of this bill and the positive impact it will have on the delicate marine ecosystem of the Florida Keys.

I appreciate the comments made by the gentleman from Florida (Mr. GOSS) and urge people to please make their vacation plans to visit this pristine, wonderful part of Florida. I know they will not be disappointed. As my colleague clearly stated, those who have been there fully understand the magnitude and magnificence not only of the region but of the necessity for the bill.

The Federal Government has recognized the importance of this system by naming it the National Marine Sanctuary. But it currently is in jeopardy. For too long, inadequate storm water management systems and wastewater treatment systems have allowed pollutants to mar this national treasure.

I might also add, we have a similar experience around Lake Okeechobee because of septic tanks and other things that were causing and are causing the degradation of the environment.

While we are here today to talk about the Keys, I also want to call to the attention of Members of Congress other waterways and other water bodies which would clearly have a significance and could actually use the model that the gentleman from Florida (Mr. DEUTSCH) has established today to help deal with other areas and other consequences.

But what impact will this problem have if left unchecked on the rest of us? Over 2 million people visit this beautiful area each year. But because of the inadequate infrastructure, what was once clear and beautiful water is now discolored. Beaches are often closed and public health officials warn against swimming near the shores. This poses a public health threat and a threat to the livelihood of many of the Keys' full-time residents.

The Florida Keys marine ecosystem is intrinsically linked with the Greater South Florida ecosystem, including our national park, the Florida Everglades. In devoting resources towards the restoration of this important ecosystem, we must ensure that a coordinated effort is undertaken so that the best environmental and fiscal outcome can be achieved for all concerned.

We have agreed that there is a problem by establishing the Water Quality Protection Program Steering Committee. This committee has proposed, as directed by the Congress, a comprehensive program to ensure water quality and protection embodied in this resolution, H.R. 673.

The State of Florida and the Monroe County Commission have demonstrated their commitment to this solution.

Let us pass this legislation and demonstrate the commitment of this Congress to preserving the beauty of the Florida Keys National Marine Sanctuary for all Americans.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too wish to add my voice of congratulations to the distinguished gentleman from the Florida Keys (Mr. DEUTSCH) who has worked so hard on this critical issue, as well as all the other colleagues who have worked on this matter, which is of such importance to that extraordinary treasure, national treasure, which is the Florida Keys.

I urge my colleagues to support this open rule, to support the underlying very important legislation.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1106, ALTERNATIVE WATER SOURCES ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 485 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 485

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1106) to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources. The first reading of the bill will be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), my friend and colleague, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this issue only.

Mr. Speaker, this is a very fair, simple rule, as we have just heard described to us. It provides for adequate and appropriate consideration of H.R. 1106, the Alternative Water Sources Act. It is a wide open rule that will accommodate any Member's interest in the amendment process who wishes to come forward on it.

H.R. 1102 would provide Federal grants to State and local governments so that they can move forward on developing alternative water sources. This is a critically important issue for my home State of Florida and for States across the country. We have always had water wars in America, but with an ever-increasing population and the accompanying heightened demand for water that we see in our communities, we are sure, I am afraid, we are going to see more of these disputes.

So H.R. 1102 aims to spur the development of alternate water sources which will help meet the increased demand. It is proactive. It is forward thinking. I thank my colleagues, the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from New York (Chairman BOEHLERT) and the gentleman from Pennsylvania (Chairman SHUSTER) of the committee for their work to bring this forward at this time.

I certainly encourage my colleagues to support the rule and the underlying legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me the customary time.

Mr. Speaker, this is an open rule. As my colleague from Florida has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The bill authorizes the Environmental Protection Agency to provide grants for water reclamation, reuse, and conservation projects.

America's growing population has created an increased demand for water, and this legislation will help States, local governments, private utilities, and nonprofit groups develop new water resources to meet these critical needs.

The bill was approved by a voice vote of the Committee on Transportation and Infrastructure with bipartisan support. It is an open rule.

I urge adoption of the rule.

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

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. FOLEY) who has the adjoining district and shares the same interest I do in South Florida.

□ 1100

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS), a member of the Committee on Rules, the champion of the Everglades, for giving me the opportunity to once again to speak under another rule, to talk about an issue again critical to the State of Florida and again dealing with the importance of water. And if anyone has traveled to Florida, whether it be the Keys or to Okeechobee County or to Palatka or Jacksonville or the Panhandle, they recognize with some 45 million annual visitors a year and a population in excess of 14 million people we clearly have water on our mind. It is everywhere. It is bountiful. It is plentiful, but it is diminishing. Obviously, it is not all available for consumption. We are surrounded by both the Gulf and the Atlanta Ocean which is, of course, saltwater incapable of being used for nourishment or thirst-quenching, unless it has been desalinated and that, of course, is an expensive proposal.

I want to first thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. SHUSTER) and others who have allowed this bill to come to the floor today, and I want to thank my colleagues, the gentlewoman from Florida (Mrs. THURMAN), the gentlewoman from Florida (Mrs. FOWLER), the gentleman from Florida (Mr. MICA), and the gentlewoman from Florida (Ms. BROWN) for their hard work on H.R. 1106.

Many States, especially my home State of Florida, currently face a water supply crisis. Our populations continue to grow but our water levels continue to decrease. If nothing is done, it is estimated that water demand will exceed supply as early as 2020. Congress must act now before this problem escalates to that dangerous level leading to potential economic and environmental crises.

I will stop there for just a moment to recognize the actions on the floor of the legislature in unanimously passing the bill provided to them by Governor Jeb Bush regarding the Florida Everglades which, of course, is a key part and component of the long-term solutions of saving Florida and obviously providing an abundant supply of water. That bill provides $123 million over the course of the next several years in order to accomplish environmental restoration. That is critical to be acknowledged on the floor today because we will ultimately take up the restudy bill, which is a bill that has been strongly championed by the Florida delegation in order to get money necessary to complete the important replumbing of the Florida Everglades and surrounding environments.

Congress has recognized a similar problem before in Western States and in the United States territories. A limited number of State governments are now eligible for funding to develop alternative water resources through the Bureau of Reclamation. We need to answer the call of high-population growth States such as Florida now with a comparable plan. Florida has taken aggressive steps through conservation and identification of alternative water sources. Unfortunately, these steps are clearly not enough.

High-population growth States need action by Congress now to prevent disastrous consequences later. So I urge my colleagues both to vote for the rule and vote for the underlying legislation, H.R. 1106, the Alternative Water Resources Act of 1999.

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

Mr. GOSS. Mr. Speaker, I urge support of the rule. I yield back the balance of the time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FLORIDA KEYS WATER QUALITY IMPROVEMENTS ACT OF 2000

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 483 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 673.

□ 1103

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 673) to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would urge strong support for H.R. 673, the Florida Keys Water Quality Improvements Act, because it is going to help improve and maintain one of our Nation's real treasures, the Florida Keys National Marine Sanctuary.

The water quality experts have found that the inadequate wastewater treatment and storm water management systems are major contributors of pollution in the nearby waters of the Florida Keys. This pollution is threatening

the ecosystem's health and viability. However, the costs to make the necessary wastewater and storm water improvements represent an enormous burden to the 85,000 permanent residents of Monroe County, Florida. So that is why I would urge all Members of Congress to support passage of this bill.

It provides Federal assistance to help Monroe County afford the necessary improvements to protect the Florida Keys National Marine Sanctuary.

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

Mr. BORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to join with our distinguished chairman in strong support of H.R. 673, the Florida Keys Water Quality Improvements Act.

The Florida Keys are a spectacular natural resource of international significance. Home to North America's only living coral barrier reef, the Florida Keys are located in a unique and fragile marine environment requiring special attention. We must ensure that these resources are protected for future generations.

The Florida Keys marine ecosystem is dependent upon clean, clear water with low nutrient levels for its survival. However, as population and tourism within the Keys have increased over the years, improvements in wastewater and storm water management have not kept pace. The result is an increased discharge of pollutants into the near-shore waters of the Florida Keys. This increased pollution has had devastating effects on the marine environment, and is threatening the reefs of the Florida Keys National Marine Sanctuary.

The legislation on the floor today will assist greatly in improving the water quality of the Florida Keys region. H.R. 673, as amended by the Committee on Transportation and Infrastructure, would establish a grant program under the Environmental Protection Agency for the construction of treatment works projects aimed at improving the water quality of the Florida Keys National Marine Sanctuary.

The administrator of EPA, after consultation with State and local officials, would be authorized to fund treatment works projects that comply or are consistent with local growth ordinances, plans and agreements, as well as current water quality standards. Projects funded under this program would be cost-shared, with local sponsors providing a minimum of 25 percent of the project costs.

Monies authorized by this bill will be utilized to replace the dated, inefficient methods of sewage and storm water treatment currently being used in the Keys with modern waste and storm water treatment works.

By ensuring that the nutrients associated with such wastes are not discharged or released into the surrounding waters, we can prevent further damage to the marine environment and achieve dramatic improvement to the water quality in the National Marine Sanctuary.

Mr. Chairman, I want to congratulate the sponsor of this legislation, the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Florida (Mr. SHAW) for their hard work in bringing this matter to the consideration of the committee. I support this legislation and urge its approval.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. MILLER), for a colloquy.

Mr. MILLER of Florida. Mr. Chairman, I rise in strong support of this legislation; and I commend my colleague, the gentleman from Florida (Mr. DEUTSCH), who represents the Keys, in bringing this forward. I also commend the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New York (Mr. BOEHLERT), who is chairman of the subcommittee, as they go through this process of evaluating the restoration of the Florida Keys.

It is going to be one of the largest single, as we know, public works projects in history; and we are excited about the future of being able to restore the Everglades to that river of grasses that was so eloquently written about over 50 years ago.

I proposed an amendment, which I will not be making, because of some concerns I had about issues within the Everglades, because when we talk about the quality of water, and that is what we are talking about is the quality of the water in the Everglades, and the gentleman was talking about the runoff in the Keys and also the issue of septic tanks, we need to talk about agricultural runoff that flows from the Keys. And there is no question it has a negative impact on the Keys and Florida Bay, which everybody has used great superlatives to describe this delicate marine ecosystem, as was used earlier that we need to make sure that we are allowed and the EPA is allowed to continue to address the issue of agricultural runoff and that there is nothing in this bill that would preclude the EPA from addressing that particular issue.

So that is essentially what my concern is, that the EPA can continue to address any of the concerns about agricultural runoff, and this does not prevent that from happening.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the gentleman is absolutely correct, this bill focuses solely on the role of financial assistance.

Mr. MILLER of Florida. Great. The sugar program is one that encourages overproduction of sugar, and it has that negative impact because of the pollutants of fertilizer and such so I think we need to address that issue; and it will come up at other times during the year, and we will address it at that time.

So I appreciate the chairman's assurance.

Mr. BORSKI. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. DEUTSCH), the prime sponsor of the legislation.

Mr. DEUTSCH. Mr. Chairman, this is really in many ways one of, I would not even say proudest but happiest days that I have served in the United States Congress just listening to the debate over the last half hour or so in terms of the Florida Keys, because for anyone who has been listening for the last half hour or so we have Members from around the country speaking as eloquently, if not better, about the beauty and the significance of the Florida Keys as I could myself.

I think that is the statement that this is not a resource just of Monroe County, and the truth is it is not even just a resource of the United States of America, but it truly is an international resource. There is only one Everglades in the world. There is only one Florida Bay. There is only one living coral reef in North America which is basically outside or part of the Florida Keys, part of Monroe County. So this has really been a very heartwarming last half hour or so, but more than that it has been a heartwarming process that we are here today with this bill on the floor.

I really want to thank my colleagues from the Florida delegation, specifically the gentleman from Florida (Mr. SHAW), who is the prime sponsor with me, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and the gentleman from Florida (Mr. GOSS) as well, who have worked so hard throughout the process but also the Members in the leadership of the Committee on Transportation and Infrastructure for their commitment to this critical national priority.

Mr. Chairman, today Congress advances America's commitment to the Florida Keys. An American treasure is at risk and the Florida Keys Water Quality Improvements Act will help save North America's only living coral reef.

A 150-mile chain of islands which rose from ancient coral rock, the Florida Keys comprise the southern end of the Everglades ecosystem. While the spectacular coral reef is the Keys' most popular feature, they are also known for native seagrass beds, lush tropical hardwood hammocks, mangrove forests, rocky pinelands, the endangered key deer, and a wide array of aquatic life.

Only about 80,000 people live in the Keys community of Monroe County, but the mystery of this tropical paradise attracts over 2 million visitors every year.

The Keys are a tropical paradise, but they are at risk of becoming a paradise lost. Mr. Chairman, pollution is the number one problem. Pristine water which was once crystal clear in many places now is turning pea green. The living reef tract is becoming infected

with disease and many parts are dying off completely. Last summer, unchecked pollution closed beaches throughout the county, including most beaches in Key West. Up and down the Keys, health officials warn against swimming close to shore.

Unless decisive action is taken to stop the flow of pollution, scientists warn the ecosystem will continue its decline towards total collapse. The source of the problem is clear. The Keys have almost no water quality infrastructure. Lacking adequate technology, untreated wastewater now travels easily through porous limestone rock into the near-shore waters. Polluted storm water also flows from developed land into the same near-shore waters.

Mr. Chairman, the Christian Science Monitor clearly described the problem in an article which appeared exactly one year ago today: ''One of the most treasured marine ecosystems in the United States is literally being flushed down the toilet.''

H.R. 673 addresses this problem by authorizing $213 million for the deployment of water quality technology throughout the Keys. The legislation is a natural extension of the Federal commitment to the Florida Keys under the Florida Keys National Marine Sanctuary Protection Act approved by Congress in 1990.

□ 1115

The Sanctuary Act established a Federal role in research and protection of the Keys marine ecosystem. It directed the Environmental Protection Agency and the State of Florida to establish a Water Quality Steering Committee which was charged with developing a comprehensive water quality protection program. In fulfilling this directive, the steering committee worked closely with dedicated citizens, scientists, and technical experts. In the final analysis, it found that inadequate waste water and storm water systems are the largest source of pollution in the Keys.

H.R. 673 also authorizes grants under the Clean Water Act for the construction of water quality improvements according to Monroe County's waste water master plan and plans of incorporated municipalities. Projects will be funded on a 75 percent Federal, 25 percent non-Federal base.

One point is important to stress: Even with appropriate Federal support, the people of the Keys will still pay more than twice the national average in monthly sewer bills. I think my constituents will agree that it is a price worth paying.

Let me just add also a word of thanks to everyone in Monroe County. It has been an incredibly supportive effort at every level, environmentalists, the Chamber of Commerce groups, it has been totally a success story I think in policy in terms of the Congress as well over a number of years.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Subcommittee on Water Resources of the Committee on Transportation and Infrastructure.

Mr. BOEHLERT. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, the Florida Keys are a unique marine environment and include the only living coral reef barrier system in North America. So this is not something that is just about Florida, it is about America.

In 1990, Congress recognized the importance of the Florida Keys and created the Florida Keys National Marine Sanctuary. A Water Quality Steering Committee created under the sanctuary's implementing act has identified inadequate waste water and storm water controls in Monroe County, Florida, as the largest source of man-made pollution into the waters of the Florida Keys.

To make the necessary waste water improvements, the estimated cost to improve near shore water quality in the Florida Keys is between $184 million and $418 million. To make the necessary storm water management improvements, the estimated cost is between $370 million and $680 million. We are not going to bear the entire cost, even though this is a national resource. The State of Florida is obligated to come up with 25 percent cost share.

H.R. 673 authorizes the U.S. Environmental Protection Agency to provide grants to public agencies in Florida to replace inadequate waste water and treatment systems and to establish, replace, or improve storm water management systems in Monroe County, Florida.

Let me say that I want to thank the stars of the Committee on Transportation and Infrastructure, and I am talking about our distinguished chairman, the gentleman from Pennsylvania (Mr. SHUSTER); the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and my colleague, the distinguished ranking member, the gentleman from Pennsylvania (Mr. BORSKI).

I say they are ''stars'' because this committee, week after week, comes to the floor with meaningful legislation that builds our Nation's infrastructure and that protects our Nation's precious natural resources. We have a track record that is the envy of all other committees of this Congress and that is a tribute to our leadership, that is a tribute to the bipartisanship and the determination of our committee to work constructively and positively for responsible public policy that affects all Americans. I am privileged to be associated with the committee.

Ms. ROS-LEHTINEN. Mr. Chairman, I join with over half of the Florida delegation to support H.R. 673, the Florida Keys Water Quality Improvements Act of 2000, that will provide $213 million to help preserve one of this nation's crown jewels.

Within the Florida Keys lies the only living coral reef bed in the United States and the third largest in the world.

The coral reef is also home to plants and animals unique to this area that make up a rare and sensitive ecosystem.

The Keys are being threatened with disease and even death if the raw wastewater flowing through the porous limestone of the Key is not treated and cleaned up.

Inadequate wastewater and stormwater infrastructure have caused the once pure waters to become polluted and dirty, threatening not only the viability of the living reef tract, but the plants and animals that are dependent upon it.

Throughout the Keys, antiquated septic tanks leak and outdated sewage systems leak refuse into these waters, flowing directly through the permeable limestone.

H.R. 673 authorizes a 75/25 split between federal grants and non-federal monies to construct the necessary infrastructure.

The communities of the Keys lack the tax base to provide an adequate solution without federal help, and even with passage of H.R. 673, residents will pay twice the national average in sewer bills.

The chain of islands runs 150 miles and are home to 80,000 residents, but each year, they receive over two million visitors which adds more stress to the fragility of the ecosystem.

The popularity of these islands has actually exacerbated the problems facing the Keys.

I urge my colleagues to support this important legislation to ensure that one of our nation's gems is restored to its previous pristine condition.

Mr. BORSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time and urge adoption of the bill.

Mr. SHUSTER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 673

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 ''Florida Keys Water Quality Improvements Act of 2000''.

SEC. 2. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 121. FLORIDA KEYS.

''(a) IN GENERAL.—Subject to the requirements of this section, the Administrator may make grants to the Florida Keys Aqueduct Authority and other appropriate public agencies of the State of Florida or Monroe County, Florida, for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

''(b) CRITERIA FOR PROJECTS.—In applying for a grant for a project under subsection (a), an applicant shall demonstrate that—

''(1) the applicant has completed adequate planning and design activities for the project;

''(2) the applicant has completed a financial plan identifying sources of non-Federal funding for the project;

''(3) the project complies with—

''(A) applicable growth management ordinances of Monroe County, Florida;

''(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

''(C) applicable water quality standards; and

''(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

''(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

''(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

''(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

''(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

''(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

''(4) other appropriate State and local government officials.

''(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall not be less than 25 percent.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

''(1) $32,000,000 for fiscal year 2001;

''(2) $31,000,000 for fiscal year 2002; and

''(3) $50,000,000 for each of fiscal years 2003 through 2005.

Such sums shall remain available until expended.''.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEUTSCH:

Page 2, line 13, strike ''and other appropriate'' and all that follows through the end of line 14 and insert the following:

, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County

Mr. DEUTSCH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

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

Mr. SHUSTER. Mr. Chairman, we support this amendment. It is a technical amendment. It makes a change to clarify the intent of the bill to ensure that appropriate public agencies in Monroe County are eligible to receive assistance. We support the gentleman's amendment.

Mr. BORSKI. Mr. Chairman, will the gentleman yield?

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

Mr. BORSKI. Mr. Chairman, we have reviewed this amendment and agree that it is a clarifying amendment, and will be happy to support the gentleman.

Mr. DEUTSCH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTSCH).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. 3. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act (including any amendment made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including any amendment made by this Act), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the American taxpayer is going to pay to clean up the Keys. I would like to see that it be possible that American taxpayer dollars be spent to buy American goods and services.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

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

Mr. SHUSTER. Mr. Chairman, I support the gentleman's amendment. It is a buy-America amendment, it is a good amendment, and I urge its adoption.

Mr. BORSKI. Mr. Chairman, will the gentleman yield?

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

Mr. BORSKI. Mr. Chairman, I want to say we would be happy to support this as well. The gentleman is a champion of American workers, and this is a good amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I ask for an aye vote, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The commitment amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WICKER) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 673) to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys, pursuant to House Resolution 483, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the rule, further proceedings on this question are postponed.

ALTERNATIVE WATER SOURCES ACT OF 2000

The SPEAKER pro tempore. Pursuant to House Resolution 485 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1106.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1106) to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation was introduced by the gentlewoman from Florida (Mrs. FOWLER) and the gentlewoman from Florida (Mrs. THURMAN) and authorizes EPA grants for alternative water source projects to meet critical water supply needs.

Water supply needs in many parts of our country are under increasing pressure. We simply do not have a nationwide program that is focusing on reclaiming and reusing water. This legislation addresses that gap by authorizing EPA grants for alternative water source projects.

This bill has broad bipartisan support. It passed the Committee on Transportation and Infrastructure by unanimous voice vote. It is a very sound environmental bill, and I urge its support.

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

Mr. BORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first congratulate the chairman of the committee for his leadership in bringing this bill to the floor. I also want to thank our distinguished subcommittee chairman for his great leadership and, of course, acknowledge our ranking member, the gentleman from Minnesota (Mr. OBERSTAR) once again for providing great leadership. As our subcommittee chairman noted on the previous bill, this is a committee that works and it works in a bipartisan fashion and we are very pleased with that.

Mr. Chairman, I rise in strong support of H.R. 1106, the Alternative Water Sources Act of 2000. This legislation would establish a new program within EPA to provide financial assistance for alternative water source projects under the Clean Water Act. These projects would enhance water supplies by conserving, managing, reclaiming or reusing water or wastewater, or by treating wastewater in areas where there is a critical water supply need.

As stated in the committee report, all the problems eligible for funding under this program are within the Clean Water Act definition of treatment works, and subject to the requirements of Section 513 of the Act relating to grants.

H.R. 1106, as amended by the Committee on Transportation and Infrastructure, has a number of safeguards to ensure that water source projects supported by this program will receive appropriate scrutiny.

First, entities are eligible for financial assistance only if they are authorized by State law to develop or provide water for municipal, industrial, or agricultural use in areas with critical water supply needs.

Second, the entities are required to contribute at least 50 percent of the project cost. Finally, projects greater than $3 million in Federal costs must be approved by resolutions adopted by either the Committee on Transportation and Infrastructure or the Senate Committee on Environment and Public Works.

Mr. Chairman, eligibility for this new program would be open to all 50 States. However, language is included in this legislation to prohibit projects that have received funding under existing programs of the Bureau of Reclamation from also being funded under this program.

In addition, this legislation would require the administrator of EPA to take into account the eligibility of a project for funding under the existing bureau programs when selecting projects for funding under this new program. This will assist in achieving regional fairness in funding these critical needs.

Mr. Chairman, I want to congratulate the gentlewoman from Florida (Mrs. THURMAN) for her great leadership on this bill and the gentlewoman from Florida (Mrs. FOWLER) for her hard work in assisting the committee in bringing this measure to the floor. I support this legislation and urge an aye vote.

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

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Subcommittee on Water Resources of the Committee on Transportation and Infrastructure.

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

Mr. BOEHLERT. Mr. Chairman, traditionally our Clean Water Act programs have appropriately focused on how to keep water from getting polluted, and that makes a lot of sense. That is a matter of the highest priority.

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It is still a national objective to have all of our Nation's waters fishable and swimmable. However, less attention has been paid to opportunities to reclaim or reuse water. However, to meet critical water supply needs in some parts of the country, existing sources of water will not be sufficient. That is a sad commentary, but it is true. We are going to have to reclaim and reuse water.

Water shortages are nothing new in the arid West. The Bureau of Reclamation has a water reclamation and reuse program for the 17 Western States and 4 U.S. territories pursuant to the Reclamation Projects Authorization and Adjustment Act of 1992, and that is very appropriate.

Some areas of the eastern half of the United States are now beginning to have water shortages as well. But due to the limited assistance available to water reclamation or reuse projects in the East, we are failing to preserve existing supplies of fresh water through water conservation and reuse.

To address this issue, our distinguished colleagues, the gentlewoman from Florida (Mrs. THURMAN) and the gentlewoman from Florida (Mrs. FOWLER), introduced H.R. 1106 to authorize EPA grants for alternative water source projects to meet critical water supply needs. For all of those people who say, they never work together in Congress, they are too partisan, I say baloney. This is a good example of a Democrat and a Republican working together with a very productive committee, the Committee on Transportation and Infrastructure, to address a legitimate problem in a responsible way.

As amended by the committee, this new program will help all States meet these needs. However, projects that have received funding from the Bureau of Reclamation are not eligible for assistance under the new authorization, and that makes sense. We do not want double-dipping around here.

The bill also instructs the EPA administrator to take into account the eligibility of a project for funding under the Bureau of Reclamation program when selecting projects for funding under the EPA program. Given the existence of this other program, we expect the administrator to recognize the importance of selecting and funding projects that are not eligible for the Bureau of Reclamation program. Once again, we do not want to duplicate something.

I want to commend the gentlewoman from Florida (Mrs. THURMAN) and the gentlewoman from Florida (Mrs. FOWLER) for their fine work on this legislation. I thank the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the committee; and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; and the

gentleman from Pennsylvania (Mr. BORSKI), the ranking member of our Subcommittee on Water Resources and the Environment. I am so pleased to see the chairman give emphasis to that ''environment'' section of the title of our subcommittee. We not only are environmentally responsible on the Committee on Transportation and Infrastructure, we also are responsible for the majority of legislation considered in this, the people's House.

Mr. BORSKI. Mr. Chairman, I yield 6 minutes to the prime sponsor of the bill, the gentlewoman from Florida (Mrs. THURMAN), who has spent years of her life dedicating herself to this particular issue.

Mrs. THURMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I too need to make some thank-yous here, and as the gentleman from Pennsylvania (Mr. BORSKI) said, we have been working on this piece of legislation for quite a long time. But had it not been for the work of the chairman, the gentleman from Pennsylvania (Mr. SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from New York (Mr. BOEHLERT) who have been so helpful on this measure; I have not left out the gentleman from Pennsylvania (Mr. BORSKI), because I want to tell my colleagues that not only has he been the kind of person that has helped me on the floor to figure out where we were having pitfalls, he actually came to the district and looked at the problems that we were facing in Florida, and I thought that that was just an extra touch for him to do that. I just want to say how much I appreciate his leadership on these issues, and certainly to everybody else that has helped me.

I also need to finally salute my colleague and the gentlewoman also from Florida (Mrs. FOWLER) for her leadership, and for the member on the committee who has taken a lead on this issue as well.

Mr. Chairman, we need to recognize that in H.R. 1106, there have been a total of 33 sponsors, from Florida, Georgia, Mississippi, Louisiana, Arkansas, New York, Illinois, and Ohio. I am just pleased that Members from other States who also recognize the problem that this bill addresses, and that problem is increased pressure on water supply, both at home and, quite frankly, abroad as well.

In fact, some experts believe that the major international conflict, the next one, will not be about oil, but will be about water. Former Senator Paul Simon has written a book entitled, Tapped Out, and its subtitle, The Coming World Crisis in Water and What We Can Do About It.

Population and economic growth are straining water resources. Florida, for instance, adds about 600 people per day. In many areas, the high demand for water has led to over-pumping the aquifers, giving us salt water intrusion, the drying up of wetlands, and again pointing out other environmental crises. Just yesterday, as many of my colleagues saw, a television network noted the drought in the Midwest. The time is really now to act.

Florida's water management districts are working to preserve water supply. In the Tampa Bay area, water-conserving devices have saved 8.8 million gallons a day. Similar initiatives have been undertaken in other parts of the State. In 1998, EPA Administrator Carol Browner noted the extraordinary and innovative efforts that Floridians have undertaken to meet the water conservation challenge.

I believe that this bill will help many States meet water supply needs and start a discussion on how to meet water supply needs for the next 100 years. Without alternative water sources, many States may find themselves hurting for water for drinking, agriculture, industry, and commercial uses.

No single solution works everywhere. That is why I believe H.R. 1106 offers a flexible approach. It is not a one-size-fits-all attempt to impose a Federal solution on State or local agencies. Therefore, a long-term, sustained effort is needed to meet our future water needs. Over the years, Congress has adopted many water programs, some to deal with quality and others to deal with quantity. But since entering Congress, I have worked to close a gap in these programs of water reuse. H.R. 1106 closes that gap.

The Alternative Water Sources Act will help States meet ever-expanding demands for water. The bill establishes a 5-year, $75 million a year program to fund the engineering, design, and construction of water projects to conserve, reclaim and reuse precious water resources in an environmentally sustainable manner.

Under the program, water agencies in eligible States would submit grant proposals to the EPA. Fifty percent of the total project cost would come from local funding sources. Perspective grantees must demonstrate that proposed projects meet a State's detailed water plan.

This is what I envision in the future. Farmers or businesses will make better use of runoff or storm water. We are already doing some of that in Florida. And for every gallon they reuse, one less gallon of drinking water will be used. In the winter of 1998, to give my colleagues an example, the greater Tampa area received 23 inches of rain that washed into the Gulf of Mexico. A few months later, the area suffered a drought. If even some of that rainfall had been channeled and saved for future use, people's lives would have been much easier.

As a result of innovative technologies such as deep well injection, new methods of reusing and enhancing area water supplies can be applied today. If we use or improve this technology in one part of the country, it will help other parts of the country, because it will reduce pressure to move water from one region to another.

In commenting on a global study by the World Water Commission, which is supported by the U.N. and World Bank, the Christian Science Monitor in an April 14 editorial concluded, ''Aquifers in Florida, and in numerous other parts of the globe, cannot sustain unlimited pumping. Whether it is desalinization, capturing rain water, water-saving farming methods, or water pricing structures that impel greater conservation, humanity should use every tool available to safeguard this most basic natural recourse.''

Water reuse projects provide an important tool to safeguard this basic research.

Mr. Chairman, I realize that water reuse alone will not solve coming water problems. Today, many parts of Florida have water restrictions. Tomorrow, your State may have similar. A real national water policy also must include conservation programs. The efficient use of water must go hand in hand with energy efficiency. These are just some of the reasons why I feel the House should pass H.R. 1106, and I ask the cooperation of my colleagues.

Mr. BORSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, this is an important piece of legislation that is long overdue. We must address the critical water resource needs of our expanding communities. I want to especially thank the gentlewoman from Florida (Mrs. THURMAN), the gentleman from Florida (Mr. GOSS), and 32 cosponsors for taking the lead in getting the measure to the floor for consideration today.

Mr. Chairman, the Water Infrastructure Network released a comprehensive report at the Conference of Mayors' press conference here on Capitol Hill last month on the crisis facing the Nation's wastewater and drinking water system. The report concluded that there is an ''increasing gap in our Nation's water infrastructure needs and the Federal Government's financial commitment to safety and clean water.'' This is unfortunate.

In my home State of Florida, Orlando, Jacksonville and other metropolitan areas are faced with a fast-growing population and are very concerned, and rightly so, about their ability to adequately finance the programs needed to meet projected water demands. Water supply is one of the most important issues facing Florida and our Nation, and it is critical to our future. I urge support for H.R. 1106.

Mr. BORSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished and great leader of the Democrats on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Chairman, I thank the ranking member for yielding me this time.

Over 35 years ago this very year, a book with a very thought-provoking

title prodded Congress and the then administration into thinking anew about our precious resources of fresh water. The title of that book, The Coming Water Famine, was written by a then junior member of the Committee on Public Works, the predecessor name of this committee. That junior member went on to become Speaker of the House, none other than Jim Wright, who, after considerable research into available and predictable uses of ground water, and population growth, and the availability of water in the Nation's major aquifers and other ground water resources, drew a curve in that book. It showed that here is this constant supply of water and use is climbing at an accelerating rate. He predicted that some time in the mid-1980s, not a specific date, the two would intersect. We passed that point well before the time Jim Wright predicted. He was on track. Congress and the administration, several administrations, have not been. We have not done enough to provide for the water resource needs of our country.

All the water there ever was, and all the water there ever will be, is available today on the earth. We cannot create new water. We can only conserve that which we have and manage it well. On any given day, there are 160 trillion gallons of moisture in the atmosphere over the Earth. After it comes in the form of snow or rain, and after runoff, there is only about 160 billion gallons that actually penetrate into the Nation's aquifers. We are using it at a faster rate than it is coming down, or that is being conserved by the earth. The Ogalala aquifer has been depleted to a dangerous point, such that if we stopped all use, all withdrawals from the Ogalala today, it would take the next 3 decades to replenish the water to where it should have been 30 years ago. So, too, for many other basins throughout the United States.

This legislation is not going to cure or correct that problem.

□ 1145

It is going to take a much broader, thoughtful consideration by the Congress, by future administrations, by the public on wise use and conservation of our resources. As we paved over America, our streets, cities, housing shopping centers, that water runs off. We are not giving it an opportunity to penetrate into and restore the aquifers from which we are drawing this precious source of life.

I commend the authors of the legislation, the two gentlewomen from Florida, who have advocated and brought it thus far; and I pay my great respect to the gentleman from Pennsylvania (Mr. SHUSTER), our chairman, who has long been an advocate of wise use and conservation of our water resources, as well as the gentleman from Pennsylvania (Mr. BORSKI), who has been a student of the subject and who has applied himself diligently.

Mr. Chairman, it is going to take more, much more than what we are doing in this legislation. We are going to provide financing to conserve, manage, reclaim, reuse water, wastewater, and treat it. We have provided language in this legislation to assure that we are not duplicating in this bill what is already available through the Bureau of Reclamation.

But the water needs go far beyond this halting step that we take here, a good step and an important one and very targeted, one that we must do; but we have to consider far greater concerns. The loss of the prairie pothole region. The loss of wetlands in America. We have half of what we had at the turn of the century and less than a third of what we had when America was formed as a nation.

If we continue to allow the destruction of the water-conserving forces that nature created and continue to draw water from basins that cannot be restored. We will indeed have shortchanged future generations.

So let us move with this legislation, but keep in mind that the coming water famine is with us and that it is up to us to address it for future generations.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Mrs. FOWLER), one of the prime sponsors of this legislation.

Mrs. FOWLER. Mr. Chairman, I do rise in strong support of H.R. 1106, the Alternative Water Sources Act. The gentlewoman from Florida (Mrs. THURMAN) and I introduced this legislation in the last Congress, and we are extremely pleased to see this important legislation being debated today on the floor and acted on.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Pennsylvania (Mr. BORSKI) for working so closely with us on this important legislation.

Mr. Chairman, H.R. 1106 will establish a Federal matching-grants program under the Clean Water Act to assist eligible and qualified States with the development of alternative water sources projects to meet the projected water supply demand for urban development, industrial, agriculture, and environmental needs.

Many will say that our existing water supply is sufficient. Well, for now that is true in some areas. But as our population grows, our water supply dwindles. We need to encourage States to be forward thinking when it comes to water supply and alternative sources.

There are many States, including Florida and New York, where the increase in population growth has already put a significant strain on their water supply. There is no dedicated source of funding to provide for partnerships between States not eligible for funding through the Bureau of Reclamation. This bill will provide for that.

We need this legislation to avoid a potential water supply crisis. A new Federal partnership is needed, one which will ensure that water supply will keep pace with population growth and protect our precious natural resources. Let us make sure that future generations do not have to grab an expensive bottle of water in order to quench their thirst.

Mr. Chairman, I encourage my colleagues to support this important legislation.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today to express my strong support for H.R. 1106, the Alternative Water Sources Act of 2000.

This bill will provide federal matching funds for the design and construction of water reclamation, reuse, and conservation projects for states, local government agencies, private utilities, and nonprofit entities to develop alternative water sources to meet critical water supply needs to the 33 states—including my State of Hawaii—currently not covered under the Reclamation Projects Authorization and Adjustment Act of 1992.

I am delighted to support this bill, which will help provide much-needed assistance to the State of Hawaii. The rural sectors of my state, especially the Big Island of Hawaii, have suffered from serious droughts over the past few years. Sugarcane, which was previously the most important crop on the island of Hawaii, is no longer cultivated there. The sugar plantations that used to take much of the responsibility for developing and maintaining irrigation systems are gone and much of the agricultural land is vacant. The recovery of agriculture and the livelihood of farmers in rural Hawaii will depend on improved water resource development.

I welcome this valuable new program, which will support development of projects designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater.

Mr. MCCOLLUM. Mr. Speaker, I rise today in support of the Alternative Water Sources Act, H.R. 1106, Water supply has become a primary concern for many of my colleagues. State and local governments are trying to resolve the issue of a growing demand for water with a limited water supply.

Water supply is an essential resource for all states, but it is particularly important to my home state of Florida. Water is the essence of Florida—it is part of our identity and the cornerstone of many individuals' livelihoods. But, as with many states, water supply has become a critical issue for my state. Between 1995 and 1996, the population of Florida increased by 260,000 residents. Year after year, this population growth pattern continues. Groundwater pumping from Florida's aquifers provides most of its public and agricultural water supply, but this strain on the aquifers is of critical concern.

A water supply shortage is projected in the coming years due to this population growth. Not only does the shortage affect Florida, but there are already 17 western states which are receiving federal assistance in creating and implementing alternative water supply sources. Intense planning has been in effect in many states to determine alternative ways to supplement the natural water supply. With so many

uses of water—drinking, agriculture, environmental restoration, recreation, just to name a few—the strain on the current water supply will soon surpass the ability of the state to provide adequate drinking water along with providing enough water for agricultural and other uses. This shortage has become more apparent in Florida in the last few years. Degradation of water quality, dehydration of wetlands, saltwater intrusion and many other symptoms have resulted from extensive groundwater pumping.

Water management districts in Florida and the Army Corps of Engineers are working on plans involving an infrastructure to capture, store, and timely use river water. This will require a state/federal partnership to build and Florida will need other innovative ways to assure long-term water availability.

Recycling and reusing wastewater is one way to help address water shortage. Treating wastewater allows states to increase their water supply for agricultural, environmental, industrial, and recreational purposes and leave the potable water for human consumption. The Alternative Water Sources Act would authorize the Environmental Protection Agency to provide $75 million in grants to states who have scientifically and environmentally sound alternative water source plans. The grants would be provided at a non-federal cost share of 50 percent. Additionally, the bill would require the approval by the House Committee on Transportation and Infrastructure or the Senate Committee on Environment and Public Works for any project where the federal cost share would exceed $3 million.

I enthusiastically support H.R. 1106, the alternative Water Source Act, and encourage my colleagues to vote in support of it. I thank Congresswomen FOWLER and THURMAN for their efforts to being this to the floor.

Mr. BORSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1106

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 ''Alternative Water Sources Act of 2000''.

SEC. 2. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 220. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

''(a) IN GENERAL.—The Administrator may make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

''(b) ELIGIBLE ENTITY.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

''(c) SELECTION OF PROJECTS.—

''(1) LIMITATION.—A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

''(2) ADDITIONAL CONSIDERATION.—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

''(d) COMMITTEE RESOLUTION PROCEDURE.—

''(1) IN GENERAL.—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds $3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

''(2) REQUIREMENTS FOR SECURING CONSIDERATION.—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.

''(e) USES OF GRANTS.—Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

''(f) COST SHARING.—The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

''(g) REPORTS.—

''(1) REPORTS TO ADMINISTRATOR.—Each recipient of a grant under this section shall submit to the Administrator, not later than 18 months after the date of receipt of the grant and biennially thereafter until completion of the alternative water source project funded by the grant, a report on eligible activities carried out by the grant recipient using amounts from the grant.

''(2) REPORT TO CONGRESS.—On or before September 30, 2005, the Administrator shall transmit to Congress a report on the progress made toward meeting the critical water supply needs of the grant recipients under this section.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) ALTERNATIVE WATER SOURCE PROJECT.—The term 'alternative water source project' means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater.

''(2) CRITICAL WATER SUPPLY NEEDS.—The term 'critical water supply needs' means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2000 through 2004. Such sums shall remain available until expended.''.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. 3. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act (including any amendment made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including any amendment made by this Act), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Minnesota (Mr. OBERSTAR), and I too want to commend Jim Wright for the many great things he has done while in the House. This is certainly one of them.

This will be taxpayers' dollars expended in America. My amendment would at least encourage that it be expended on American-made goods and products, not products from overseas.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

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

Mr. SHUSTER. Mr. Chairman, this amendment can properly be called the ''Traficant Buy American Amendment,'' and we support it.

Mr. BORSKI. Mr. Chairman, will the gentleman yield?

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

Mr. BORSKI. Mr. Chairman, we would also be very pleased to support this amendment, the ''Traficant Buy American Amendment.''

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. Barrett of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1106) to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources, pursuant to House Resolution 485, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 1106 will be followed by a 5-minute vote on passage of H.R. 673.

The vote was taken by electronic device, and there were—yeas 416, nays 5, not voting 13, as follows:

[Roll No. 142]

YEAS—416

Abercrombie	Deutsch	Jones (OH)
Ackerman	Diaz-Balart	Kanjorski
Aderholt	Dickey	Kaptur
Allen	Dicks	Kasich
Andrews	Dingell	Kelly
Archer	Dixon	Kennedy
Armey	Doggett	Kildee
Baca	Dooley	Kilpatrick
Bachus	Doolittle	Kind (WI)
Baird	Doyle	King (NY)
Baker	Dreier	Kingston
Baldacci	Dunn	Kleczka
Baldwin	Edwards	Klink
Ballenger	Ehlers	Knollenberg
Barcia	Ehrlich	Kolbe
Barr	Emerson	Kucinich
Barrett (NE)	English	Kuykendall
Barrett (WI)	Eshoo	LaFalce
Bartlett	Etheridge	LaHood
Barton	Evans	Lampson
Bass	Everett	Lantos
Bateman	Ewing	Largent
Becerra	Farr	Larson
Bentsen	Fattah	Latham
Bereuter	Filner	Lazio
Berkley	Fletcher	Leach
Berman	Foley	Lee
Berry	Forbes	Levin
Biggert	Ford	Lewis (CA)
Bilbray	Fowler	Lewis (GA)
Bilirakis	Frank (MA)	Lewis (KY)
Bishop	Franks (NJ)	Linder
Blagojevich	Frelinghuysen	Lipinski
Bliley	Frost	LoBiondo
Blumenauer	Gallegly	Lofgren
Blunt	Ganske	Lowey
Boehlert	Gejdenson	Lucas (KY)
Boehner	Gekas	Luther
Bonilla	Gephardt	Maloney (CT)
Bonior	Gibbons	Maloney (NY)
Bono	Gilchrest	Manzullo
Borski	Gillmor	Markey
Boswell	Gilman	Martinez
Boucher	Gonzalez	Mascara
Boyd	Goode	Matsui
Brady (PA)	Goodlatte	McCarthy (MO)
Brady (TX)	Goodling	McCarthy (NY)
Brown (FL)	Gordon	McCollum
Brown (OH)	Goss	McCrery
Bryant	Graham	McDermott
Burr	Granger	McGovern
Burton	Green (TX)	McHugh
Buyer	Green (WI)	McInnis
Callahan	Greenwood	McIntosh
Calvert	Gutknecht	McIntyre
Camp	Hall (OH)	McKeon
Campbell	Hall (TX)	McKinney
Canady	Hansen	McNulty
Cannon	Hastings (FL)	Meehan
Capps	Hastings (WA)	Meek (FL)
Capuano	Hayes	Meeks (NY)
Cardin	Hayworth	Menendez
Carson	Hefley	Metcalf
Castle	Herger	Mica
Chabot	Hill (IN)	Millender-McDonald
Chambliss	Hill (MT)	Miller (FL)
Clay	Hilleary	Miller, Gary
Clayton	Hilliard	Miller, George
Clement	Hinchey	Minge
Clyburn	Hinojosa	Mink
Coble	Hobson	Moakley
Collins	Hoeffel	Mollohan
Combest	Hoekstra	Moore
Condit	Holden	Moran (KS)
Conyers	Holt	Moran (VA)
Cooksey	Hooley	Morella
Costello	Horn	Murtha
Cox	Houghton	Myrick
Coyne	Hoyer	Nadler
Cramer	Hulshof	Napolitano
Crane	Hunter	Neal
Crowley	Hutchinson	Nethercutt
Cubin	Hyde	Ney
Cummings	Inslee	Northup
Cunningham	Isakson	Norwood
Danner	Istook	Nussle
Davis (FL)	Jackson (IL)	Oberstar
Davis (IL)	Jackson-Lee (TX)	Obey
Davis (VA)	Jefferson	Olver
Deal	Jenkins	Ortiz
DeFazio	John	Ose
DeGette	Johnson (CT)	Owens
Delahunt	Johnson, E. B.	Oxley
DeLauro	Johnson, Sam	Packard
DeLay	Jones (NC)	Pallone
DeMint	Pascrell	Sandlin
Pastor	Sawyer	Taylor (MS)
Payne	Saxton	Taylor (NC)
Pease	Scarborough	Terry
Pelosi	Schaffer	Thomas
Peterson (MN)	Schakowsky	Thompson (CA)
Peterson (PA)	Scott	Thompson (MS)
Petri	Sensenbrenner	Thornberry
Phelps	Sessions	Thune
Pickering	Shadegg	Thurman
Pickett	Shaw	Tiahrt
Pitts	Shays	Tierney
Pombo	Sherman	Toomey
Pomeroy	Sherwood	Towns
Porter	Shimkus	Traficant
Portman	Shows	Turner
Price (NC)	Shuster	Udall (CO)
Pryce (OH)	Simpson	Udall (NM)
Quinn	Sisisky	Upton
Radanovich	Skeen	Visclosky
Rahall	Skelton	Vitter
Ramstad	Slaughter	Walden
Rangel	Smith (MI)	Walsh
Regula	Smith (NJ)	Wamp
Reyes	Smith (TX)	Waters
Reynolds	Smith (WA)	Watkins
Riley	Snyder	Watt (NC)
Rivers	Souder	Watts (OK)
Rodriguez	Spence	Waxman
Roemer	Spratt	Weiner
Rogan	Stabenow	Weldon (FL)
Rogers	Stark	Weldon (PA)
Rohrabacher	Stearns	Weller
Ros-Lehtinen	Stenholm	Wexler
Rothman	Strickland	Weygand
Roukema	Stump	Whitfield
Roybal-Allard	Stupak	Wicker
Rush	Sununu	Wilson
Ryan (WI)	Sweeney	Wolf
Ryun (KS)	Talent	Woolsey
Sabo	Tancredo	Wu
Salmon	Tanner	Wynn
Sanchez	Tauscher	Young (FL)
Sanders	Tauzin	

NAYS—5

Duncan	Paul	Sanford
Hostettler	Royce	

NOT VOTING—13

Chenoweth-Hage	Gutierrez	Vento
Coburn	LaTourette	Wise
Cook	Lucas (OK)	Young (AK)
Engel	Serrano	
Fossella	Velazquez	

□ 1217

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 142 I was absent due to illness. Had I been present, I would have voted ''yea.''

FLORIDA KEYS WATER QUALITY IMPROVEMENTS ACT OF 2000

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The pending business is the question of the passage of the bill, H.R. 673, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 7, not voting 16, as follows:

[Roll No. 143]

YEAS—411

Abercrombie	Allen	Baca
Ackerman	Archer	Bachus
Aderholt	Armey	Baird

Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—7

Chenoweth-Hage
Hostettler
Paul
Royce
Sanford
Schaffer
Sensenbrenner

NOT VOTING—16

Andrews
Clay
Coburn
Cook
Engel
Fossella
Gutierrez
Hall (OH)
LaTourette
Lucas (OK)
Metcalf
Serrano
Velazquez
Vento
Wise
Young (AK)

□ 1229

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 143 I was absent due to illness. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. BASS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 673 and H.R. 1106.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska).

Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 434, TRADE AND DEVELOPMENT ACT OF 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–607) on the resolution (H. Res. 489) waiving points of order against the conference report to accompany the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 488 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 488

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of May 4, 2000, providing for consideration or disposition of a conference report to accompany the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, or any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

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

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

Mr. Speaker, this rule waives the provisions of clause 6(a) of rule 13, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules, against resolutions reported from the Committee on Rules.

Additionally, the rule applies the waiver of a special rule reported on or before May 4, 2000, providing for consideration or disposition of a conference report to accompany the bill, H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa, or any amendment reported in disagreement from a conference thereon.

Mr. Speaker, this is a straightforward rule to allow the House to move forward with consideration of the conference report on H.R. 434.

This measure contains no surprises and was crafted with full consultation with the minority and the appropriate chairman and ranking members of the committees involved. This procedure actually provided the committees more of an opportunity to complete important provisions in the underlying legislation by allowing them to finish their work this morning.

Mr. Speaker, both sides of the aisle would like to complete this legislation today, and we have worked closely with all parties involved to do just that.

By passing this rule today, we will allow the House to complete this very

important legislation. I hope we can move expeditiously to pass this rule.

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

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

Mr. Speaker, I thank my colleague the gentleman from New York (Mr. REYNOLDS), my dear friend, for yielding me the customary half hour.

Mr. Speaker, the way the Africa/Caribbean trade bill is being brought to the floor has been far from perfect, and this martial law rule only makes it worse.

This bill, Mr. Speaker, was put together so quickly my colleagues would think it was relatively unimportant. But the bill for which this rule provides martial law is a very important piece of legislation. That bill will affect 54 countries in Africa, 24 countries in the Caribbean, not to mention hundreds of thousands of American workers. It should be examined very closely, Mr. Speaker, before it is considered for a vote.

But it will not be examined, Mr. Speaker. It is barely off the printer.

Some of my Republican colleagues all but admitted that they are worried that once people see how badly this bill is put together, they will run the other way.

Meanwhile, the rule will enable my Republican colleagues to bring up immediately a bill that is so hastily written, if it is exposed to the light of day for too long, it will shrivel up and die.

Mr. Speaker, no one has had time to read this bill, including the conferees. So I am basing my assumption on rumors which are all I have to go by.

As I understand it, this bill will hurt American workers, it will hurt African workers, as well as the African environment. And like so many Republican bills that have come before, it benefits the very rich, the very powerful to the exclusion of just about everyone else.

The last Caribbean-Basin-NAFTA bill lost by a two-thirds margin. The Africa bill is being called a conference report, but it did not come from a conference.

Nonetheless, today, in the wee hours of the morning, these two bills were lumped together and, with this rule, will soon be rammed down the Congress' throat.

Even the AIDS prevention provisions of the House-passed bill were dropped out of this bill.

So I urge my colleagues to oppose this martial law rule.

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

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

Mr. Speaker, to my distinguished colleague, the gentleman from Massachusetts (Mr. MOAKLEY), I would point out that, first of all, I believe that the conference report was made available on the Web at 10 o'clock on sunshine this morning.

Number two, he and I both know that there are many times that this rule would be completed after the negotiations were done by the conference committees at some 4:30 in the morning, a little longer drive for me coming in from Arlington as my colleague coming from the city.

But the fact is that, in an orderly fashion, our colleagues on the Committee on Rules came together, as being summoned by the chairman, at 10 o'clock to say they are actively in negotiations, Republicans and Democrats, both houses, to bring about a solution that will come back to the Committee on Rules and that we could convene at 10:30 in the morning upon the agreement being brought to the light of day and ample time for us to review it. And certainly my staff has brought it to me. The Committee on Rules staff brought it to us as Rules members.

We also, in completing the rule to expedite this piece of legislation today, we have taken an opportunity to give our colleagues the ability to get our work done by late today and have Friday to go back to our districts if we so desire.

And so, this is in the light of day. We have had it. It is in sunshine. And we also got a nice sleep on the Committee on Rules, which is an unusual feat here.

As the gentleman from California (Mr. DREIER), the chairman, sits to my right, I know that he will address again the procedure which we were under as we postponed the consideration while the negotiations went through until about 4:30 this morning.

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

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT) the ranking member of the Committee on the Budget.

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

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

Mr. Speaker, before voting today on the two rules for this so-called conference agreement, I urge my colleagues to think carefully about the way this legislation has been brought to the floor.

It is a stretch to call this a conference report. Conferees were not even appointed until yesterday, and their only job was to bless an agreement that had already been worked out behind closed doors and dropped on our doorstep this morning. Little information has been released to Members and staff. The only source of information available to most of us has been leaks in the press.

Now, after that process, it takes two rules, not one, two rules to bring this conference report to the floor. Why? Because, under normal House rules, a two-thirds vote is necessary to consider a rule on the same day that the Committee on Rules reports it.

To get around this sensible, longstanding, vitally important rule of the House, the Committee on Rules met late last night again and passed a rule to waive its own rules. That is the first vote. This chicanery clears the way for a second rule that allows consideration of the so-called conference report.

Now, regardless of where my colleagues stand on this bill, and it has merits and demerits and pluses and minuses, regardless of where they stand, I do not think anybody, for the sake of this institution, should vote to condone this abusive process regardless of where they stand on the bill.

A significant part of this bill is CBI-NAFTA Parity, or CBI Parity for short. That means duty-free, quota-free access to the U.S. market for apparel and textiles assembled in 25 countries in Central America and the Caribbean. They are already the second largest exporter of textiles to this country, taken as a group.

The last time CBI Parity was on the floor was in 1997. It came to the floor under suspension of the rules. We argued then that it deserved a full, fair, and open debate. And we prevailed. It went down 182–234. And, for the same reason, it ought to go down today. The easiest way to defeat it is to vote against this rule and make it come up at a later time when we have had a better chance to look at it.

This CBI Parity was bobtailed onto this conference report even though there has been no conference on it. As such, there has been no vote on it in committee not recently, certainly not on the floor, no full and open debate. And we will not have a full and open debate today because it is a conference report, we cannot amend it.

The more I learn about this agreement, the more I think there are some pluses and things in it I can be able to support. But why we are we being able to vote on major trade legislation without any language to examine, without even 24 hours to see and expect a conference report? I cannot believe this is a way we treat any legislation let alone major trade legislation that is bound to speed up job losses in the textile and apparel sector where the job losses are severe already.

These industries are suffering under a flood tide of imports, $65 billion in textile and apparel imports last year, yet they still employ hundreds of thousands of Americans.

I think we owe these folks at least a fair hearing. I think we owe these employees, these workers, a full examination of this bill that is going to have far-reaching effects on their livelihood.

Let me just say that there are three things we ought to ask when we look at this bill.

First of all, will it work? Will it do what it purports to do? Secondly, whom will it help? And thirdly, whom will it hurt?

I would urge my colleagues to consider the consequences. The complicated provisions of this bill, such as I have been able to read, in my opinion, will not be possible to enforce.

As it is, Customs is hard pressed to track whole goods in the apparel sector. This agreement will require that Customs track knit apparel formed in the Caribbean of U.S. yarn subject to a cap on the total level of square meter equivalent imports.

For Africa the agreement would require verification of the amount of regional and nonregional fabric used in the production of apparel in qualifying African countries.

How do we tell the difference?

Does anybody believe that these rules are going to be enforceable? I do not. And I have worked on textile apparel trade issues for the 18 years that I have been in Congress.

As subcommittee chairman, I have held hearings, I have visited the major ports of entry, I have talked to the Customs inspectors, I have drafted legislation dealing with labeling and transhipping. And I can tell my colleagues, the complex and arcane rules in this bill cannot be enforced.

The second question, who is it going to hurt? I will tell my colleagues who it is going to hurt. It is going to hurt about a million textile and apparel workers. They are already, as I said, suffering on an onslaught of $65 billion of imports last year. They are going to be hit even harder by imports coming in duty-free and quota-free from Africa and the Caribbean.

But these imports will not be made in Africa. They will be made in Asia, I am convinced, and shipped through Africa. They will be relabeled maybe in Africa, but they will be made in Asia.

So who gets hurt? Sixty percent of U.S. apparel workers are women. Thirty-five to 40 percent are minorities, mostly African American. That is who it will hurt.

And finally, who will it help? It is not going to help anybody. It is not going to help the Africans because of transhipment.

Read the bill, to the extent that my colleague can. Consider the process. And vote against this rule.

☐ 1245

Mr. REYNOLDS. Mr. Speaker, we have had an opportunity to hear from a few speakers on the debate that do not favor this legislation. I would now like to introduce and yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, so he might comment on both the merits of the legislation but more importantly the merits of this rule as it comes before the House today.

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

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. REYNOLDS), for yielding me this time and for ably taking on what obviously is a challenging situation.

This was not our first choice to be here under what is considered an expedited procedures rule, but we are here because negotiations were not going on into the night; it was staff paperwork that was really being completed well into the night. And while the gentleman from Massachusetts (Mr. MOAKLEY) prides himself on working the Committee on Rules at 1:00, 2:00, 3:00 in the morning, the fact of the matter is that some of the rest of us like to sleep at that hour, but the gentleman from Massachusetts (Mr. MOAKLEY) we let him have that chance to sleep last night and obviously it ruffled his feathers so he came down to oppose this expedited procedures rule.

We are doing the right thing. As my friend, the gentleman from New York (Mr. RANGEL), knows very well, we have spent years working on this legislation. My very good friend from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, and the chairman of the Subcommittee on Trade of the Committee on Ways and Means, the gentleman from Illinois (Mr. CRANE), have worked long and hard on this.

This is a very important piece of legislation. We have 700 million people in sub-Saharan Africa who are going to be impacted by this. We have a chance to improve the quality of life for the American people, and I believe that we have done the right thing in proceeding with this rule.

The reason is that last night at 10:30 when we found that we were going to be doing this and we were assured that we could first thing in the morning make available on the World Wide Web a copy of the conference report, we did just that. If we had met at 5:00 this morning, the difference would have been just a few hours, and while the gentleman from Massachusetts (Mr. MOAKLEY) would have, of course, after his morning run been at his desk at 6:00 to carefully scrutinize the conference report, most of the rest of our colleagues would most likely have waited until 10:00, which is exactly when it was filed.

So this is really a question of whether or not we are going to proceed with important legislation that my friend, the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. ROYCE) and the gentleman from Illinois (Mr. CRANE) and many of the rest of us have strongly supported for years and years and years, or are we going to try and block it because, guess what, Mr. Speaker, this is the one chance that we had to do it. This is our opportunity to do this. Why? Because we have lots of important legislation that we need to consider in the coming weeks. We have scheduled it for this week; and unfortunately, it took a little more staff time than we would have liked overnight to get the work completed.

We have this procedure so that we can move ahead in an expeditious manner on very important legislation. So I encourage my colleagues to support both rules that we have and then to vote in favor of the conference report so that we can finally lay the groundwork for a win/win/win issue, which is going to improve the quality of life for the American people and our friends in Africa, and I believe make great strides in blazing the trail for an even more important trade vote that we are going to be having the week of May 22.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, who is the author of the underlying bill.

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

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for giving me this time to speak.

Mr. Speaker, certainly on most occasions if we had an expedited rule I would be on the side of having as much time for the Members to review not only the rule but the underlying legislation as possible, but when there is a situation it is either an expedited rule or no rule at all, clearly we have to take a closer look at the legislation that we are about to consider and ask why should it be expedited, if at all?

First of all, when we talk about the Caribbean Basin parity bill, the word ''parity'' means that we already had an agreement with these countries in the Caribbean. We already reached out to our neighbors in the area and said that we are living now in a decade where we do not want to talk about just aid. We want to talk about commerce. We want to talk about trade. We want to talk about support for democracies.

So when we went into an agreement with the North American Free Trade Agreement, what happened was that they got an edge on these little countries in the Caribbean and the President and the Congress said, hey, we promised to give them parity. So we are not talking about something new. We are talking about something we have been waiting for for years and that is to bring some equity in our relationship and our trade agreements with these countries in the Caribbean so that they would not be adversely affected by NAFTA.

Then, of course, when one talks about the historic legislation that we have where for the first time we are opening up our commercial doors to 48 countries in sub-Saharan Africa, this is the first time that we are really treating countries in this continent the way we treated the rest of the world. For those people who just want to scream that we are talking about Chinese goods and Asian goods and transshipment through the Caribbean, that is so unfair to say and so untrue. There are no tighter rules that could be written than those that are in the bill to stop transshipment. In addition to that, it is almost insulting to the countries that are involved that it is so in need of jobs to believe that they would give those jobs to Asia and not to the people in their country.

I am suggesting as well, and as has been said by the chairman of the Committee on Rules, we know that the mother of all trade bills will be coming to the floor, and that is normal trade relations with China. It would be sad, it would be painful, it would be disgraceful for these smaller countries, these developing countries, to get caught up into that type of debate.

I am asking not to like the rule but to vote for these rules because it is necessary that not only we expedite the rule but we expedite the passage of this legislation so that it does not get caught up with the debate that is going to come on whether or not we should give normal trade relations to China.

Mr. REYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa.

Mr. ROYCE. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I stand in strong support of the rules for H.R. 434, the Africa Growth and Opportunity Act.

Last summer, the House understood the importance of doing what we can to encourage greater trade between the United States and Africa. We acted by passing this historic bill. We now have a chance to send this bill to the President's desk for a signature and open a long overdue era of new relations between the United States and Africa, one that recognizes the strong economic potential of a continent of some hundreds of millions of people.

I wanted to address for just a moment the issue of transshipments. Textile and apparel imports from sub-Saharan Africa do not present increased transshipment concerns. In fact, Customs estimates its current enforcement rate as one of the highest.

I should just share that the U.S. Trade Representative tells us there are no cases, to her knowledge. The Customs publishes a list of foreign factories involved in transshipment. Its current transshipper list does not include any African countries. The reason for this substantial compliance rate on the part of the African continent for textile and apparel imports from sub-Sarahan Africa are because Africa has a small number of factories which make it easy for the U.S. Customs to monitor transshipment, and African countries are starting from a low production base; and U.S. Customs would be able to immediately detect any sudden increases in production and determine whether transshipment is occurring.

Now, this bill provides $5.9 million for additional resources for Customs enforcement efforts that have proven the most effective, which is stationing Customs personnel in sub-Sarahan countries, use of jump teams, informants, collection of production information, monitoring and analyzing import trends; and in addition the legislation also requires beneficiary countries to cooperate with U.S. Customs in enforcement against transshipment and to enact laws to prevent circumvention.

Now, what would happen if a country did not cooperate? The answer to that is very clear. They lose the benefits under the bill, so they have a very real incentive to cooperate.

What this bill does is to build a partnership between America and those African nations which are committed to reforming their economies in a way that allows for America to sell more goods and services.

In short, this legislation treats trade as a two-way street. Already the United States exports some $6 billion worth of goods and services to Africa each year.

Now, in my opinion this is not as powerful a bill as was passed by the House last July. The U.S. Trade Representative, she argues otherwise. Rosa Whitaker feels that in some way the bill is strengthened and is as good as the bill passed.

In conference, the Senate demanded additional restrictions on trade with Africa, and in my view this is unfortunate. We would have liked trade with Africa to be regulated more by markets and less by bureaucrats, especially when we are dealing with the world's poorest continent; but this conference report clearly is an important step in the right direction toward greater trade between the United States and Africa.

Many Members of Congress have worked on this legislation to develop a new trade relationship with Africa for several years. It is the result of years of hearings in the Committee on International Relations and in the Committee on Ways and Means. We have debated this bill on the floor twice. We have passed this bill twice. This bill is a solid and well-reasoned, bipartisan effort. We have done this work in our relations with Africa with, frankly, a sense of urgency, urgency because Africa could be on the brink of permanent economic marginalization. Unless we help bring Africa into the world economy and do it now, Africa will never develop; and Americans are fooling themselves if we think we could ignore an undeveloped Africa in which war and disease become commonplace.

Let us do something to help Africa help itself, and let us do something to help America. This bill is a win/win.

Let me say the Caribbean Basin Initiative Enhancement offers similar benefits to American businesses while promoting economic development and political stability in the Caribbean region. These countries are close neighbors to America, and we have a stake in their well-being. This Congress has the opportunity to make a firm step towards greater engagement with these regions, and I look forward to bringing this conference report to the floor. I appreciate the efforts of the Committee on Rules and look forward to passage of this important legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding the time.

Mr. Speaker, I rise to oppose this particular procedural method to try and rush this matter to the floor, and I take a bit of issue with the chairman of the Committee on Rules who stated that there was a need to bring this matter to the floor today because otherwise we would not be able to get to it with our absolutely busy schedule here in the House. For those of us that have languished these last few days as we were waiting around for any of the business of the House to come forward, we know that that is a little bit of an overstatement. In fact, it is a gross overstatement. The majority has set so much time for Members to be back in their districts. We might as well try to move the Capitol elsewhere to catch up with where the Members are in accordance with the schedule.

The fact of the matter is that what they are asking the Members to do here is to set aside their right under the rules to have time to scrutinize the bill so we can deliberate it. It might have gone up on the Internet at 10:00 this morning; but if all people needed was two hours before we debated a bill and deliberated it, then that is what our rules would call for. But our rules call for these matters to sit for a day so people can have time to look through these bills.

Regardless of what the Members on both sides of the aisle have said, some agree and some disagree with what they think may be in this bill. That is exactly the point. People need time to scrutinize the bill to see what might have been slipped in from time to time.

We understand that there was language on AIDS medical relief in here that may have been taken out, put back in with some changes, taken out again. People need to know this and debate this important issue through its final resolution.

We need to talk about whether or not the child labor language stays in the bill or is taken out and what the content of it is if, in fact, it is in.

We need to know so much more. When we are talking essentially of increasing NAFTA to 65 more countries, we need to know what about labor protections, what about the environment; and in fact, there are any number of labor groups and environmental groups who wish that there were issues to be brought up and debated, and people should have the time to look at this bill and be able to do just that.

The last speaker mentioned the fact of how favorable this bill was and the fact that we had debated this bill previous times and voted upon it and passed it twice.

□ 1300

That is only part of the bill. In the course of last evening, also put into

this bill was the Caribbean Basin Initiative, and that, in fact, was never passed by this House; that was defeated by this House by almost a ⅔ margin, because it was, in fact, an extension of NAFTA without any protections for labor and environmental concerns, in fact, without any language even in side agreements that would do that.

Mr. Speaker, I just suggest that these rules that we have here in the House to allow people 24 hours to look at these matters are there for a reason, and that there was no countervailing reason why we should set aside that rule and set aside the opportunity of Members to have the deliberative time, the time to scrutinize these provisions, so that we can all be certain that when it finally does come for debate, each and every important matter and aspect is talked about, is reviewed and has the sunlight of daytime shining on it, so when people finally come to a vote, we can talk about all the issues that are important: The number of jobs that may be lost, the number of special favors being done for some people who are going to be very wealthy off of this bill, and all of those points are important, important enough for us not to rush this through prematurely or unnecessarily.

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

Mr. Speaker, as I listened to the gentleman from Massachusetts (Mr. TIERNEY) talk about being back in our district on Friday, one of my great heros of this great House is the former speaker of Massachusetts, I am reminded every day that all politics is local. I am looking forward to being back in my community on Friday because we have the opportunity to debate this today.

I think it is important, as I share with my father, that when we debate this, it is not a Republican or a Democrat or a majority or a minority issue; this is you are either a free trader and opening up those countries, as my colleague from New York (Mr. RANGEL) pointed out, or you are a protectionist, and that is fine, and that debate should be in this hall and it will be.

And I just want to remind my colleagues how much time today we are going to have to debate this issue. We are going to debate it for an hour now on the rules to suspend and waive the rules, so we can have immediate consideration. Right after this legislation passes or is defeated, we will have a debate on the rule itself, and that will be another hour. And then we will have an hour debate on the conference report as the merits of the legislation by those who negotiated it through the wee hours of this morning had the opportunity to bring to the floor for all of our colleagues to participate in that debate, a rather lengthy debate on the issue.

And when we conclude today, we have actually had more debate on this issue, no matter where you come down on the issue, than we would have on any other normal circumstances, and we have done it in the light of day. And the chairman of the Committee on Rules has given us a night's sleep, which is an unusual occurrence if you are a Member of the Committee on Rules.

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

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 114, not voting 19, as follows:

[Roll No. 144]

YEAS—301

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Collins
Combest
Cooksey
Cox
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kasich
Kelly
Kilpatrick
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Manzullo
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
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Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
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Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
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Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (FL)

NAYS—114

Allen
Andrews
Baldacci
Baldwin
Barcia
Barrett (WI)
Blumenauer
Bonior
Boswell
Boucher
Boyd
Capuano
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Eshoo
Etheridge
Evans
Filner
Forbes
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hinchey
Holden
Hooley
Hunter
Jackson (IL)
John
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klink
Kucinich
Lantos
Lee
Lewis (GA)
Lucas (KY)
Maloney (NY)
Markey
Mascara
McDermott
McGovern
McIntyre
McKinney
Miller, George
Mink
Moakley
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Pallone
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Shows
Skelton
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn

NOT VOTING—19

Baca
Clay
Coburn
Cook
DeLay
Engel
Goodling
Gutierrez
Gutknecht
Lucas (OK)
Millender-McDonald
Serrano
Smith (MI)
Spence
Thomas
Velazquez
Vento
Wise
Young (AK)

□ 1325

Mr. HASTINGS of Florida, Ms. KAPTUR and Mr. RUSH changed their vote from ''yea'' to ''nay.''

Mr. ROTHMAN, Ms. LOFGREN and Mr. FORD changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BACA. Mr. Speaker, I was not able to be here, but had I been here I would have voted ''nay'' on rollcall No. 144.

CONFERENCE REPORT ON H.R. 434, TRADE AND DEVELOPMENT ACT OF 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 489 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 489

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. REYNOLDS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 489 provides for consideration of the conference report to accompany H.R. 434, the Trade and Development Act of 2000. The rule waives all points of order against the conference report and its consideration. Additionally, the rule provides that the conference report shall be considered as read.

The Trade and Development Act of 2000 conference report offers opportunities for the United States to enhance trade with diverse nations in both sub-Saharan Africa and Caribbean Basin countries.

Mr. Speaker, the end of the Cold War has opened up sub-Saharan Africa to the world as never before. Only now are so many African nations able to start making the necessary reforms to become part of the global economy.

The new economic realities of sub-Saharan Africa must be met and encouraged by the United States. Indeed, improving the lives of the people in sub-Saharan Africa can best be accomplished by advancing the development of free market economies and representative democracies.

□ 1330

H.R. 434 is a vehicle for that economic and social progression.

The Trade and Development Act of 2000 will provide sub-Saharan countries with the tools needed to raise the standard of living in African nations, while simultaneously benefiting the United States by opening new trade and investment opportunities for U.S. firms and workers.

Additionally, the bill preserves the United States' commitment to the Caribbean Basin beneficiary countries by promoting growth and free enterprise and economic opportunity in these neighboring countries. By promoting economic opportunity in the Caribbean countries, the United States enhances our own national security interests.

The bill includes strict and effective customs procedures to guard against transshipment. Under a ''one strike and you are out'' provision, if an exporter is determined to have engaged in illegal transshipment of textile and apparel products from a CBI country, the President is required to deny all benefits under the bill to that exporter for a period of 2 years.

The conference report also focuses on eliminating certain human rights abuses by requiring all countries participating in trade with the United States under this bill to implement commitments to eliminate the worst forms of child labor in order to receive benefits.

There is no question that the creation of an investment-friendly environment in Africa and enhancing the Caribbean Basin will benefit all countries involved by attracting the capital needed to provide and promote the needed job creation and economic growth.

I would like to commend the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations; the gentleman from Connecticut (Mr. GEJDENSON), the ranking member; along with the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means; the gentleman from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade; the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means; and the gentleman from California (Mr. ROYCE), chairman of the Subcommittee on Africa.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS), my colleague and my dear friend, for yielding me the this time; and I yield myself such time as I may consume.

Mr. Speaker, this rule was only reported out of the Committee on Rules less than 3 hours ago. But because my Republican colleagues just enacted martial law, we are considering this rule the same day it was reported, without the typical two-thirds vote that is required for the same-day consideration.

It is not as if there is much activity on the House floor these days, Mr. Speaker. It is not as if we are working late into the night 6 days a week and we have to rush to finish. The real reason for the quick consideration is that this bill was so quickly put together that my Republican colleagues are worried that close analysis will prove fatal, and they are probably right.

Although this bill is hot off the presses, we have some idea what is in it; and, Mr. Speaker, so far it does not look too good. This bill includes an African trade bill that will neither help African workers nor American workers. It will allow the transfer of goods from China through Africa, goods that are made in unsafe conditions by workers who are drastically underpaid.

It will hurt the African environment by failing to put protections in the proper place. And it does nothing to provide serious debt relief to African countries, debt relief we have already granted to countries on other continents.

Mr. Speaker, this bill removes, removes some very strong provisions designed to stop the spread of AIDS in Africa, provisions that would have saved many, many lives.

But, Mr. Speaker, this bill does not stop at Africa. It includes a NAFTA expansion to the Caribbean countries, despite the problems that we are having with NAFTA in Mexico. And despite this devastating job loss and the environmental degradation that we have seen under NAFTA, this bill creates duty-free, quota-free access to American markets for textile and apparel assembled in Central America and also in the Caribbean islands. That is 24 countries which will be given unparalleled access to American markets and asked to provide nothing in return.

Mr. Speaker, by creating this access, we will be violating our agreement to treat all World Trade Organization countries the same. The last time this idea came up, it lost resoundingly. This time it is being shoved into a conference report along with a lot of other unrelated proposals that will put American garment workers at further risk of losing their jobs.

This bill contains trade favors for Albania. It offers normal trade relations to Kyrgyzstan, a country that did not even exist 10 years ago. The bill restores trade benefits for Israeli yarn. And another section of this bill, known as the ''carousel provision,'' was really written to please the banana growers and beef producers in their disputes with the European Union.

So, Mr. Speaker, in short, this bill is like a dozen other Republican bills before it. It is a grab bag of benefits for the very rich, for the very powerful; and it hurts everyone else.

So I urge my colleagues to oppose this rule and oppose the bill.

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

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

Mr. DREIER. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I would like to congratulate the House for its perspicacity in casting an overwhelming vote, 300 Members supported the last rule. And I suspect we will have a similar vote on this rule and I hope on the conference report itself. It is a very good and important piece of legislation.

We as a Nation have stood for promoting economic reform and global prosperity and leadership. And leadership is a very important quality that we need to make sure we do not in any way jeopardize. People who vote against this conference report will be undermining our future economic prosperity and undermining the very important role that we play as global leader.

When we think about the issue of trade, it is obviously a very tough one. It is tough because protectionism is an easy thing to engage in. In fact, protectionism thrives on anxiety. I find that the moment people become anxious about any issue, the response is to pull up the draw bridge and say: Oh, no, we cannot proceed with this.

The other thing that I often find when we engage in these debates is that the most strident protectionists always stand up here in the well and say: I am a free trader, but not this agreement.

Mr. Speaker, I will tell my colleagues there are things in this package about which I am not absolutely ecstatic, but I do know that when we think about those 48 nations in sub-Saharan Africa; when we think about the millions of people in the Caribbean; the 700 million people in sub-Saharan Africa; and what obviously is our top priority, when we think about that single mother here in the United States of America who is struggling to make ends meet and is going to a store to buy clothing for her children, we want to make sure that the quality of life for that single mother is enhanced. That is what this is all about.

It is a win/win/win all the way around. A win for the United States of America. It is a win for those people struggling to emerge in developing nations in sub-Saharan Africa to the economic prosperity about which they dream. And it is a win for the people in the Caribbean.

So I believe, again, that we today are going to be laying the groundwork with this vote for an even more important vote that will take place the week of May 22 when we decide whether or not the United States of America is going to maintain its role as the paramount global leader, or whether or not we are going to cede that to other countries throughout the world.

So, I compliment, again, the gentleman from California (Mr. ROYCE), the gentleman from New York (Mr. RANGEL), the gentleman from Illinois (Mr. CRANE), and so many others who have been involved in fashioning this very important piece of legislation; and I urge support of the rule and the conference report itself.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means and the author of this African trade bill.

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

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, for those that have problems with how the bill is being expedited or the process in which the conference was held, I sure can understand those criticisms. The reason that I support the rule and support the underlying bills is because of the long wait it has taken even for this country to recognize that we should have equity in dealing with people of color in the Caribbean, in Africa. And in Africa, we never had any open agreement at all.

For those who are against trade, for those who said I feel the same way about NAFTA and will vote against China, and feel the same way about the Caribbean and Africa, I can understand that. But for those people who say that we did not do enough for Africa, I ask why do you not ask the 48 African leaders and trade ministers that have been begging for these types of encouragement for investment so that they can get out of poverty and have disposable income and can become truly partners with the United States of America.

For those who say that outsiders and rich people are the ones that are going to benefit, while they are there looking at the sand and enjoying the sun in the Caribbean, they should also see the poverty. Those people want to have more than just tourism. They want to be anchored in commerce. We can do it. We promised. We got agreements with the people in the Caribbean. They were undercut when we gave a better deal to Mexico. It is called the Caribbean Basin Initiative Parity Bill. Just make it equal with what we have given to Mexico so that we do not take away what is given to them.

So my colleagues may not like the procedure. We waited a long time. I do not know when this would come back if we did not have the bill here now. I know one thing, I feel more secure in arguing the merits of these two bills now than I would if we mixed it up with arguing the bill as to whether or not we should give permanent trade recognition to China.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the chair of the Subcommittee on Africa of the Committee on International Relations, and an integral part of making this legislation the crafted conference report that is before us.

Mr. ROYCE. Mr. Speaker, I am one of the cosponsors of this legislation, along with the gentleman from New York (Mr. RANGEL) and the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. CRANE).

Let me just say that I think that this bipartisan legislation, frankly, will not solve all of Africa's problems, but it is a big step in the right direction. It will help Africa. It will help the United States.

Mr. Speaker, what this bill will do is to grant greater access to the U.S. market to those African countries that are lowering barriers to American goods and investment, that are lowering their tariffs, that are reducing their red tape, that are promoting private property rights.

This legislation, in other words, treats trade as a two-way street between the African subcontinent and the United States. And this is why the African Growth and Opportunity Act has received such strong support from American exporters, particularly those already in Africa and aware of the many opportunities.

America's exports to Africa total some $6 billion per year, but we at this point are less than 5 percent of that market. U.S. trade with Africa, which is greater than our trade with Eastern Europe, which is greater than our trade with Russia, supports 100,000 American jobs now. Passage of this bill would likely shift to Africa textile and apparel orders currently being filled by China and other Asian producers. This means that the African Growth and Opportunity Act bears no threat to American jobs.

While modest from the American perspective, this bill promises tangible benefits as well as a psychological boost to African countries wanting to become economic partners with the United States. Realistically, the U.S. could not isolate itself from a 21st-century Africa suffering from war or environmental degradation or terrorism and drug trafficking.

□ 1345

Increasing economic opportunities for Africans is an antidote to this scenario, translating into improved educational and health services, better environmental protections, and greater social stability. I recall President Museveni saying the only way we are going to increase the tax base here is by moving toward free enterprise. That

is what they are doing in Uganda and Botswana and other countries in Africa.

Africa, much of Africa, frankly, is in dire economic straits. But, fortunately, a number of African countries have changed course. They have liberalized their economies by lifting restrictions and reducing taxes on commercial activity, permitting private ownership of assets, and becoming more welcoming of foreign investment.

This bill's passage and that of the Caribbean Basin Initiative that is now part of this bill would demonstrate that the world's most powerful economy has serious interests in Africa's economic development. This is a win for the United States. It is a win for Africa. I urge an ''aye'' vote on this rule and on final passage of the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise today to support the underlying bill. I, like many of my colleagues, am not exactly enamored by the procedural pass that brought us to this point, but I think the underlying bill has tremendous merit; and, therefore, we should move forward.

This is an opportunity for us to chart a transition path from providing economic assistance to providing trade assistance to Africa, to help Africa move from economic dependence to economic self-reliance by providing a modest, and it is not a big step, but it is the right step, a modest improvement in our trade relations, modest trade opportunities for Africa.

We are going to enable them to add many of their own concerns. It goes without saying this is a regional world that has been struck by both tremendous droughts and economic hardships as well as the health problems associated with the AIDS epidemic. They need help. This bill will help them help themselves.

This is also an opportunity for the United States because we are not talking about international welfare. We are talking about benefiting the United States as well. This is a market of 700 million people in sub-Saharan Africa. To the extent that they are able to generate an engine of economic growth on their own soil, it creates opportunities and jobs for Americans. We need to pursue this specific course.

Now, my colleagues will hear people talk about transshipment and the fact that Asian countries will merely use this as a means to evade existing trade regulations and restrictions. Not true. This bill contains very tough and stringent protections against transshipment. It is movement in a right direction in another front, and that has to do with workers' rights.

In fact, unlike the China bill that we will be spending a lot of time on, this bill puts a lot of emphasis on the importance of workers' rights: The right of association, the right to organize and bargain, the right to be free of compulsory and forced labor, and minimum wage standards, things that we believe in this country, workers' rights, are an integral part of this bill. So it is a good bill on that ground.

Finally, I would like to comment on the Caribbean Basin Initiative parity because it is a question of parity. It seems to me that the Caribbean nations ought to have the same parity, be on the same economic footing as Mexico. It is not a perfect arrangement, but certainly if it is an imperfect arrangement that works for Mexico, it ought to be an imperfect arrangement that works for the Caribbean countries.

Again, we are in a situation where we are trying to help countries who are poor, considered ''Third World countries'' move forward in a noble economy. Certainly the Caribbean initiative provisions of this bill makes sense on those grounds.

So at the end of the day what we have is a bill that is not a giant step, but is a correct step that we ought to take to improve conditions in poor Third World countries by providing them trade opportunities. I believe we ought to vote for this bill, and I strongly support it.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, this is an historic day. Today we are sending a message to the nations of sub-Saharan Africa and to our partners in Central America and the Caribbean. Today we open our arms and embrace those nations in a new partnership, the hallmarks of which are economic freedom, growth, and opportunity.

By passing this legislation, we renew the hope of prosperity for millions of impoverished souls throughout the world. Under the leadership of the gentleman from Illinois (Mr. CRANE), the gentleman from Texas (Mr. ARCHER), the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. ROYCE), the gentleman from Washington (Mr. MCDERMOTT), the gentleman from Louisiana (Mr. JEFFERSON) among many, we have successfully sailed through some dangerous holes to bring forth a balanced bill with substantial benefits for some of the poorest Nations in the world.

The people of these Nations have been wracked by civil war, by ethnic conflict, by economic stagnation, every type of natural disaster that is known. We all know this is true. When tragedy occurs, we know that Americans respond generously.

But today, for the first time, we are doing something more. We are knocking down quotas to the poor. We are taking active steps to help build the strong economies and vibrant civil societies needed to overcome instability, poverty, repression.

As we enter the 21st century, we must do all we can to bring stability and growth to those parts of the world too often left behind in the economic miracle that free markets and globalism have brought elsewhere.

By passing this legislation, we are opening the door to the future. We are giving hope to those who seek jobs, those who seek a better life, those who seek freedom. In my mind, there can be no greater gift we can give.

I urge my colleagues to join with us today, help these Nations and these people to help themselves, and vote ''yes'' on H.R. 434. Let us keep the light of hope alive.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules for yielding me this time, and I thank those who have had the vision to bring this series of legislative initiatives to the floor.

It was 1997 that I had the pleasure of joining the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, and I thank his committee and the leadership of the committee, to go to Africa and look leaders of respective African Nations in the eye and tell them distinctly and directly that we, too, in America are friends of Africa. We, too, in America recognize that Africa supports the rule of law, that Africa recognizes the importance of appropriations and foreign assistance, but they also recognize the value and importance of what they have to offer on the international trade stage.

Africa is a Nation or a continent with 53 Nations of 700 million plus consumers and as well exporters. They are friends. I believe this bill, which offers to America and the continent of Africa a reasoned opportunity and a stage upon which to posture itself for the 21st century, that we can begin to exchange and interchange. We can begin to promote the very great cultural aspects of the continent as well as what we have done before with as many, many resources.

I am gratified that an amendment that I had that included the promotion of small and women-owned businesses to interact between the United States and the continent has been included. I am delighted that we also have challenged those businesses that will be doing trade with the continent to as well develop a fund that will help in the devastation of HIV/AIDS.

Am I disappointed that we did not get the vaccine language in that would have helped us? Yes. Am I disappointed that we, in fact, have not dealt with the issue of prescription drugs or HIV/AIDS? Yes.

I ask the Speaker of the House to help us move legislation dealing with the devastation of AIDS in the continent and in India and China along.

But this bill is about trade with people who want to do trade.

This bill has been long in coming, not like some bills that we are getting ready to do in the month of May that has just popped up on us. This bill has been worked by the corporate community, the African continent, the nations, the presidents, the ambassadors, small businesses, medium-size businesses.

Mr. Speaker, let me say it compliments the concept of the Caribbean Basin Initiative which also includes friends of ours who have worked to bring down the devastation of drugs.

These two bills give equal footing and equal standing to friends who have long been our supporters and who have a strong nexus to this country. Why not do business with friends? Why not say to our small businesses that the culture of the Caribbean, the culture of the African continent is to do business with small- and medium-sized businesses? Why not say to the large corporations who have been benefitting through diamonds and through gold and oil and gas, why not say to them be a stakeholder in the continent and provide them with a true trade relation and real investment to help them build schools and hospitals and improve their quality of life.

This is a good bill. I ask my colleagues to support the rule, and I thank those who have been in the leadership role on this bill. Let us move forward and ensure that we develop and submit, Mr. Speaker, the friendship that is long, long overdue. I ask support for the underlying bill and the rule.

Mr. Speaker, I rise in support of the passage of the Africa Growth and Opportunity Act Conference Report. The time has come for this historic legislation to become a reality. The legislation is good for America and it is good for Africa.

For the first time in this country's history, this Congress will have a structured framework for America to use trade and investment as an economic development tool throughout Africa and the Caribbean.

Through this legislation, the United States seeks to facilitate market-led economics in order to stimulate significant social and economic development within the countries of sub-Saharan Africa. The governments of Africa have articulated their eagerness to become fully integrated into the global marketplace, as a means of economic empowerment toward wealth creation.

I am pleased the House-Senate conference report includes amendments which I offered during last year's consideration of the House bill. The first provision encourages the development of small businesses in sub-Saharan Africa, including the promotion of trade between the small businesses in the United States and sub-Saharan Africa. This is an important victory for small business enterprises in America that are looking to expand remarkable trade opportunities in Africa.

Sixty percent of those that have died from AIDS are in sub-Saharan Africa. It is staggering number. An estimated 16 million have died since the 1980s. For these reasons, I am pleased that an additional amendment I offered was incorporated included into the conference report. The provision encourages U.S. businesses to provide assistance to sub-Saharan African nations to reduce the incidence of HIV/AIDS and consider the establishment of a Response Fund to coordinate such efforts.

This is important because HIV/AIDS has now been declared a national security threat. This provision reflects a national and international consensus that we must do everything we can to eliminate the HIV/AIDS disease.

Simply put, the bill changes how America does business with Africa. It seeks to enhance U.S.-Africa policy to increase trade, investment and economic independence. It seeks to move away from antiquated trade policies between the United States and African nations.

The passage of this bill will usher in a new era of cooperation between Americans and Africans working together as business partners. Indeed, it will provide Africa a platform to integrate more fully into the global economy.

Although this is the first such bill to specifically target the sub-Saharan Africa, the market access provisions of this bill are sensible and reasonable. The Africa trade initiative limits U.S. imports of African apparel for eight years, starting the cap at 1.5 percent of total U.S. imports and rising to 3.5 percent. This agreement is the product of meaningful negotiations over a considerable period of time. We should support this bipartisan effort.

Mr. Speaker, none of us can deny that trade and investment helped rebuild Europe after World War II. Similarly, by opening U.S. markets and encouraging receptive conditions for U.S. investments and exporters abroad, we were able to assist Asia in diversifying their export bases. As a result, they became prosperous consumers of American products. We have trade relationships with many regions of the world. The time has come to include Africa.

Elected leaders govern more than half of the sub-Saharan nations. Many sub-Saharan countries have fully embraced open government and open markets. Many are recording strong economic growth. This truly provides a wonderful opportunity to have a true trade partnership with the United States. Africa is seeking global recognition of its potential as a trading power and welcomes our cooperative role in this process.

In addition, the Caribbean portion of the trade bill provides duty-free and quota-free treatment to imports of apparel made from U.S. fabric. The 25 Caribbean Basin nations will be permitted to send a limited amount of apparel made from U.S. fabric produced in the region. This aspect of the bill will allow the countries of Central America and the Caribbean to compete effectively in the global economy. I should not hasten to add that this is an important part of the conference report that is also noteworthy in its own regard.

I salute my colleagues for their efforts in helping bring this reasonable compromise to fruition. With an estimated 700 million people—and consumers—the African market simply cannot be ignored. The Africa Growth and Opportunity Act Conference Report will provide the incentives for U.S. companies to create new infrastructures, projects, power plants.

I thank my colleagues and I urge them to support the conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). The gentleman will suspend. The Chair notes the disturbance in the gallery in contravention of the laws and the rules of the House.

The Sergeant At Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. REYNOLDS. Mr. Speaker, I reserve my time.

The SPEAKER pro tempore. The Chair would note that both sides have 18 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, I rise today, not as a free trader, but as a fair trader in support of this agreement for the United States, for Africa, and for the Caribbean nations. I did so for three simple reasons. First of all, because, with the 48 Nations of sub-Saharan Africa, all united behind this, we now do more trade with those 48 Nations in sub-Saharan Africa than we do with all the former Soviet Union block nations combined. So it benefits the United States.

Secondly, as a fair trader, I am concerned about trade deficits and trying to get trade surpluses. Before 1984, we had a trade deficit with the Caribbean nations. Today in the year 2000, the United States of America has a $2 billion trade surplus with the Caribbean nations, and this will further benefit that surplus with fair trade.

Thirdly, I support this because there are 700 million to 800 million people in sub-Saharan Africa that can buy U.S.-made products. That means this agreement will support our goods made in our factories by our workers and support our jobs.

So I think, Mr. Speaker, this is a good fair trade agreement, opening up trade opportunities, doing more to increase our trade surplus and providing American jobs.

Finally, the principal architect, a hero of mine, the Reverend Leon Sullivan, the architect of the Sullivan Principles in South Africa supports this trade agreement. He said in the speech at the University of Notre Dame, let us give, and I paraphrase, give a hand. Let us give a hand, not with a hammer, but for a carrot, to help other nations. But primarily let us help our jobs right here in America support free trade, support fair trade, support this agreement.

Mr. REYNOLDS. Mr. Speaker, I continue to reserve my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the courtesy of the gentleman from Massachusetts.

Mr. Speaker, as an American and a Member of Congress, I am troubled by

our lack of support too often on the issues and problems of Africa. Rising today to support the conference report for H.R. 434, the African Growth and Opportunity Act, is a small but important step toward strengthening the economies of Africa, the world's poorest continent, and the Caribbean Basin.

I commend the leadership of the gentleman from New York (Mr. RANGEL), the gentleman from Texas (Mr. ARCHER), the gentleman from Illinois (Mr. CRANE), the gentleman from Washington (Mr. MCDERMOTT), and the gentleman from Louisiana (Mr. JEFFERSON). There are a number of heroes on both sides of the aisle moving this legislation forward. They are concerned and have focused, not on the areas of the greatest wealth, but on the areas of the greatest need.

□ 1400

This bill will have negligible effect on American industries, as trade with sub-Saharan Africa represents only 1 percent of total United States exports and imports; and most of these were oil and natural resources. However, this bill holds a huge potential upside for American involvement, opportunity and engagement in countries that have struggled for decades to overcome poverty.

The African Growth and Opportunity Act directs the creation of the United States sub-Saharan Africa Free Trade Area, which will increase trade between the United States and African countries. It also carries with it powerful incentives for countries to fully comply with international labor and transshipment standards.

Mr. Speaker, Africa is at a critical turning point in its social and economic development. More than half the countries in sub-Saharan Africa today are now governed by elected leaders.

This bill will provide much-needed economic growth and help all African countries to raise their living standards. This bill will aid those democratic governments by providing a solid foundation on which they can build for the future.

Our Nation's ability or perhaps our will to provide direct economic aide to Africa is limited; and this bill, however, in the long run is a better alternative to those options. There is no real short cut to prosperity and democratic society. Free markets and economic activity are the key.

This bill allows us to directly participate with and help strengthen these African and Caribbean Basin countries through global trade.

I believe it will ultimately be the best long-term investment for the American taxpayer. I urge my colleagues to support the rule and the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

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

Ms. KILPATRICK. Mr. Speaker, today is a great day. As my colleagues will remember in the 105th Congress, this House did pass this bill. The Senate did not. I am happy that in the 106th Congress the Senate and the House has now acted on the African Growth bill, and I commend the gentleman from Illinois (Chairman CRANE), the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. RANGEL), and the other leaders for making sure that this is brought to the House floor.

We all are a bit disturbed about the process that it did move quickly; but if my colleagues will remember, it has been on the House calendar in some form over the last couple of years. I was a cosponsor then, and I am a cosponsor today of both the African Growth bill and the Caribbean Initiative bill.

It is time. And I applaud this Congress and its leadership for making it a reality and bringing it to the House floor. I visited Africa on several occasions, as many of my Members know, many of us have. It is trade that our countries need so the children can prosper in those countries, so that the families can take care of themselves, and so that, again, we grow American's jobs on this side of the Atlantic.

Mr. Speaker, over 300,000 jobs will be created with the signing of this law in our country. Many more children in Africa and in the Caribbean nations will find housing, health care, education services that they do not now have because of the stimulation of the business opportunities that this bill will provide.

It is a wonderful opportunity to grow not only in this country, not only to satisfy and fortify our own communities and grow businesses, but to do the same across the Atlantic and in the Caribbean.

I applaud the leadership. It is the right step to take. The bill, the underlying bill must be passed. I urge my colleagues to pass the rule. Yes, we could have spend more time on it, but pass the rule and then vote for the underlying bill.

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

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER), a member from the Committee on Appropriations.

Mr. OLVER. Mr. Speaker, everyone here recognizes that sustained economic development in sub-Saharan Africa depends upon successful trade with and foreign assistance to sub-Saharan Africa, but there is a crisis in sub-Saharan Africa. The HIV/AIDS epidemic in sub-Saharan Africa now has close to 30 million men, women and children testing positive with HIV/AIDS.

Mr. Speaker, the HIV/AIDS crisis threatens the whole workforce in sub-Saharan Africa. Mr. Speaker, to have a successful trading relationship with sub-Saharan Africa, it requires urgent and expedited action to meet the HIV/AIDS crisis.

Less than 10 months ago when we debated this bill, the House added language, which I am very pleased that was added, to place emphasis on that, that addressing the HIV/AIDS crisis must be a major component of our foreign policy in all of Africa; that significant progress in preventing and treating HIV/AIDS is necessary to sustain a mutually-beneficial trade arrangement there; and that that HIV/AIDS crisis is a global threat that merits further attention through expanded public, private, and joint efforts and through appropriate American legislation. And, as I say, I am very pleased that that language was retained.

When the bill went to the other side of the Capitol, language that strengthened the capacity for individual countries to have the ability to negotiate and determine the availability of pharmaceuticals and health care for their citizens and, particularly, with respect to the HIV/AIDS epidemic was added, and that language unfortunately has been lost from the legislation.

Mr. Speaker, some 50 Members of the House supported that language and asked that it be retained. I am very disappointed that the language is not there, because it would have greatly expanded our capacity to deal with AIDS in Africa, which dealing with that is critical if there is to be a beneficial trading relationship.

Mr. Speaker, I do intend, in spite of the disappointment that we have lost that strengthening language, the weakening of the bill in the conference, to support the bill and the conference report today. I simply want to remind my colleagues that as a sense of Congress we did recognize a year ago that the HIV/AIDS crisis in sub-Sahara Africa is a global threat and that we must greatly expand public, private, and joint public-private efforts through and beyond legislation passed by this House.

Mr. MOAKLEY. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining, and the gentleman from New York (Mr. REYNOLDS) has 18 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in support of this conference report.

For the past decade, the United States has been an island of economic prosperity. We have seen the greatest amount of job creation, the greatest growth in our GDP, and we have seen real wages growing twice the rate of inflation. Times do not get much better than this.

When we are in this time of economic prosperity, it is important for this country to reach out with a policy of economic engagement with many countries throughout the world who are struggling. The bill we are voting on today is clearly that policy.

We are reaching out to our neighbors in the Caribbean Basin, we are reaching out to some countries and citizens of the world who are being left behind in sub-Sahara Africa. It is this policy of economic engagement which offers them some hope.

I had the chance to visit Africa late last year, and it was distressing to see the human conditions in Africa and sub-Sahara Africa. In almost every country in Africa and sub-Sahara Africa, with the exception of one, their average life expectancy is declining because of the ravages of AIDS.

When we see average per capita GDP, annual per capita GDP that is only a few hundred dollars a year, we can understand the quality of life these folks are being denied. The policy we are voting on today is one which is going to be an improvement in that. We are going to be engaging economically, which is going to help to accelerate and enhance the development of their economy and improve their standard of living.

I would say, though, I think we came up short. We should have done more in terms of Africa, and I would also even say in the Caribbean nation initiative. It is time for us to set aside a failed policy of isolating Cuba for the last 40 years and welcome them in as we do every other Caribbean basin. It is time for us to embrace a policy of economic engagement with Cuba, as we are doing in Africa, as we are doing in China, as we are doing in Vietnam; and we will make greater progress in all those areas with advancing not only the economic interests of the working men and women in this country but advancing the cause of human rights and democracy throughout the world.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise this afternoon in support of H.R. 434.

I come from the State of Ohio, the great State of Ohio, the city of Cleveland; and I am proud to rise in support of this piece of legislation. It is time that we allow the African countries, sub-Saharan, and Caribbean countries the opportunity to engage in trade with our own country.

Now is the time, when our country enjoys a strong economy. Now is the time, as we open our global markets to others that we open it to Africa and the Caribbean. Now is the time, when our children travel across the world, and I think about my son Mervyn, who is 16 years old, who has been to South Africa and had a chance to ride along the Zambezi River, to visit Victoria Falls, for us to engage in a trade opportunity for Africa. Now is the time, because our children, as we think about our country and we say we are diverse and the color of the faces are black and brown and yellow and red and white, that our children have the opportunity to engage in business with those who are black and brown and yellow and white as well.

But, more importantly, now is the time, since we have had the opportunity to vacation in the Caribbean, to go on safaris in Africa, to enjoy the fruits of all of their labor, that we give them an opportunity to enjoy the trade that can come about as a result of trade agreements with Africa and this country and the Caribbean and this country. Now is the time. We cannot wait.

As our economy is strong, and everyone is willing to open their doors, let us say to Africa, let us say to the Caribbean, we are ready. We have been doing all these other things together, but now is the time to engage in a real trade agreement.

I thank the gentleman for the opportunity to be heard, and I ask my colleagues to support the rule and the underlying bill.

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

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume to close.

We have had an opportunity to bring before this House two rules that really bring the bottom line, and that is that the will of the House in its last vote said, at 301 to 114, let us move through consideration of the rule today and, ultimately, let us get under way with the debate of this legislation.

So as we look at where we are, we have Republicans and Democrats, liberals and conservatives, rural and urban America coming together in this House to put together legislation that has taken a great deal of time. All of the authors deserve a great deal of credit. The next hour of debate will finalize the debate on this legislation, and I urge passage of this rule.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1415

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 489, I call up the conference report on the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. UPTON). Pursuant to House Resolution 489, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the time for debate on this conference report be equally divided among and controlled by the chairman and ranking minority members of the Committee on International Relations and the Committee on Ways and Means.

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

There was no objection.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report now pending.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that at the close of my remarks the balance of my time be yielded to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, and that he be permitted to yield that time to other Members.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of the conference report on the Trade and Development Act of 2000, H.R. 434, which expands trade and investment with the countries of sub-Saharan Africa and the Caribbean.

First reported out of the Committee on International Relations in February of last year, it was then approved by the House on July 16 on a vote of 234–163.

I take pleasure in joining the gentleman from Connecticut (Mr. GEJDENSON); the gentleman from California (Mr. ROYCE), the subcommittee chairman; the gentleman from Texas (Chairman ARCHER) of the Committee on Ways and Means; and the gentleman from New York (Mr. RANGEL), the ranking member of that committee, in supporting this measure, the first major trade bill that we will be sending to the President since Congress approved U.S. participation in the World Trade Organization.

While I would have preferred more public debate and a slower, more orderly process than the one being used to bring this legislation to the House floor today, it is important to our national interests that this measure be enacted to meet the long-term development needs of the sub-Saharan African region and to put our overall relationship with those countries on a solid, long-term foundation.

The Committee on International Relations has taken a leading role regarding the investment and development aspects of this bill. I am pleased that agreement has now been reached with the Senate on how we can best promote the activities of the Overseas Private Investment Corporation and the Export-Import Bank in sub-Saharan Africa and that we can ensure the full participation of all of those nations which have taken steps to reform their economies and to promote private sector activities.

The trade provisions in this measure, Mr. Speaker, have only recently been finalized, and I will let the gentleman from Texas (Chairman ARCHER) and the gentleman from Illinois (Mr. CRANE), the subcommittee chairman, fully explain those provisions.

I would only observe that very careful monitoring and oversight will be needed by the Congress to make certain that preferential trade treatment for apparel imports from the Caribbean does not further displace our American workers.

And toward this same goal, I will work with my colleagues on the Committee on Ways and Means to make certain that before any benefit is granted under this act a beneficiary country is enforcing all the relevant standards of the International Labor Organization's Convention for the Elimination of the Worst Forms of Child Labor.

This conference report is, however, worthy of the support of my colleagues insofar as it provides essential support to many African nations who are only now starting to make the economic reforms that are so sorely needed for them to become part of the global economy. Barriers to foreign investment are coming down, and investor-friendly laws are being written.

It is my understanding that two-thirds of the African nations have adopted significant macroeconomic policy reforms. Enactment of this measure will make certain that trade and investment will grow between us and that these reforms can be enhanced and protected.

In brief, this measure encourages trade, not aid. It will bolster American economies. It will minimize the need for humanitarian and disaster assistance and will stimulate the private sector throughout sub-Saharan Africa.

In the final hours of the conference proceedings, a number of Senate amendments were dropped, including an AIDS drugs provision, trade adjustment assistance for farmers, and the provision regarding sugar imports.

On the other hand, I am pleased that a number of issues in contention between the two bodies were retained, including a provision regarding the so-called carousel retaliation trade provision, a special agriculture negotiator in the Office of the U.S. Trade Representative, as well as a provision that retains the preferential trade rights of firms in Israel to ship their products into the U.S. through CBI eligible countries.

In sum, Mr. Speaker, this bill is good for us, for our neighbors, and for our friends in Africa. Our Nation is the largest recipient of Africa's exports but is only the fifth largest exporter to Africa. Enactment of this measure will help to make certain that the new economic realities of Africa are going to be reflected in a new U.S. Government approach to that continent.

In the words of the dean of the African diplomatic community, ''This legislation is designed to help African countries gradually shift from dependence on foreign assistance to an approach based more on the private sector and market initiatives. The vast majority of African countries have undertaken political and economic reforms on their own in recent years. As such,'' the dean stated, ''this bill merely continues an approach that has been initiated by Africans themselves.''

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

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

Mr. Speaker, I ask unanimous consent that my time be controlled by the gentleman from New Jersey (Mr. PAYNE), who has done so much in this area and so many others in our committee.

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

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I would also like to commend the gentleman from New York (Mr. GILMAN), the chairman of my committee; the gentleman from California (Mr. ROYCE), the subcommittee chairman; the gentleman from Texas (Mr. ARCHER); the gentleman from Illinois (Mr. CRANE); the gentleman from Louisiana (Mr. JEFFERSON); the gentleman from Michigan (Mr. LEVIN); and the gentleman from Washington (Mr. MCDERMOTT), but particularly the gentleman from New York (Mr. RANGEL) who has played such an enormous role in this effort and has been particularly, I think, focused on the needs of every Member.

We all represent districts with our own issues before us. The gentleman from New York (Mr. RANGEL) has done an incredible job pulling this bill through. He has also paid attention to the rank and file Members on both sides of the aisle, and I want to express publicly my appreciation for him and for what his staff has done.

America has led the world in so many areas, but for lots of reasons historically we have failed to do what we have to do in Africa.

America responded proudly in Kosovo and other places, in former Yugoslavia. But in Africa, 600,000 to 800,000 people in almost a blink of an eye were annihilated in Africa without any response.

Maybe we were waiting for the colonial powers to take the lead as they have claimed they would take for so long. And maybe it was because we did not have a NATO and other assets to respond to. But we are running out of excuses. And this is a very important, maybe not as large a step as many of us had hoped for, but this is a very important step of America for fulfilling its leadership globally.

The almost half a billion people who live in sub-Saharan Africa live in some of the most difficult circumstances on our planet. It is irresponsible for us to spend so much time on almost every other continent and not face up to the realities from health care, from war, from economic deprivation that occur in Africa.

Today we take one small step. Because we all live on this planet, we all share the same inner-human responsibilities. I am proud to have played a very small role in this effort.

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

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

Mr. Speaker, I am pleased that the House today is considering the conference agreement on H.R. 434, the Trade and Development Act of 2000.

This legislation represents the culmination of better than 5 years of bipartisan work to strengthen U.S. trade relations with the sub-Saharan African countries and with our Caribbean Basin neighbors.

Sub-Saharan Africa is home to more than 10 percent of the world's population, and yet it has undergone, while a quiet and persistent evolution towards democracy and free markets, it is still de minimus virtually in terms of its access to our market and our exports to South Africa.

It provides a whale of an opportunity, over 700 million population in 48 countries. Twenty-six of those 48 countries, incidentally, have held democratic elections, and 31 of them have embarked on significant economic reforms.

Our conference agreement encourages the development of an African textile and apparel industry and regional integration through the provision of duty-free and quota-free treatment of up to 3.5 percent of the U.S. apparel imports over the 8 years of the bill for apparel articles wholly assembled in Africa and from regional fabric or fabric from any country in the case of lesser developed countries.

As the sponsor of the African Growth and Opportunity Act in the House, I believe that its enactment will establish sub-Saharan Africa as a priority in U.S. trade policy but, more importantly, will encourage countries in that region to redouble their economic and political reforms.

The first piece of legislation that I introduced when I became chairman of the trade subcommittee back in 1995 was the Caribbean Basin Trade Partnership Act, and that is an essential component of this package, too.

I think we are all aware now that when we passed NAFTA, while it was a

decided positive initiative in the right direction, one of the unforeseen consequences was handicapping our Caribbean trading partners.

In 1983, Ronald Reagan was the one that provided the initiative to try to give those Caribbean countries the opportunity for economic access here, and it was with the objective that if we promote that kind of economic growth and development, it helps to advance democratic institutions. And it worked. It was absolutely correct.

But we did, with NAFTA, we did handicap our Caribbean trading partners. Purchasing about 70 percent of their imports from the U.S., or roughly $18.5 billion annually, the Caribbean Basin countries already represent a larger export market for U.S. goods than all of China, with one-fifth of the world's population.

We are following through on our commitment to CBI region to make up for the disruptions those countries have experienced under NAFTA and also as a result of the devastating hurricanes that they suffered.

In the end, we are going to be successful in moving forward on trade when we hit this good, solid, bipartisan stride. And it is so pleasing, because Republicans cannot claim the highest priority with regard to the commitment of free trade, it was Democrats that historically were the free traders until after World War II, and Republicans were the protectionists who started lifting the blinders after World War II.

But we do have good bipartisan support and it is advancing American interests and it is in the interest of Republicans, Democrats, Independents, all of us combined.

I cannot thank my good colleagues on both sides of the aisle enough. I am talking specifically of my distinguished ranking minority member on the committee, the gentleman from New York (Mr. RANGEL); but the gentleman from Washington (Mr. MCDERMOTT); the gentleman from Louisiana (Mr. JEFFERSON); and on our side, the gentleman from California (Mr. ROYCE); the gentleman from New York (Mr. GILMAN); the gentleman from Arizona (Mr. KOLBE); the gentleman from Texas (Mr. ARCHER); and especially the gentleman from Illinois (Mr. HASTERT), our Speaker.

We have moved our country forward into a new, more peaceful and secure relationship with neighboring countries in this hemisphere and with nations in Africa, and many of whom are facing enormous obstacles to a better life. But they are headed in the right direction with the advancement of this legislation.

I urge all of my colleagues to cast an aye vote.

The first piece of legislation I introduced when I became Chairman of the Trade Subcommittee in 1995, the Caribbean Basin Trade Partnership Act, is an essential element of this package. This bill is aimed at promoting sustainable, trade solutions to the problems facing poor nations on our hemisphere.

When Congress implemented NAFTA in 1994, there was the totally unintentional result that the CBI region was put at a disadvantage with respect to Mexico, particularly in the all-important textile and apparel sector, where Mexico began siphoning off business and investment from our CBI neighbors.

Purchasing about 70 percent of their imports from the United States, or about $18.5 billion annually, Caribbean Basin countries already represent a larger export market for U.S. goods and services than China! H.R. 984 will accelerate the growth in U.S. exports to CBI countries by building on the highly successful Caribbean Basin Initiative, which has tripled exports to the region since it was passed in 1983.

Economic dislocation and distress in these small countries on our borders means only one thing for U.S. cities and towns—declining export markets, mounting illegal immigration and intensified drug trafficking. The United States has poured $19 billion in foreign assistance into the Caribbean Basin region since 1980, in order to stem the forces of Civil War and political instability in our own backyard.

We are following through on our commitment to CBI region to make up for the disruptions these countries experienced under NAFTA and as a result of devastating hurricanes.

In the end House conferees came to a meeting of minds with our Senate colleagues who had pushed for years for a protectionist, U.S. fabric only bill. While the House would have favored uniform rules for trade in North America, consistent with the NAFTA agreement, the bill does vary from this model. But our core objective of promoting trade expansion and helping to create a dynamic market in the CBI for U.S. exports was preserved. The bill looks toward the day when we can embark on mutually advantageous free trade agreements with these countries.

It is my firm belief that the couple of isolated, protectionist rules insisted on by my Senate colleagues in order to have a bill will not stand the test of time. When the initial success of this bill begins to be felt, and the large scale export opportunities for U.S. industry and workers become obvious, we will back asking for your support to go further. But this is a good start and at the same time Members can be assured we're not opening up any flood gates.

I am convinced this bill will lay the ground work for returning to an ambitious trade policy under a new President who can help us bridge our differences in the House on trade negotiating authority.

For in the end, we are only successful moving forward on trade when we hit a bipartisan stride. And as I look across the aisle at my good friends CHARLIE RANGEL, BILL JEFFERSON, and JIM MCDERMOTT, and on this side to ED ROYCE and JIM KOLBE, I want to say we put together a historic coalition on this one. Speaker HASTERT played a key role.

We've moved our country forward, into a new, more peaceful and secure relationship with neighboring countries in this hemisphere and with nations in Africa, many of whom are facing enormous obstacles to a better life.

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

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

Mr. Speaker, I was listening to my friend, the gentleman from Illinois (Mr. CRANE), and I am reminded that not only was this a bipartisan issue in this session of the Congress, but at first hearings that we had, Speaker Newt Gingrich testified with Jack Kemp and Andrew Young and Leon Sullivan and so many people came, fine Americans, Republicans and Democrats and liberals and conservatives, in support of opening up trade relationships with Africa.

It must make all of us feel proud today, as Members of the Congress, to be able to say that we were part of this initiative so that these smaller countries that are striving for better democracies, for improvement in the quality of health and education of their children, that have met with famine and drought, that know and see and face poverty and disease, that America is not treating them just as a basket case but reaching out and trying to transfer technology, create an atmosphere for investment, and to be able to say, commercially speaking, that we treat each other with the mutual respect that is so necessary for great nations, big or small, to work together for their constituencies and, indeed, for a better world.

☐ 1430

To have this coupled with the Caribbean Basin bill, that it was Ronald Reagan, as the gentleman from Illinois (Mr. CRANE) pointed out, that worked with Democrats to fashion a package so that we would not just consider the Caribbean as a bunch of just exciting songs but that we could see that these were people with struggling democracies that were throwing off the yoke of colonialism, that they wanted so badly to be treated with respect from their giant sister nation, the United States of America, and as a result of this to be able to see the industry that was starting there and the tremendous setbacks that they had as a result of us going into the North American Free Trade Agreement.

So President Clinton made a commitment that we would give them parity and Republicans and Democrats on the Committee on Ways and Means, the Committee on International Relations, working together and having Speaker HASTERT to come across the other side of the Capitol and meeting with the leader on that side, and coming together to keep this fragile package together, like most Members I wish we did not have to expedite this. I wish we had had more time with the rule. I wish we had had more time in the conference and certainly more time for Members to truly understand that they are playing a very, very important role, a historic role, in cementing the relationship that this country will have with these developing countries. I am proud to be an American, so proud to be a Member of this Congress, and proud to be working with Members on both sides of the aisle.

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

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

Mr. Speaker, I rise in strong support of this conference report. Last summer, in July, the House understood the importance of doing what we can to encourage greater trade between the United States and Africa. We acted by passing this historic Africa Growth and Opportunity Act. We now have a chance to send this bill to the President's desk for his signature and open a long overdue era of new relations between the United States and Africa, one that recognizes the strong economic potential of a continent of 800 million people.

What this bill does is to build a partnership between America and those African nations which are committed to reforming their economies in a way that allows for America to sell more goods and services. In short, this legislation treats trade as a two-way street. Already the United States exports some $6 billion of goods and services to Africa each year. Some 100,000 American jobs depend on this trade, which should grow under this legislation.

Few Americans probably realize that West Africa is approaching the Persian Gulf as a source of oil for the United States. This is but one example of Africa's growing economic significance to the U.S. Fortunately, many African countries have been moving toward greater economic openness over the last decade, ditching the African socialism that wreaked economic havoc. With this bill we will be encouraging this trend and trade. The trade that occurs with America should expand and should expand significantly.

I think if we can get beyond the headlines, Africa has the potential. I have seen dynamic entrepreneurs in Africa. I have seen vibrant and prosperous African businesses, businesses which want to do business with America. That is their message. They say we are tired of doing business with the Europeans. We want to do business with Americans.

Let us take advantage of that. Let us get America into the African economic game. This legislation is good for America, and it is good for Africa.

This is not as powerful a bill in some ways as we passed through the House last July. In conference, the Senate demanded additional restrictions on trade with Africa; and in my view, this is unfortunate. We would have liked trade with Africa to be regulated more by markets and less by bureaucrats, especially when we are dealing with the world's poorest continent. That would have been better for American consumers. American exporters would have been advantaged more by that and Africa would have been advantaged more by that.

This conference report is a clear and important step in the right direction toward greater trade between the United States and Africa, and it moves us away from the odd policy of giving aid to Africa with one hand and shutting out what it manages to produce with the other. Let us move Africa away from aid to economic self-sufficiency. That is the spirit of this bill.

We need to be frank. There are many Members of Congress who have worked on this legislation, and I want to thank the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN); as well as the Speaker of the House, the gentleman from Illinois (Mr. HASTERT); the chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER). I want to also thank my cosponsors of this legislation, the gentleman from Illinois (Mr. CRANE), the gentleman from New York (Mr. RANGEL), and the gentleman from Washington (Mr. MCDERMOTT). We want to thank the ranking member on the Subcommittee on Africa, the gentleman from New Jersey, (Mr. PAYNE) as well. We have done this work frankly with a sense of urgency, urgency because Africa is on the brink of permanent economic marginalization.

The global economy is changing in dizzying ways. Unless we help bring Africa into the world economy and do it now, Africa will never develop. It will be hopelessly left behind, and Americans are fooling themselves if we think we could ignore an undeveloped Africa in which war and disease were commonplace.

These problems have come to America already. Let us do something to help Africa help itself and help America.

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

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

Mr. Speaker, I rise today in strong support of H.R. 434, the Africa Growth and Opportunity Act. I join with the rest of my colleagues who are original cosponsors of this bill and appreciate their support, the persons involved from the Committee on International Relations and the Committee on Ways and Means.

We have been dealing with this bill for some time. Last summer it was passed as H.R. 1432. We have been talking about this issue.

Finally, I am pleased that this initiative is finally moving through the House. As the ranking member of the Subcommittee on Africa and as a member of the Committee on Education and the Workforce, let me first assure the colleagues of mine who are concerned about labor that this bill will cause no American worker to lose their jobs. This is a bipartisan bill which the conferees have been meeting with and discussing on a regular basis.

I am pleased also to mention that certain labor standards which our committee dealt with, including the right to organize and the right to bargain collectively, the right to set minimum wages and the minimum work hour requirements, are in this bill; and so many people who felt that there would be an open end we have put in safeguards for those folks in the region.

This is a stark and exciting occasion. Today, I stand before Members to say that the Africa trade bill will improve the lives of many of the African people on the continent. Imagine that as we approach the new millennium a partnership has been forged, a partnership that is not based on dependency; but it is a partnership that possesses great opportunities for both the United States and for Africa.

I must also applaud the Africa diplomatic corps for their constant and unwavering faith, that they kept coming and standing together united as a real force. I think that they have now become an effective force here on Capitol Hill to hear the problems of sub-Sarahan Africa discussed here, and I would like to compliment them.

This bill will make improvements in the telecommunications sector, providing enhanced satellite and educational and scientific opportunities. Currently it takes an average of 4.6 years to get a phone in Africa, and almost double that time in some parts of sub-Sarahan Africa. This bill, H.R. 434, will help sub-Sarahan African countries by reinforcing the positive development taking place in Africa. Among other things, it will enhance market access for African goods and services. It will provide duty-free, quota-free benefits to apparel made in Africa from U.S. yarn; duty-free benefits to apparel made in Africa; promote multilateral debt relief for the poorest of the poor countries in Africa, the HIPC countries; open free markets which would otherwise be closed in Africa. It also directs the Overseas Private Investment Corporation, OPIC, to create a $150 million equity fund to assist in overseas private investment and also a $500 million infrastructure fund which will assist these countries in developing their infrastructure.

It increases authority and flexibility to provide assistance under the Development Fund for Africa, the DFA bill. So there are so many benefits that this bill has in it. It will continually go on, and it will move countries ahead. It also will establish a U.S.-African economic forum to facilitate annual high-level discussions about bilateral and multilateral trade opportunities. So this bill is very important.

President Clinton mentioned it in his State of the Union address in his partnership for growth and opportunity as he talked about a new era for Africa.

So as I conclude my remarks, let me just say that I become disturbed when we say that there are no national interests of the U.S. in Africa. A foreign trade policy that ignores a sub-Sarahan Africa with its many countries is really a distorted policy. This bill recognizes that U.S. trade, aid, and investment are all important foreign policy goals. The countries in sub-Sarahan Africa have joined the new World Trade Organization, and we are helping them to share its benefits and to meet their requirements. So, therefore, once again, I ask for unanimous support for this.

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

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I want today to support H.R. 434. The Caribbean Basin Initiative was proposed in 1982 by President Reagan as a way of promoting economic revitalization and trade expansion opportunities for countries in the Caribbean Basin after peace had arrived. Now, more so than ever, economic revitalization is needed, and this is particularly true of the many countries that were ravaged by Hurricanes Mitch and George a little more than a year ago.

As many of my colleagues know, my wife and I have been involved with various humanitarian and charitable activities in Central America and the Caribbean for the better part of 30 years; and during this time it has become increasingly clear to me that what these countries need most in the way of economic stabilization is investment in free trading opportunities. Providing more open trade access to our markets would not only aid the ailing economies of these countries but would help ensure greater political stability as well.

Mr. Speaker, the most controversial aspect of H.R. 434 has revolved around textiles and apparel. Being from North Carolina, these industries are particularly important to me, as are the jobs that make up these industries. My particular concern regarding this legislation has been to ensure that textiles and apparel produced in countries in Africa and the Caribbean Basin region are made of U.S. materials, if they are to receive favorable trade benefits. Without these protections, I voted against this bill last summer.

According to most textile and fiber manufacturers that I have heard from, the conference report on H.R. 434 takes necessary steps to ensure that U.S. fiber, yarn, and cotton manufacturing industries are sufficiently protected.

Mr. Speaker, I believe this bill would greatly benefit the economies of the Caribbean Basin and Africa while protecting domestic jobs, and I urge its passage.

Mr. RANGEL. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), the ranking member of the Subcommittee on Trade of the Committee on Ways and Means.

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

Mr. LEVIN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time and for being unyielding when it comes to this legislation, with many other colleagues, and I look at all of them.

There are core labor standards in this new preferential trade program. They are built into the structure of the generalized system of preferences, GSP. The present provisions of GSP are strengthened in the language as it applies to African nations. In order for them to receive the benefits under this bill, the U.S. executive must assess in providing benefits for any African country whether it, and I quote, ''has established or is making considerable progress towards establishing,'' end of quotes, protection of core labor standards, including the right to organize and bargain collectively, as the gentleman from New Jersey (Mr. PAYNE) has mentioned.

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As to the enhanced benefits granted under CBI, the GSP provisions are strengthened still further. As a result of an amendment in the Senate, our executive must use, in deciding whether to grant enhanced benefits to any CBI country, the same standard as applied, for example, to intellectual property rights, that is, the extent to which a nation is adhering to internationally recognized core worker rights.

Further, as not provided in the original House bill, the enhanced benefits may be eliminated or revoked in the event a country retreats in these vital areas. It is also noteworthy that added to the GSP system is the Harkin amendment, requiring that countries implement their commitments to eliminate the worst forms of child labor.

The present GSP system, and it is not well understood, I am afraid, has been used, suspending GSP benefits due to worker rights violations in Burma, Liberia, Maldives, Mauritania, Sudan, Syria and Pakistan. The benefits of four other nations have been suspended, then reinstated once labor reforms have been made. GSP has been used in the CBI region to bring about improvements in protection of core labor standards.

Some will argue, and they do most sincerely, that these provisions are not strong enough because compliance should be immediate and it should be complete. I believe that a reasonable transition period makes good sense, and there is no way to mathematically define what is complete. The executive in our country will always have some discretion, and it is up to those of us who care about this issue in the public and the private sector to vigorously pursue efforts to implement these provisions.

Today, the administration has sent a letter to several of us indicating ''a series of steps to ensure effective implementation of existing labor-related provisions of CBI, as well as of the enhanced provisions.'' Included is an important step of directing the USTR to create a new Office of Trade and Labor headed by an assistant trade representative. Mr. Speaker, I will include for the RECORD that letter.

Building labor provisions into rules of trade and competition between nations is something that I believe in passionately. It is necessarily a step-by-step activist process, tailoring those efforts to the particular circumstances at hand.

In NAFTA there were no enforcement provisions covering the commitments on core labor standards. I opposed it. In this case, importantly, as to Africa and as to CBI, there is enforcement, the power of unilateral action by the United States, whether to grant these benefits, and, if granted, whether to suspend enhanced benefits.

These are important steps forward on this vital issue, as part, and I deeply share the beliefs of the sponsors, of a necessary effort to increase trade, and, yes, competition, with African and Caribbean nations in the U.S., and to trying, and this is so important, to increase the partnership between the U.S. and these nations, always keeping in sharp focus the best interests of American workers and producers.

There has been indeed a long and diligent effort to follow that path in this legislation. It strives to expand trade and to pay attention to the expanded issues of trade. As a result, I rise in support.

THE WHITE HOUSE,
Washington, May 3, 2000.

Hon. SANDER M. LEVIN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LEVIN: Thank you for your recent letter to the President regarding the African Growth and Opportunity Act and Caribbean Basin Initiative (CBI) Enhancement legislation, H.R. 434. The Administration strongly supports enactment of this bill, which will strengthen our partnership with these two important regions and provide mutual economic benefits for years to come. We appreciate your efforts to expedite agreement on the remaining outstanding issues in the legislation, and hope Congress will conclude its work and pass a final version of the bill soon.

A closer relationship with the CBI countries should be accompanied by progress in other trade-related areas. In particular, we hope to see CBI countries make continued progress in implementing internationally-recognized worker rights, and we are prepared to undertake a series of steps to ensure effective implementation of existing labor-related provisions of CBI as well as the enhanced provisions of H.R. 434.

First, to underscore the importance of trade and labor issues and to improve policy formation and coordination with respect to them, the President is directing the United States Trade Representative (USTR), contingent upon necessary appropriations, to create a new Office of Trade and Labor. Headed by the newly-created position of Assistant United States Trade Representative for Trade and Labor, the office will be responsible for aspects of trade policy-making that involve core labor standards considerations. It will endeavor to handle these complex, interdisciplinary issues in an integrated fashion.

Second, we will work to increase the resources available to this office to fulfill its mission. In the President's FY 2001 Budget, funds were requested to hire a Labor Specialist in the Office of the U.S. Trade Representative to work on issues involving the relationship between trade and labor. A major responsibility of this staff member would be to analyze information on worker rights developed in connection with the expanded reporting described below. This information would help to form the basis, under

various trade statutes, for the development of recommendations to continue, suspend, or withdraw benefits in response to the labor rights situation in particular industries and countries.

Third, also as part of the FY 2001 Budget, the President requested additional resources to strengthen our capacity to monitor worker rights and working conditions overseas as well as provide capacity building assistance to countries seeking to implement and enforce core labor standards. We anticipate assigning additional labor attaches to the CBI region and Africa as part of this broader initiative to assess the institutional capacity of countries to implement core labor standards and provide them with technical assistance suited to their needs. These officers would also serve as a point of contact for the Office of the U.S. Trade Representative for the purpose of assessing compliance with the standards required to receive and maintain benefits under our trade laws.

Fourth, the President is instructing that reporting on compliance with the worker rights provisions of the GSP program be expanded. Section 504 of the Trade Act of 1974 requires the President to submit an annual report to Congress on the status of internationally-recognized worker rights within GSP beneficiary countries. It has been our practice to include this report in the State Department's annual human rights report. To give this reporting greater emphasis, the President is directing the State Department, in collaboration with the Office of the U.S. Trade Representative and the Department of Labor, to undertake an expanded analysis of the legal framework and implementation in GSP beneficiary countries of internationally-recognized worker rights, including the right of association, the right to organize and bargain collectively, the prohibition against any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable working conditions.

The FY 2001 Budget includes a request for additional staff members for the Department of State and the Department of Labor for the purpose of improving reporting on worker rights conditions and, in particular, institutional capacity problems for which additional technical assistance might be appropriate. Among the issues the expanded reports could address are; whether the rights are recognized in the country's constitution laws, or regulations; whether the union registration procedures are fair and expeditious; whether there is a minimum wage law and laws or regulations governing occupational health and safety (with regard to workers generally or minors specifically), whether any persons or industries are excluded from any of these rights; whether child labor exists and what is being done to eliminate it; and what means exist for implementation and enforcement. Other issues relating to implementation that could be addressed include: the procedures for obtaining authorization to organize; the number of unions and unionized workers; whether and how workers are informed of their rights and employers of their obligations; whether and how the government assists workers to exercise their rights; whether and how the government investigates allegations of infringement of worker rights and penalizes violators; whether the government can prohibit strikes under certain conditions; and whether there are government inspections of workplaces to ensure compliance with labor laws such as those related to health and safety, minimum wages, and child labor.

Fifth, the Administration has used its authority to partially withdraw a country's GSP benefits in instances in which the country does not meet the criteria set out in 19 USC §§2461 and 2462, but a complete withdrawal of benefits is not deemed appropriate. This approach has two benefits: (1) it enables the U.S. Trade Representative to focus on sectors in which there are particularly serious enforcement problems; and (2) it serves to encourage the country involved to improve its compliance by not unduly penalizing the country for its problems. The Administration intends to continue to use this approach when necessary to enforce the GSP program and promote compliance. Partial revocation can penalize sectors that have failed to meet their obligations while recognizing a government's good faith attempts to meet its commitments in general. It should also be emphasized that flexibility in this matter makes it possible to avoid unnecessarily penalizing firms that meet or exceed the standards set out for extension and maintenance of benefits. It is our expectation that with the additional reporting requirements and personnel available to handle these issues, we will have more information and greater flexibility to respond even more effectively to any problems that arise in a particular workplace, sector or country. At this time, any interested party may submit a request to the GSP Subcommittee of the Trade Policy Staff Committee that additional articles be granted GSP benefits or that GSP benefits be withdrawn, suspended or limited. Under USTR regulations, any person may request to have a country's GSP status reviewed. The information required by federal regulations will be amended specifically to include compliance with labor rights in the beneficiary country.

Finally, we stand prepared to expand our assistance to countries wishing to improve their institutional capacity to implement core labor standards. Last year, in response to the Administration's request, Congress approved $20 million for the creation of a new arm of the International Labor Organization (ILO) to provide technical assistance to countries seeking to implement the ILO's landmark Declaration of Fundamental Principles and Rights at Work. In addition, the President's $10 million request for the Department of Labor to provide technical assistance on the design and implementation of labor standards and social safety net programs in developing countries. These activities are an essential component of a larger strategy to ensure that the benefits of expanded international trade and investment are shared as broadly as possible within and among nations. We are prepared to apply a share of these resources to the development of cooperative programs with our Caribbean and African partners as a means of helping them to comply with the requirements of our trade preference programs and their ILO commitments. This year, in addition to requesting a continuation of funding for the ILO's new arm, we have proposed doubling the Department of Labor's technical assistance program from $10 million to $20 million and increasing by $100 million our efforts to eliminate abusive child labor through the ILO and direct bilateral assistance. We urge you and your colleagues to support these requests as a key part of our efforts to expand trade and investment while improving respect for worker rights around the world.

And, thank you for your letter. I hope that these thoughts are responsive to the issues you raised.

Sincerely,

JOHN PODESTA,
Chief of Staff to the President.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished vice chairman of the Committee on International Relations, who also serves as the Chairman of the Subcommittee on Asia and the Pacific.

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

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of this legislation. It consists of four core bills, all of which are incorporated here, and I am pleased and proud to be an original sponsor of those four bills.

Mr. Speaker, with regard to Africa, this Member believes that expanding trade and foreign investment in Africa is the most effective way to promote sustainable economic development on that continent. By providing African nations incentives and opportunities to compete in the global economy, and by reinforcing African nations' own efforts to institute market-oriented economic reforms, this legislation will help African countries create jobs, opportunities, and futures for their citizens. Only through trade and investment will Africans fully develop the skills, institutions, and infrastructure to successfully participate in the global marketplace and significantly raise their standard of living.

However, it is true that trade liberalization alone cannot remedy all of Africa's woes. That is why our overall strategy for sub-Saharan Africa is a combination of trade and aid working together. It those who in the past have criticized the Africa Growth and Development Act, charging it does not provide sufficient and immediate aid to Africa's poor or for protecting Africa's environment, this Member would remind those colleagues that just over a year and a half ago the Congress enacted and the President signed into law the bill entitled The Africa: Seeds of Hope bill.

This food security initiative, which this Member introduced, refocused U.S. resources on African agriculture and rural development, and is aimed at helping the 76 percent of sub-Saharan African people who are small farmers. This law, along with other current U.S. aid programs, such as the Development Fund for Africa, are the aid components of our African development strategy. With the passage of this conference report, which includes the provisions of the Africa Growth and Opportunity Act, the needed complimentary trade components of our Africa development strategy, then we will indeed have a balanced trade and aid program.

The Trade and Development Act of 2000 also includes another important trade measure promoting further sustainable economic development for America's neighbors to the south in the Caribbean Basin. The impact of the first Caribbean Basin initiative enacted in the 1980s has, indeed, been very positive. However, this earlier initiative is just the first step. Its success naturally warrants the further investment and trade expansion included in the CBI II to ensure the continuation of responsible economic growth and stability in this region so close to our southern borders.

This conference report also authorizes the use of carousel or rotating retaliatory tariffs as a means of increasing the pressure on trade competitors and partners, like the European Union, which failed to comply with World Trade Organization rules and discriminate against American products and services. This is an important tool for the U.S. Trade Representative when addressing trade disputes involving American agriculture in particular, given that of nearly 50 complaints filed by the U.S. in the WTO, almost 30 percent involve agriculture.

This Member also supports the inclusion of H.R. 3173, the legislation that would establish the permanent position of Chief Agriculture Negotiator in the Office of the U.S. Trade Representative into this comprehensive bill. In 1997, a temporary position of U.S. Special Trade Ambassador for Agriculture was created, and it has proven to be an effective representative of America's agriculture interests in bilateral and multilateral trade negotiations. But this is a step forward, and that is important, given the impact agriculture has on our economy.

Mr. Speaker, the Trade and Development Act of 2000 is a balanced and responsible bipartisan trade initiative. I want to thank all of my colleagues on both sides of the aisle, certainly the Committee on Ways and Means people, for their contributions. In my own committee, I want to particularly focus appreciation on the gentleman from California (Mr. ROYCE), who has been unfailing, unrelenting, in moving this bill to its passage. I thank the gentleman for that special effort.

What this bill opens is a new mutually beneficial opportunity for trade and investment in Africa and in the Caribbean Basin. It also strengthens our ability to more effectively resolve unfair trade disputes. Accordingly, this Member urges his colleagues to support the conference report.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

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

Mr. Speaker, I rise today in support of the Africa Growth and Opportunity Act, H.R. 434, and its conference report.

First let me begin by acknowledging the men who made this bill possible. Certainly this is a bill that was born of sheer determination on the part of a number of individuals. Principally those that I know of, the gentleman from New York (Mr. RANGEL), who did not allow this bill to ever see anything but light; and certainly the chairman, the gentleman from Illinois (Mr. CRANE); the gentleman from Texas (Mr. ARCHER); and, of course, the gentleman from Michigan (Mr. LEVIN), who I know worked tremendously on this bill as well. I would like to applaud their effort, because for many moments many did not believe this bill would ever get to the President's desk. Certainly here we see that sheer will can get you there.

H.R. 434 left the House in a troubled state. There were legitimate concerns raised over the rights of workers, the misuse of African nations as mere stopping points in the transshipment of textiles from other countries trying to dump their products in America.

But I am very pleased to say that H.R. 434 has come to this floor prepared for signature by the President of the of the United States. The transshipment language is the best we have seen to date, the textile provisions are improved from what came out of committee, and the labor provisions certainly face us in the direction we need to be heading with all of our trade agreements.

Our partners in Africa and the Caribbean deserve to know we are serious about our partnerships with them and that we are serious about building relationships that are meaningful and that they will work in the future. They are ready in Africa and the Caribbean, they are willing, and now they are simply waiting.

Mr. Speaker, I will support this legislation because it recognizes that it is time for us to treat the African nations and the Caribbean the way we would treat some of our partners we have negotiated with for many years, and let them know we are with them in partnership, to have them advance and become solid, meaningful trading partners with America. It is time for this bill to become law. I am pleased to be able to support this legislation.

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

Mr. PAYNE. I yield 30 seconds to the gentleman from Virginia.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Virginia is recognized for 1½ minutes.

Mr. MORAN of Virginia. Mr. Speaker, I thank my friends for yielding me time.

Mr. Speaker, the United States has always had a very special relationship with the continent of Africa, and, with few exceptions, it has been a relationship of exploitation. The African people, with few exceptions, were the only people who were brought to this country, who did not come to this country of their own volition. Most people did. They were brought here to be used, and, in fact, much of our agricultural economy was built on the backs of black people.

Many of the most menial jobs that the middle and upper classes in America wanted performed were performed by people that were brought here from Africa. But, despite the obstacles, many people of African descent have risen to positions of prominence and stature and leadership. Two such people are the floor managers today, the gentleman from New York (Mr. RANGEL) and the gentleman from New Jersey (Mr. PAYNE), and many of our most respected colleagues. But if you listen to them, and they will tell you that what the continent of Africa needs and deserves is mutual respect. Mutual respect. They do not need paternalism and direct aid as much as they need the ability to sit down at the table with us as peers in an atmosphere of equanimity, to deal with Africa as a people and as a continent that we need as much as they need us, and that is what this bill does.

This bill establishes a trade policy with Africa that will be, yes, in our best interests, but will also enable the continent of Africa to develop its human and natural resources. This is a bill we need as a country. This is in our national interests. It should be a unanimous vote in favor of this bill.

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Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, I rise to speak in support of H.R. 434, the African Growth and Opportunity Act. This is a great day for America; this is a great day for Africa. I am honored to say that today the vast majority of American civic, religious, and business leaders strongly support this bill. More important, all 43 nations of sub-Saharan Africa have voiced unanimous support for this bold step towards stronger economic ties between the United States and Africa.

As we speak this afternoon, Mr. Speaker, trade ministers from 13 African countries and 3 regional cooperative communities are visiting Washington to press the urgency of this bill. They are the new African leaders who will lead that continent into the global economy as equal partners with other world regions.

I am proud to say that the United States is poised not only to support them, but to build enduring partnerships between our businesses and commercial enterprises.

Africa is rich with natural resources, but its most important resource is the ingenuity and inventiveness of its people. Africa and American entrepreneurs can now partner to strengthen businesses on both sides of the Atlantic Ocean. While trade barriers have prevented Africa from strengthening its imports to the United States, American consumers purchase Kenya bags and Kente cloth from competing world regions. The African growth and Opportunity Act now will let American businesses travel to Africa to build infrastructure, expand access to technology, and make good use of its natural resources. In return, Mr. Speaker, African businesses will have access to this vast market where the sky is the limit on consumer goods.

Mr. Speaker, I would like to thank all of my colleagues who have supported this bill every mile of the way, but a special kudos to my friend, the gentleman from New York (Mr. RANGEL), and my colleague, the gentleman

from Los Angeles, California (Mr. ROYCE).

We have never suggested that this bill would be a panacea for Africa; however, it will put Africa on the road to economic growth and prosperity for its people.

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

Mr. WELLER. Mr. Speaker, I want to thank and commend the gentleman from Illinois (Mr. CRANE), my friend, the chairman of the Subcommittee on Trade for his good work and for yielding me some time. I also want to commend the chairman of the full committee, the gentleman from Texas (Mr. ARCHER), and the ranking Democrat, the gentleman from New York (Mr. RANGEL), for their leadership on this legislation, this bipartisan effort.

If we believe in free enterprise, if we believe in democracy, we should support this legislation. This legislation is good for America, it is good for Africa, it is good for the Caribbean, for our friends in those nations as well as our friends here at home. It is a win/win for all of us. It is an agreement between the House and Senate; it is an agreement that will increase investment in Africa and in the Caribbean, as well as increase investment here in the United States.

I would note that these statistics I think really illustrate why this initiative is so important.

Let me note that 1998, the Caribbean Basin, the nations of the Caribbean Basin represent our 6th largest export market for American goods. The United States maintains a large and growing surplus in its trade with this region. In fact, in 1998, just 2 years ago, this trade surplus was almost $3 billion, up 73 percent from the previous year. Exports to the Caribbean Basin region alone support over 400,000 American export-related jobs, creating great opportunities for businesses as well as workers in Chicago as well as the south suburbs.

I would also note that trade with Africa supports 200,000 American jobs. In 1998, U.S. exports to Africa totaled over $6.7 billion supporting those 200,000 American workers. That same year, 15 States in our Union reported exports over $100 million each to sub-Saharan African nations.

This initiative is good for Africa, it is good for the Caribbean, but most of all, it is good for American workers and American business. It deserves an aye vote; it deserves a strong bipartisan show of support.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in strong support of this legislation today.

From an agricultural perspective, the Carousel Retaliation provision will strengthen the enforcement mechanisms in the WTO dispute resolutions, such as the recent beef hormone and banana disputes. The achievement of permanent status for the U.S. Trade Representative agricultural ambassador so that agriculture will remain high on USTR's agenda is a very positive aspect of this legislation.

From a textile standpoint, one of the controversies that has been worked out, it is now supported by the National Cotton Council, the American Apparel Manufacturers Association, the National Retailers Association, the U.S. Chamber of Commerce, the Central American and Caribbean Textiles and Apparel Council, and the countries of the affected region.

The CBI parity portion of the conference report will increase demand for U.S. cotton and textile competitiveness. It enables the U.S. cotton industry to partner with Caribbean countries to produce more competitive apparel products, thus increasing demand for U.S. cotton fabric and yarn. This partnership will allow the U.S. cotton industry to compete with imports from Asia as import quotas are phased out over the next 5 years, and it is truly a partnership between Africa and the Caribbean nations, which is one of the strengths of this bill. Only apparel products that contain fabric formed with U.S.-manufactured yarn or are knit in the region using U.S. yarn are eligible for the treatment under the CBI provision.

The Africa portion under the conference report caps trade preferences on apparel from Africa and protects against import surges and transshipment, one of the strengths of the upcoming PNTR agreement with China.

In general, this promotes economic and political stability in Africa and the Caribbean nations through trade instead of aid, making the most of scarce Federal resources. It is a good bill.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

I rise again, first of all, Mr. Speaker, to indicate that this is a historic day, and I have advocated for this bill in an earlier statement on the floor of the House. But I thought it was appropriate to come this time to particularly thank those who had an enormous impact on where we are today. I would like to thank the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL), the ranking member, for putting their heads and hearts together and not allowing the road of divisiveness to keep us from this day. I would like to thank the gentleman from California (Mr. ROYCE), who has put many miles in front of him and behind him in visiting the heads of state of African nations and understanding what this legislation would mean. And then the gentleman from New Jersey (Mr. PAYNE) for his long years of steadfastness and independence on the question of Africa and its importance in our foreign policy and his leadership on this legislation. I thank him.

Mr. Speaker, we have come to this day primarily because this bill has had a long journey, very distinctive from many of the trade bills that we have brought to this floor. I think it is important for the American people to understand that this is a bill that helps our large businesses, our friends in corporate America; but it is a bill that makes a very profound statement for the poorest countries in the continent of Africa. Countries that earn less than $1,500 per capita are included in participating in this particular legislation. They are given particular incentives to be involved in a trade relationship with the United States.

Mr. Speaker, do my colleagues know what that means? It means the market women in Nigeria and Botswana, in Cote-d'Ivoire, in Ghana, in Benin can be engaged in this concept of trade. It means that the Caribbean Basin initiative gives our friends parity. It means that we answer the question of dumping and transshipment.

So for all of those who think we have fastly gotten to this floor or that we have undercut others, Mr. Speaker, let me say it has been a long journey. We can thank many people, but this does help the people of the continent of Africa; and it does help the people of the Caribbean Basin. I would hope that my colleagues will see the value of it, and I hope that they will vote for this legislation enthusiastically.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MATSUI), a senior member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

There are a number of Members here in this room in the House today that have played a significant role. Obviously, the gentleman from California (Mr. ROYCE) and the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from Washington (Mr. MCDERMOTT), but two people should be really singled out for their outstanding role and their tenaciousness and their leadership in making sure this bill came to the floor of the House and soon to be sent to the President, and that is the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade of the Committee on Ways and Means, and certainly my leader on the Democratic side, the gentleman from New York (Mr. RANGEL). Without their singular leadership and without their inspiration in terms of sub-Saharan Africa, we would not have this bill before us today.

Mr. Speaker, I am going to be very brief. I just want to make a couple of

observations. One, there is 600 million people in 48 countries in sub-Saharan Africa. This is one of the areas of the world in which we have so much poverty, so much disease, AIDS; and we need to do much as a Nation, as people of the world to help these 600 million people to become consumers of the world as well as people that are living in poverty.

Just 3 weeks ago, there were many people, thousands of people that were at the steps of the Capitol demonstrating against the International Monetary Fund and the World Bank. They were saying that we should give debt relief; we should actually help these 600 million people and other people that live in poverty throughout the world.

The way to do that is to pass this legislation, to make sure that we give these 600 million people a marketplace-based type economy, so that over time they are going to want to get up like we get up as American citizens and say we want to work to earn a workable wage.

So the way to do that is to pass this bill. Those that refuse to look at this really are not sincere when they go to the steps of the Capitol and talk about debt relief. Handouts internationally do not work. It is creating a marketplace economy to give people an opportunity and a vision to be part of the world economy as we know it today.

So I thank the gentleman from New York (Mr. RANGEL), and I thank the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today in opposition to the Trade and Development Act of 2000. This bill will imperil the livelihood of thousands of U.S. textile workers. I support policies and appreciate what is attempting to be done here today, to expand trade and open new markets for our goods. But this bill will not be considered fair.

NAFTA and other free-trade measures were pitched to us as something good for the textile industry. Last year alone, the domestic textile apparel industry lost over 180,000 jobs. This agreement represents the willingness to trade away American textile jobs for cheap goods. It creates the opportunity for massive customs fraud, turning sub-Saharan Africa into a transshipment superhighway. Customs personnel are not equipped to enforce existing rules, and there is no reason to believe that Customs has the resources to endorse the provisions in the agreement.

The agreement provides quota- and duty-free access to imports from Africa and the Caribbean. Combine this with the fact that our textile industry faced record imports last year, and we can see that our industry will be further crippled by imports.

Mr. Speaker, I ask that my colleagues look closely at this bill and vote for our workers and not for others.

Mr. PAYNE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. OWENS.)

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

Mr. OWENS. Mr. Speaker, today is a very important day. The leaders of the Caribbean nation as well as leaders of the African nations are welcoming this first step forward. It is a small step; but it is the first step, where Africa moves from almost point zero to significant participation in world trade. The Caribbean countries, we are going to have some adjustments which we hope are positive. But I would like to make a plea for the Caribbean countries in the Caribbean Basin that are smallest, the islands of Trinidad, Guiana, Barbados, Grenada, Dominica, Saint Lucia, and even Jamaica, which has a population of only about 3 million people.

□ 1515

They are relatively small; they deserve special targeted treatment. Consider the fact that they are buying far more from the United States, consistently, than we are buying from them. The balance of trade is not a problem there as it is with China and Taiwan and Hong Kong.

How did China, Taiwan, and Hong Kong get such a large portion of our textile market? They are so far away. Why can we not look at the problems that the small islands in the Caribbean have? We should have priority for our friends in this hemisphere who have always been loyal to us; priority for our friends in the hemisphere who purchase our goods and end up with a balance of trade that is in our favor, not in someone else's favor; priority to our friends in this hemisphere who will help us to control the drug trade.

Mr. Speaker, if we do not take care of their exports, if we are not more sensitive to their needs, then we are going to have more problems like the problem of Colombia. It is going to mushroom, because they have no choice except to seek some form of income and to become victims of the prey of drug lords.

Let us look at these nations being special to the United States and give them special sensitive preference.

Mr. Speaker, this long overdue trade legislation is filled with inadequacies and shortcomings; however, it is the consensus of the African and Caribbean leaders that this act constitutes a vital beginning. The African nations will move from a zero point to a point of significant participation. Most Caribbean nations will benefit from new arrangements which prevent the unfair trade advantages of Mexico from becoming worse. The majority of the changes and adjustments have been approved by the Caribbean leaders; however, there are some disappointing background movements.

Mr. Speaker, along with the majority of my Democratic colleagues, I rise to protest the procedure which finalized this important legislation. It must be noted that the Caribbean Basin Initiative [CBI] section of the Senate Conference report that we are voting on today was never presented on the floor of the House of Representatives. This Congress only had the opportunity to vote on the Africa Trade and Growth portion of the bill.

Behind closed doors with minimum participation of Democrats, the Republican Majority developed this ''take it or leave it'' measure. There are some reviews of the bill which state that certain countries have lost ground. According to a representative of one of the Unions: ''To the extent that it is not good for anybody and without the actual bill for close review, Latin America profits from the bill, with the Dominican Republic the only Caribbean country that gets good benefits. Jamaica, which has good laws, has lost [a portion of] its share every year from 1995 to 1998. It is no good for Caribbean countries and no good for U.S. workers.''

We look forward to the election of a democratically controlled Congress where all of the shortcomings and deficiencies that we uncover may be revised. But as of this date, the nations of Africa and the Caribbean Basin are celebrating this important first step. President Clinton has stated that he will sign this legislation into law.

BENEFITS FOR THE CARIBBEAN BASIN

Preserves the United States commitment to Caribbean Basin beneficiary countries by promoting the growth of free enterprise and economic opportunity in these neighboring countries and thereby enhances the national security interests of the U.S.

Builds on the Caribbean Basin Economic Recovery Act enacted in 1984 and extends additional trade benefits through 2008.

Extends duty-free benefits to apparel made in the Caribbean Basin from U.S. yarn and fabric.

Extends duty-free benefits to knit apparel made in the CBI from regional fabric made with U.S. yarn and knit-to-shape apparel (except socks), up to a cap of 250 million square meter equivalents, with a growth rate of 16 percent per year for the first three years; extends benefits for an additional category of regional knit apparel products up to a cap of 4.2 million dozen, growing 16 percent per year for the first three years.

Includes provisions specifically designed to promote U.S. exports and the use of U.S. fabric, yarn, and cotton.

Extends benefits to certain products from countries which are signatories to free trade agreements with the United States.

Benefits under Caribbean Basin Trade Partnership Act are conditioned on countries continuing to meet conditions including intellectual property protection, investment protection, improved market access for U.S. exports, and whether the country is taking steps to afford internationally recognized worker rights.

The bill requires that eligible countries implement strict and effective Customs procedures to guard against transshipment. Under a ''one strike and you are out'' provision, if an exporter is determined to have engaged in illegal transshipment of textile and apparel products from a CBI country, the President is required to deny all benefits under the bill to that exporter for a period of two years. Transshippers are subject to treble charges to existing textile and apparel quotas.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I first applaud the gentleman from Illinois (Mr. CRANE) for his fine leadership on many of the trade issues our committee considers.

As a Floridian, I want to underscore the importance of trade with our Caribbean Basin neighbors and also trade with Africa. I applaud it when Members of this Congress can come together in a reasonable fashion to talk about the economic realities and opportunities that are presented through these bills. I think this is the hallmark of this Congress where we can come together and discuss with some differences, yet support for the underlying measure.

This will enhance trade with Africa, which is vitally important. We also have to underscore, while we are talking about Africa, some of the most serious considerations relative to AIDS that are afflicting that region. I have worked with our former colleague, Mr. Dellums, on that issue; and I will continue to do so. But one way that we can help in Africa today is inspiring and working towards increased trade with that region.

So I again thank the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade of the Committee on Ways and Means, for his leadership on this issue, and I urge Members to vote affirmatively for the package today.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from California (Mr. ROYCE), who has the right to close, has 1 minute remaining; the gentleman from New Jersey (Mr. PAYNE) has 1½ minutes remaining; the gentleman from Illinois (Mr. CRANE) has 4½ minutes remaining; and the gentleman from New York (Mr. RANGEL) has 1 minute remaining.

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

Mr. Speaker, I do not have any further requests for time. I just would like to once again thank the Members of the Committee on Ways and Means and the Committee on International Relations for the bipartisan way in which they approached not only both bills, but approached the differences that we have had with the other body.

I would like to thank the leadership on both sides of the aisle, and I certainly want to thank the staffs of the Committee on Ways and Means, more specifically of the Subcommittee on Trade, that worked well into the morning hours in order to make certain that we did have a conference report.

I want to thank the gentleman from Illinois (Mr. CRANE) for not only the courageous way he handles his personal problems but the courageous way he handled this bill and the political implications that we felt. It is indeed an honor working with him and the chairman of the committee.

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

Mr. CRANE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE) for yielding me this time, and I take the time only to compliment everyone. Having served on the Subcommittee on Trade over these years and watching how we have tried to put a product together, especially on a bilateral basis, and the difficulty in dealing with regions that cry out most for need like the Caribbean Basin and Sub-Saharan Africa, I think all of us agree that this piece of legislation is overdue.

But having said that, it still took an enormous amount of work to put together, and I compliment the gentleman from New York (Mr. RANGEL) and most especially the gentleman from Illinois (Mr. CRANE), chairman of the subcommittee, and everybody who put in their hard work.

Mr. Speaker, this is a promising beginning. But as we all pat ourselves on the back, we have to underscore the fact that this is the beginning.

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

Mr. Speaker, I want to express appreciation to all present and those who are not here on the floor right at this moment but who have been actively involved in this bipartisan effort. I cannot stress that enough. It has been such a real comfort when we have an opportunity for an overwhelming majority of us to come together on issues where we share common views and values and we are trying to advance an agenda that works to the interest of people less fortunate than ourselves.

We are doing good work here. And I want to express particular appreciation to the gentleman from New York (Mr. RANGEL), our ranking minority member on the committee. I have had the pleasure of working closely with the gentleman not just on this issue, but a number of issues; and we do have remarkable things in common. I have always viewed him as potentially salvageable.

Mr. Speaker, I am kidding. I do so much appreciate him. And I want to just thank everybody else and urge them all to cast their votes in support of this strong bipartisan effort.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the distinguished gentleman from California (Mr. ROYCE).

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

There was no objection.

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

Mr. Speaker, let me also echo what has been said here before. Let me certainly commend the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL) for the tremendous work that they have done on this bill. Of course, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), our Chairs, also worked very hard.

Mr. Speaker, I would like to compliment the gentleman from California (Mr. ROYCE) for his interest and his dedication to this bill and to issues about Africa in general, as well as the gentleman from New York (Mr. HOUGHTON) and the gentleman from Louisiana (Mr. JEFFERSON). But let me make special tribute to the gentleman from Washington (Mr. MCDERMOTT), a classmate of mine, who came in and is the one who came up with the idea and said something had to happen and moved it forward. So I would like to make special acknowledgment to the gentleman from Washington who has done an outstanding job in bringing this idea forth.

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

The SPEAKER pro tempore. The gentleman from California (Mr. ROYCE) has 3 minutes remaining.

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

Mr. Speaker, I would like to join the gentleman from New Jersey (Mr. PAYNE) in recognizing the work that the gentleman from Washington (Mr. MCDERMOTT) over the last 6 years has put in conceptually to this effort. We have thanked the ranking members, but let me also thank the staff of the Committee on International Relations and the staff of the Committee on Ways and Means for their work on this bill.

Mr. Speaker, let me say as chairman of the Subcommittee on Africa, I think we are on the verge of making a very significant achievement for this Congress and for the future of America's relationship with Africa. I think the African and Caribbean bills are going to play a critical role in helping to bring Africa and the Caribbean nations further into the world economy, which I believe is good not only for those countries, but good for the United States.

I believe that this bill will not cure all of the ills that we have heard about today, some of the problems in Africa; but I think it will help spur economic growth in Africa. And unless African economies grow, then all our concerns about Africa, whether it is poverty or environmental degradation or disease, those are guaranteed to grow.

I think the Caribbean Basin initiative in this bill offers benefits to American businesses. I think it builds on the $19 billion in exports that the U.S. sent to Caribbean countries last year. And as we have heard, U.S. exports to that region have tripled as a result of the enactment of CBI in 1984.

With both Africa and the Caribbean, this bill reduces duties, which is a benefit to the American consumer. And because it helps build political and economic stability, the Caribbean Basin Initiative enhancement in this report will contribute to U.S. national security. The Caribbean countries are close neighbors to America, and we have a big stake in their well-being.

Mr. Speaker, let me say the African Growth and Opportunity Act will help build critical and economic stability in Africa, and that is in our strategic national interest.

We need to pass this conference report. We need to do what is good for Africa, do what is good for the Caribbean nations, and what is good for America. I urge a ''yes'' vote from my colleagues.

Ms. PELOSI. Mr. Speaker, in recent months, the HIV/AIDS epidemic in Africa has finally begun to receive the international attention that a crisis of this magnitude deserves. Over 23 million Africans are infected wtih HIV, and it is projected that a quarter of southern Africa's population will die of AIDS. These staggering numbers, and the political and economic instability that they are creating, have prompted the National Security Council to designate HIV/AIDS in Africa as a security threat to the United States.

Although I am supporting the African Growth and Caribbean Initiative Act, my enthusiasm is mixed with disappointment that we have missed this important opportunity to take substantive steps to address this disease. Two HIV/AIDS provisions were excluded from the conference report by the majority. The inclusion of these two provisions in this legislation would have improved access to affordable AIDS drugs and strengthened the international effort to develop an AIDS vaccine. Efforts to treat and eventually eradicate HIV/AIDS are vital to Africa's economic future. It is no exaggeration to say that HIV/AIDS is decimating the African work force, and the African economic progress that this legislation is designed to support is being placed in jeopardy.

Economic ties between the U.S. and Africa have been growing steadily this decade. African economic development creates new markets for U.S. products and provides resources that this country needs. However, the African economic development that we benefit from in this country is directly threatened by the AIDS eidemic. Professor Jeffrey Sachs, Director of the Harvard Institute for International Development, has stated that ''a frontal attack on AIDS in Africa may now be the single most important strategy for economic development.'' It is estimated that over the next 20 years AIDS will reduce by a fourth the economies of sub-Saharan Africa.

AIDS undermines economic development in several ways. HIV strikes individuals during their most productive years. The disease erodes productivity by increasing absenteeism, and it raises the cost of business through increased need for health benefits and increased costs of recruiting and training new employees as current employees die or become disabled. A 1999 South African study found that the total costs of benefits in that country will increase from 7 percent of salaries in 1995 to 19 percent by 2005 due to AIDS. Some companies are already hiring two employees for every one skilled job because of the likelihood that one will die from AIDS.

I had hoped that two HIV/AIDS provisions would be included in the conference report. First, Senator KERRY and I have proposed a tax credit for qualified research and development costs associated with research on vaccines for malaria, tuberculosis, or HIV. The tax credit equals 30 percent of total annual qualified R&D investments. In addition, smaller companies could choose to waive the credit and pass it on to their equity investors who finance R&D on one of the priority vaccines. A vaccine is our best hope to bring this epidemic under control and we must accelerate research efforts in order to have any realistic chance of successfully developing a faccines in the near future.

Second, Senators FEINSTEIN and FEINGOLD proposed a provision designed to improve the access of African nations to generic equivalents of expensive HIV/AIDS drugs. Many years of work and significant federal research dollars have gone into the development of the combination drug therapies that are extending the lives and improving the quality of life for so many people living with HIV/AIDS in this country. We have a moral responsibility to ensure the widest possible access to these treatments and new therapies as they are developed. The benefits that come from our federal investments in scientific and medical research are not meant to be restricted to the wealthy.

The inclusion of these HIV/AIDS provisions would have contributed significently to vital efforts to treat and evenually halt HIV/AIDS, thereby ensuring a healthier and more prosperous future for the African continent. I hope that the Congress will move swiftly to address this crisis by doing everything we can to treat, educate, prevent, and eventually eradicate HIV/AIDS in both the development and the developing world.

Mr. HASTERT. Mr. Speaker, I rise in support of this conference report and I urge my colleagues to support it as well.

The American people often look to Congress in the hope that we can accomplish things in a bi-partisan fashion. With this bill, we have.

My colleagues on both sides of the aisle, especially Mr. ARCHER, Mr. RANGEL, Mr. CRANE, and Mr. ROYCE, worked very hard on this legislation and should be commended for their efforts.

Today's conference report gets to the very heart of compassionate conservatism. By promoting expanded trade, the United States will be minimizing the need for foreign aid and disaster relief. We will be helping other nations become more self-sufficient.

This Africa-CBI bill is great news for all parties involved. For our friends in Africa and the Caribbean, this bill will help increase the stability of their nations, and help their economies grow.

For the United States, this bill means an expanded market for American manufactured goods and agricultural products.

It was over 200 years ago that our founding father Ben Franklin said that, ''No nation was ever ruined by trade.'' Ben Franklin was right. Nations aren't ruined by trade; they are strengthened by trade.

With this bill, we will be exporting more than just our products, we will be exporting our ideals of freedom and democracy. That means a stronger, more stable Africa. And safer, stronger Caribbean nations.

By promoting trade and investment in other nations, we are making the world a more secure place.

There are 700 million people living in Subsaharan Africa and 58 million people living in the Caribbean. We must engage these citizens of the world, and help them participate in the new economy.

The new economy is based on world-wide trade and the free flow of ideas. By passing this conference report, we will take another crucial step down the road to an integrated society and world.

I hope my colleagues will join me in supporting this important bi-partisan, legislation. It is in the best interest of our nation and our world.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H.R. 434, the Africa Growth and Opportunity Act. Today, in the Africa and Caribbean Trade Bills, this body has the potential to make a great contribution not only to the people and the countries of Africa and the Caribbean, but for those of us right here in our own country.

These bills have been a long time coming, but I am pleased to join my colleagues in strongly supporting them.

As you know, I am not only a proud person of African descent, but my district is a part of the English speaking Caribbean. Although the Virgin Islands is part of the United States, and some of the issues we hoped to have addressed within the body of this legislation are not included, the benefits that the increased trade will bring to the region will benefit us as well.

I want to take this opportunity to applaud Congressman RANGEL and Congressman CRANE for their hard work, persistence and diligence in bringing these bills to the floor today.

I ask all of my colleagues to fully support H.R. 434 and vote yes.

Mr. MANZULLO. Mr. Speaker, this legislation will for the first time focus the attention of the U.S. government on a comprehensive trade strategy towards Africa. We have neglected this continent too long only to the benefit of their former European colonial powers. With the anemic growth in our exports, the U.S. needs to look at every possible market opportunity to improve trade relations.

Many may be surprised to learn that U.S. exports to Africa have been growing at a steady rate. Exports from Illinois to South Africa grew from $269 million in 1995 to $413 million in 1998—a 54 percent increase! Illinois exports more to South Africa than it does to Spain or India.

The specific African trade picture for Rockford is even better. Exports from Rockford to all of Africa almost doubled, going from $2.9 million in 1995 to $5.1 million in 1998. Some of these exports came from companies like Etnyre of Oregon, which sold asphalt making equipment to the Ivory Coast and Kenya; Newell's International Division in Rockford, which sold office and home products to Zimbabwe and South Africa; Wahl Clipper of Sterling, which sold barbershop hair clippers to South Africa and Nigeria; and Taylor of Rockton, which sold soft serve ice cream machines to South Africa and Nigeria.

African trade also extends to McHenry County—RITA Chemical of Woodstock sold industrial inorganic chemicals for the cosmetic industry in South Africa and Motorola of Harvard, a manufacturer of cellular phones that are used even in the remotest parts of Africa.

This legislation will further increase export opportunities from companies like these all across America by re-orienting the trade programs and policies of the U.S. government towards Africa.

Jane Dauffenbach, President of Aquarius Systems, located in North Prairie, Wisconsin, testified before my Small Business Exports

Subcommittee last year about the cut-throat behavior of other foreign governments in trying to win export opportunities in Africa for their local companies. Aquarius Systems manufacturers aquatic weed harvesters. Ms. Dauffenbach testified how the Japanese and the Israeli governments almost snatched a huge export sale to Kenya from her company. It was only because she had a World Bank contract, backed by political risk insurance purchased from the Overseas Private Investment Corporation (OPIC), that she was able to win and complete the sale. She said, ''(s)imply put, Aquarius systems is not competing with foreign companies. We are competing with foreign governments * * * It is imperative that the financing and insurance programs from OPIC exist so that we have the necessary tools available to accomplish our goals.'' H.R. 434 formalizes an investment fund for Africa within OPIC to further enhance export opportunities for companies all across America like Aquarius Systems.

This bill represents the tip of the iceberg of what can happen if we build better trade relationships with the 48 countries of sub-Saharan Africa. All these companies agree that if there is a more active effort on the part of the U.S. government to help develop and open the markets in Africa, they would benefit through increased sales.

While this bill is not a cure-all for our trade deficit or for solving all of Africa's problems, it represents one beginning step in the right direction. It has the support of our exporting community. It has the support of all—I repeat—all of the sub-Saharan African countries. It's a win-win for all sides. I urge you to join them in supporting this legislation.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of the conference report for H.R. 434, the African Growth and Opportunity Act and Caribbean Basin Initiative. This much-needed legislation is a first and necessary step to initiate a new era of trade and investment relations between the United States and the 48 nations of Sub-Saharan Africa and the 25 countries of the Caribbean.

Mr. Speaker, for decades we have funded a variety of foreign aid programs to assist lesser- and under-developed countries like those in Sub-Saharan Africa and the Caribbean, where far too many people continue to live in deep and unrelenting poverty. This aid has failed to provide the necessary catalyst to create jobs and provide a higher standard of living for the people in these regions.

Just as in helping poor communities in the United States, I firmly believe that in the long run private sector investment will lead to jobs, economic development and prosperity. As long as economic opportunity is denied, self-sufficiency is impossible. H.R. 434 provides that missing spark of opportunity that is so essential to building economic independence. And, without this bill, the people of Sub-Saharan Africa and the Caribbean will continue to lack the necessary tools to provide a better future for themselves and their children.

Mr. Speaker, this bill is a win-win situation for Americans. Increased economic prosperity will help support and strengthen the democratic institutions emerging in Sub-Saharan Africa, and a stronger, more stable region will lead to increased international security and peace. And, through H.R. 434, economic opportunity will be available to people whose governments are committed to establishing and moving toward market-based economies.

At the same time, this bill also creates new trade and investment opportunities for American exporters and workers. Developing economies in Africa and the Caribbean are natural markets for U.S. products and services, and until now those markets did not have the means to develop and mature into thriving economies with consumers clamoring for American-made products.

Mr. Speaker, H.R. 434 is the first step to creating American trade partners who can develop into allies to combat terrorism, international crime and drug trafficking, as well as help fight the spread of disease that continues to plague far too many in the under-developed world. I urge my colleagues to join me in enthusiastic support of this important legislation.

Mrs. MEEK of Florida. Mr. Speaker, I rise in support of H.R. 434—the African Growth and Opportunity Conference Report. The constituents in my district support efforts by this Congress to ease the burden of poverty in the Caribbean by solidifying a strong growing market for U.S. exports to the Caribbean Basin Initiative (CBI) region.

This bill encourages African and Caribbean countries to continue economic reforms while providing essential opportunities for their citizens. This legislation provides duty free, quota free treatment for apparel made in 24 countries of the Caribbean Basin Initiative. This will allow the countries of Central America and the Caribbean to compete on an equal basis with Mexico under NAFTA.

Passage of this bill will help raise the standard of living for people in the Caribbean and Africa and help create new economic ties between the United States, the Caribbean and Africa. Private sector trade and investment will create new markets for U.S. exports of goods and services. Fostering economic growth in Africa and the Caribbean is critical to raising the standard of living of the people living in Africa and the Caribbean. By assisting U.S. exporters in expanding their access to the African and Caribbean markets, we are opening up a market for 800 million potential new consumers for American goods and services.

The United States has moral, political, strategic, and economic interests in supporting and helping to facilitate the economic transformation of African and Caribbean countries. Most of the Caribbean and sub-Saharan Africa's economies are small and fragile and lag behind the rest of the world in almost everything.

However, sub-Saharan Africa holds tremendous importance to the United States on a number of fronts. On the most basic level, its 48 nations encompass tremendous natural resources and a land area and population approximately three times that of the United States. Africa is also important to the United States because we have 33 million people of African descent and more than one million first and second generation Africans now living in the United States.

Strategically, the United States has a strong interest in helping to build a strong, stable, and prosperous Africa. The continent of Africa is one of the world's great emerging economic opportunities. Already, in 1998, the United States exported $6.5 billion in goods to sub-Saharan Africa, supporting more than 100,000 jobs in the United States. Figures on export services reached $3.6 billion in 1997. There is no doubt that Africa is important to the United States.

In order to be attractive to foreign investors, Africa must expand trade and continue to deepen reform. We must not allow this great continent to lag behind the rest of the world. There is no doubt that this bill will aid in our efforts to ensure a strong Africa and help our African brothers and sisters. I urge my colleagues to support this bill.

Mr. BENTSEN. Mr. Speaker, I rise in support of the conference report for H.R. 434, the African Growth and Opportunity Act. This bipartisan legislation includes important provisions expanding trade opportunities with the nations of sub-Saharan Africa and the Caribbean Basin.

Enactment of the Africa Growth and Opportunity Act and the Caribbean Basin Initiative is crucial to both the development of U.S. trade to U.S. foreign policy goals in both regions. The provisions in the Africa-CBI conference report will provide significant benefits for sub-Saharan Africa and will help create incentives for new business and partnerships between Africa and the United States. Passage of this legislation will open up a market of 800 million potential new consumers for American goods and services. Perhaps most importantly, the Africa-CBI legislation will establish a solid foundation on which we can build a closer U.S.-African trading relationship and solidify trade ties with the CBI region.

The Caribbean portion of the Conference Report provides duty-free and quota-free treatments to imports of apparel made from U.S. fabric. The 25 nations in the Caribbean Basin will also be permitted to send a limited amount of apparel made from fabric produced in the region. These provisions will allow substantial growth in the Caribbean Basin's exports to the U.S. and has been carefully crafted to avoid threatening U.S. jobs or abusing basic labor standards.

This legislation would also provide the 48 sub-Saharan African nations with the necessary tools to sustain long-term economic growth and to compete in global markets. Passage of this legislation is important to strengthen the capacity of U.S. programs so that American business can compete in Africa's expanding market. The Africa-CBI bill would institute a comprehensive trade and investment policy for the U.S. and sub-Saharan Africa, and establish a transition path from development assistance to economic self-reliance for African countries committed to economic and political reform. The Africa-CBI bill also provides for an annual high-level forum to discuss economic and political reform. The Africa-CBI bill also provides for an annual high-level forum to discuss economic and trade issues, including the promotion of OPIC and EXIM efforts in the region, reforms to the Development Fund for Africa and the need for effective debt relief.

The current trade relationship between the U.S. and the African continent is relatively small. Last year, two way trade of goods totaled $19.6 billion and the U.S. market share was less than 8 percent. On a continent with over 10 percent of the world's population, the U.S. business community will have new opportunities to develop infrastructure projects, bringing the benefits of improved transportation systems, new power plants and modern telecommunication installations. To that end, H.R. 434 facilitates $650 million in critical investments opportunities for Americans and Africans interested in modernizing Africa's infrastructure.

I am also pleased that the Africa-CBI bill includes language establishing tough new standards to prevent illegal apparel transshipments. To discourage other nations from illegally funneling their textiles and apparel through Africa into the U.S., this legislation would suspend an exporter's trade privileges if it is found guilty of engaging in illegal transshipments. Further, the agreement includes a provision that would require the Office of the U.S. Trade Representative to rotate the goods sanctioned during trade disputes. Known as carousel retaliation, this important measure will increase U.S. leverage in trade disputes by spreading the impact of sanctions over several markets. These measures will ensure that the trade between African nations, the CBI and the United States will be held to a fair standard, and not be to the detriment of American jobs and workers.

Mr. Speaker, this conference report is not a perfect piece of legislation. I wish the conferees had done more within this bill to provide needed debt relief and deliver immediate assistance to Africa in its battle against the AIDS epidemic. But this bill represents an important first step in creating a new and mutually benefiting trade and investment relationship between the U.S. and Africa.

With enactment of the Africa-CBI bill, a sound trade and investment policy foundation for expanding economic partnership between the U.S. and sub-Saharan Africa will be created. I strongly support this Conference Report and urge my colleagues to support this important legislation.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 309, nays 110, not voting 16, as follows:

[Roll No. 145]

YEAS—309

Ackerman	Bliley	Castle
Aderholt	Blumenauer	Chabot
Allen	Blunt	Chambliss
Archer	Boehlert	Clay
Armey	Boehner	Clayton
Bachus	Bonilla	Clement
Baird	Bono	Clyburn
Baker	Borski	Collins
Ballenger	Boswell	Combest
Barrett (NE)	Boyd	Cooksey
Barton	Brady (TX)	Cox
Bass	Brown (FL)	Cramer
Bateman	Bryant	Crane
Becerra	Burton	Cubin
Bentsen	Callahan	Cummings
Bereuter	Calvert	Cunningham
Berkley	Camp	Danner
Berman	Campbell	Davis (FL)
Berry	Canady	Davis (IL)
Biggert	Cannon	Davis (VA)
Bilbray	Capps	DeGette
Bishop	Cardin	DeLay
Blagojevich	Carson	DeMint
Deutsch	King (NY)	Reynolds
Diaz-Balart	Knollenberg	Riley
Dickey	Kolbe	Rivers
Dicks	Kuykendall	Rodriguez
Dixon	LaFalce	Roemer
Doggett	LaHood	Rogan
Dooley	Lampson	Ros-Lehtinen
Doolittle	Largent	Rothman
Dreier	Larson	Roukema
Dunn	Latham	Royce
Edwards	LaTourette	Rush
Ehlers	Lazio	Ryan (WI)
Ehrlich	Leach	Ryun (KS)
Emerson	Levin	Sabo
Engel	Lewis (CA)	Salmon
English	Lewis (GA)	Sanchez
Eshoo	Lewis (KY)	Sandlin
Ewing	Linder	Sawyer
Farr	Lofgren	Scarborough
Fattah	Lowey	Schaffer
Foley	Lucas (KY)	Scott
Ford	Luther	Sensenbrenner
Fossella	Maloney (NY)	Serrano
Fowler	Manzullo	Sessions
Frelinghuysen	Martinez	Shadegg
Frost	Matsui	Shaw
Gallegly	McCarthy (MO)	Shays
Ganske	McCarthy (NY)	Sherwood
Gejdenson	McCollum	Shimkus
Gekas	McCrery	Shuster
Gibbons	McDermott	Simpson
Gilchrest	McInnis	Sisisky
Gillmor	McIntosh	Skeen
Gilman	McKeon	Skelton
Gonzalez	McNulty	Slaughter
Goodlatte	Meehan	Smith (MI)
Goodling	Meek (FL)	Smith (TX)
Gordon	Meeks (NY)	Smith (WA)
Goss	Menendez	Snyder
Graham	Mica	Stabenow
Granger	Millender-McDonald	Stearns
Green (WI)	Miller (FL)	Stenholm
Greenwood	Miller, Gary	Stump
Hall (OH)	Minge	Sununu
Hall (TX)	Moore	Sweeney
Hansen	Moran (KS)	Talent
Hastert	Moran (VA)	Tancredo
Hastings (WA)	Morella	Tanner
Hayworth	Myrick	Tauscher
Hefley	Napolitano	Tauzin
Herger	Nethercutt	Terry
Hill (IN)	Northup	Thomas
Hill (MT)	Nussle	Thompson (CA)
Hilliard	Olver	Thornberry
Hinchey	Ortiz	Thune
Hinojosa	Ose	Thurman
Hobson	Owens	Tiahrt
Hoeffel	Oxley	Toomey
Hoekstra	Packard	Towns
Hooley	Pastor	Turner
Horn	Payne	Upton
Houghton	Pease	Vitter
Hoyer	Pelosi	Walden
Hulshof	Peterson (PA)	Walsh
Hutchinson	Petri	Waters
Hyde	Pickering	Watkins
Inslee	Pickett	Watts (OK)
Isakson	Pitts	Waxman
Istook	Pombo	Weiner
Jackson-Lee (TX)	Pomeroy	Weldon (FL)
Jefferson	Porter	Weldon (PA)
John	Portman	Weller
Johnson (CT)	Price (NC)	Wexler
Johnson, E. B.	Pryce (OH)	Whitfield
Johnson, Sam	Quinn	Wicker
Jones (OH)	Radanovich	Wilson
Kasich	Ramstad	Wolf
Kelly	Rangel	Wu
Kilpatrick	Regula	Wynn
Kind (WI)	Reyes	Young (FL)

NAYS—110

Abercrombie	Capuano	Evans
Andrews	Chenoweth-Hage	Filner
Baca	Coble	Fletcher
Baldacci	Condit	Forbes
Baldwin	Conyers	Frank (MA)
Barcia	Costello	Gephardt
Barr	Coyne	Goode
Barrett (WI)	Crowley	Green (TX)
Bartlett	Deal	Hayes
Bilirakis	DeFazio	Hilleary
Bonior	Delahunt	Holden
Boucher	DeLauro	Holt
Brady (PA)	Dingell	Hostettler
Brown (OH)	Doyle	Hunter
Burr	Duncan	Jackson (IL)
Buyer	Etheridge	Jenkins
Jones (NC)	Mink	Schakowsky
Kanjorski	Moakley	Sherman
Kaptur	Mollohan	Shows
Kennedy	Murtha	Smith (NJ)
Kildee	Nadler	Souder
Kingston	Neal	Spratt
Kleczka	Ney	Stark
Klink	Norwood	Strickland
Kucinich	Oberstar	Stupak
Lantos	Pallone	Taylor (MS)
Lee	Pascrell	Taylor (NC)
Lipinski	Paul	Tierney
LoBiondo	Peterson (MN)	Traficant
Maloney (CT)	Phelps	Udall (CO)
Markey	Rahall	Udall (NM)
Mascara	Rogers	Visclosky
McGovern	Rohrabacher	Wamp
McIntyre	Roybal-Allard	Watt (NC)
McKinney	Sanders	Weygand
Metcalf	Sanford	Woolsey
Miller, George	Saxton	

NOT VOTING—16

Coburn	Hastings (FL)	Velazquez
Cook	Lucas (OK)	Vento
Everett	McHugh	Wise
Franks (NJ)	Obey	Young (AK)
Gutierrez	Spence	
Gutknecht	Thompson (MS)	

☐ 1535

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON) (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House.

The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

☐ 1546

Mr. SOUDER, Mrs. MINK of Hawaii, and Mr. FLETCHER changed their vote from ''yea'' to ''nay.''

Messrs. HINOJOSA, TOWNS and LEWIS of Georgia changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. VELAZQUEZ. Mr. Speaker, I was unavoidably detained today, May 4, 2000.

If I had been present for rollcall No. 142, I would have voted ''yes.''

If I had been present for rollcall No. 143, I would have voted ''yes.''

If I had been present for rollcall No. 144, I would have voted ''yes.''

If I had been present for rollcall No. 145, I would have voted ''no.''

I ask that this statement be entered into the RECORD.

LEGISLATIVE PROGRAM

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

Mr. FROST. Mr. Speaker, I have taken this time to inquire about next week's schedule.

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

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

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding, and I am

pleased to announce that the House has completed its legislative business for the week. There will be no votes in the House tomorrow, Mr. Speaker.

On Monday, May 8, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday, no recorded votes are expected before 6 p.m. On Tuesday, May 9, through Thursday, May 11, the House will consider the following measures, all of which will be subject to rules:

H.R. 3709, the Internet and Nondiscrimination Act;

H.R. 701, the Conservation and Reinvestment Act of 1999; and

H.R. 853, the Comprehensive Budget Process Reform Act of 1999.

Mr. Speaker, on Friday, May 12, no votes are expected in the House; and I thank the gentleman for yielding.

Mr. FROST. Mr. Speaker, if I may inquire further of the majority leader, do we anticipate any late night sessions next week?

Mr. ARMEY. I thank the gentleman for the question, Mr. Speaker, and if the gentleman will continue to yield, we do not know yet exactly how many amendments will be offered to the Conservation Reinvestment Act of 1999. The Committee on Rules has asked Members to preprint their requests by Monday at 5 p.m. Only after the Committee on Rules has a chance to assess that can we say anything for certain. But I think we ought to be prepared for the possibility of a late evening on Wednesday evening.

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

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

Mr. CONDIT. Mr. Speaker, I would like to ask the majority leader if there has been any consideration given, or would it be possible to roll the Monday votes over to Tuesday, therefore giving the full day for people who travel from the West?

Mr. ARMEY. If the gentleman from Texas will continue to yield, I thank the gentleman for his inquiry; and I do appreciate the concerns that he has in traveling to Washington. We have done everything we can, working with particularly the West Coast delegation for the 6 p.m. return, which we know saves those Members pretty much a day. I think at this point this is the best we can do.

We do need to be prepared to be back here and work on Monday evening, and I thank the gentleman for yielding.

Mr. CONDIT. Mr. Speaker, if the gentleman from Texas will continue to yield, may I ask the majority leader how many votes we are supposed to have on Monday evening?

Mr. ARMEY. Again, if the gentleman will continue to yield, this is always an uncertain matter. We have a number of bills under suspension. It is always a question of how many bills on which votes will be ordered. And of course one would anticipate one needs to be prepared for votes to be ordered, which would be within the province of any Member on each of the suspension bills that are scheduled. So one can just not know until one sees the way the day plays out.

TRIBUTE TO JOHN CARDINAL O'CONNOR

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

Mr. ARMEY. Mr. Speaker, all of us here as a Nation are aware and grieve over the loss of Cardinal O'Connor. We know there are a large number of our Members that will want to be in New York for services on Monday, and in just a few minutes the gentleman from New York (Mr. FOSSELLA) will be addressing that.

I would like to encourage Members to understand that we will be working with the office of the gentleman from New York (Mr. FOSSELLA) to arrange transportation, so that those Members who do want to attend services will be able to be back here in time for votes. We will be attentive, of course, to those Members traveling for that purpose.

In a few moments the Members may hear more from the gentleman from New York (Mr. FOSSELLA) and others.

ADJOURNMENT TO MONDAY, MAY 8, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12.30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Texas.

There was no objection.

CALENDAR WEDNESDAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

EXPRESSING SENSE OF CONGRESS ON DEATH OF JOHN CARDINAL O'CONNOR, ARCHBISHOP OF NEW YORK

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 317) expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 317

Whereas His Eminence John Cardinal O'Connor was born John Joseph O'Connor on January 15, 1920, in southwest Philadelphia, the son of Thomas and Mary O'Connor;

Whereas his duty to God and country led him to serve loyally as a chaplain in the United States Navy, counseling thousands of brave young men and women during his tenure, which included tours of duty during the Vietnam War;

Whereas John Cardinal O'Connor served the people of the Archdiocese of New York with honor and distinction for over 15 years;

Whereas John Cardinal O'Connor became an internationally recognized leader in the field of human rights, working for peace and justice;

Whereas John Cardinal O'Connor was a champion of Catholic schools, particularly in inner-city communities;

Whereas John Cardinal O'Connor has always spoken out and acted to aid the elderly, homeless, working people, the mentally disabled, and the poor;

Whereas John Cardinal O'Connor has provided compassion through his words and actions and made it known that everyone was a child of God and was deserving of love, compassion, and respect;

Whereas John Cardinal O'Connor led the Catholic Church in recognizing the terrible toll of AIDS and opened New York State's first AIDS-only unit, at St. Claire's Hospital;

Whereas John Cardinal O'Connor worked tirelessly to strengthen relations between Catholics and followers of the Jewish faith, recognizing the power of the interfaith alliance and leading the Vatican to recognize the State of Israel; and

Whereas John Cardinal O'Connor was guided in his actions by the Spirit of the Lord: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) has learned with profound sorrow of the death of His Eminence John Cardinal O'Connor on May 3, 2000, and extends condolences to his family and to the Archdiocese of New York;

(2) expresses its profound gratitude to John Cardinal O'Connor and his family for the service that he rendered to his country and his faith; and

(3) recognizes with appreciation and respect John Cardinal O'Connor's commitment to and example of faith, love, respect, and dignity for all mankind.

The SPEAKER pro tempore. The gentleman from New York (Mr. FOSSELLA) is recognized for 1 hour.

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that the time be divided, 30 minutes on each side, with the 30 minutes on the other side being controlled by the gentleman from New York (Mr. CROWLEY).

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

There was no objection.

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

Mr. Speaker, I would like to echo the words of the majority leader, the gentleman from Texas (Mr. ARMEY), and

also to express our appreciation to him and the Speaker as well in allowing Members to pay our respects to the great Cardinal O'Connor, who we bury on Monday in New York.

Mr. Speaker, it is a sad day for New Yorkers and the Nation. America has lost a good priest and a great leader, John Cardinal O'Connor. Normally, resolutions such as this are tinged with regret. For often, when someone passes away, we worry that we may have missed the opportunity for not having said something to one that we loved or respected; for not expressing something that we felt. But I am pleased that this is not the case today. I am pleased because this House expressed the gratitude of the Nation for the work of John Cardinal O'Connor while he was still alive.

Just a few weeks ago, the House voted to recognize Cardinal O'Connor with a Congressional Gold Medal, the highest award that this Nation bestows upon a civilian. And sadly, while he will never have the opportunity to see or to hold that medal, I know that he was deeply touched by being recognized by Congress. Just to have his name placed up for the Congressional Gold Medal was an honor to him, and I would like to thank each and every Member of this House for voting to award Cardinal O'Connor that great honor.

He considered his work that of a simple priest. We here today know that his modesty cannot obscure his greatness. John Cardinal O'Connor touched the hearts and lives of millions of people. He was a man of deep compassion, great intellect, and tireless devotion. His words transcended religion, and his actions reminded us that American heroes still exist. The cardinal was a guiding light for Catholics and non-Catholics alike. He was and is truly loved, truly admired; and he will truly be missed.

Cardinal O'Connor served this Nation for 27 years in his military career. He had a tour of duty in Korea, where he volunteered to become a chaplain; two tours of duty in Vietnam, often giving mass and celebrating mass in a foxhole, and giving the last rites to so many young men who gave their lives for their country. He was there in the heat of battle. And when he came back, I think above all he had the fondest memories of being a chaplain in the United States military. I am sure there are people around the country who remember Cardinal O'Connor as that chaplain, and I am sure they share the grief that we all have today.

In his responsibilities as Archbishop of New York, as a great spiritual leader, perhaps one of the most influential in this country, he was truly committed to those who needed help the most, the poor and the homeless. And when it came to education, he was steadfast in his commitment to ensure that Catholics and non-Catholics alike have the greatest opportunity to receive a quality education.

But for the strength, the guidance, and the principal positions that he often took, and that sometimes were referred to as controversial, his commitment to the church, his commitment to his people, his commitment to parishioners was a force that could never be forgotten. So his legacy will live on in many ways, and I thank the House for giving us this opportunity to honor his life and his legacy.

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

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume, and I want to thank my colleague and my good friend, the gentleman from Staten Island, New York (Mr. FOSSELLA), for joining me in offering this resolution today and for his outstanding work in recognizing the life of our friend, Cardinal O'Connor.

I would also like to thank the other original cosponsors on this side of the aisle: the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Michigan (Mr. BONIOR), the gentleman from New York (Mr. MEEKS), the gentleman from New York (Mr. WEINER), the gentleman from New York (Mr. TOWNS), the gentleman from New York (Mr. RANGEL), the gentleman from New York (Mr. OWENS), the gentlewoman from New York (Ms. VELAZQUEZ), the gentlewoman from New York (Mrs. MALONEY), the gentlewoman from New York (Mrs. MCCARTHY), the gentleman from New York (Mr. FORBES), the gentleman from New York (Mr. MCNULTY), the gentleman from Pennsylvania (Mr. BRADY), the gentleman from New York (Mr. LAFALCE), the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from New York (Mr. HINCHEY), the gentleman from New York (Mr. ACKERMAN), the gentleman from New York (Mr. SERRANO), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from New Jersey (Mr. PALLONE), the gentleman from Pennsylvania (Mr. BORSKI), and the gentlewoman from New York (Mrs. LOWEY).

All of these Members are also original cosponsors of this resolution.

Mr. Speaker, I rise with a heavy heart to express my profound sorrow at the passing of John Cardinal O'Connor. As a spiritual leader of over 2 million Catholics in one of the most diverse archdioceses in our Nation, Cardinal O'Connor was an active participant in the debate of the role of the church and the role of society in helping those who could not care for themselves, those least fortunate amongst us.

□ 1600

The Cardinal has always embodied the biblical passage of the Good Samaritan. In both his words and actions, Cardinal O'Connor clearly demonstrated his devotions to the teachings of Christ and his spirit of the principles of that passage.

I can daresay that no individual whoever came before Cardinal O'Connor was ever left on the side of the road. He used not only his pulpit to teach the word of Christ but also the true meaning of those words as he saw them.

He was one of the first Church officials to recognize the horrible toll of the AIDS epidemic and used his moral authority to open New York State's first only unit to treat AIDS at St. Clare's Hospital in New York City.

Additionally, he also provided compassion through words and actions and made it known that every one of us was a child of God and was deserving of love, compassion, and respect.

He strove to strengthen relations between his flock and those of other faiths, recognizing the value of all people and the power of the interfaith alliance. He was a man who has dedicated his life to helping lift others up, all the while never seeking out worldly possessions or public accolade.

These are just some of the reasons I rise today. But there are others, more personal reasons. In my own family, three of my relatives received the devine calling to dedicate themselves to do the work of the Lord.

My uncle, Father John Crowley, is currently the pastor of St. John of the Cross Church in Vero Beach, Florida.

My other uncle, Father Paul Murphy, is a Catholic priest in Philadelphia, a member of the Vincesian order. He, like Father John Crowley, has been inspired by Cardinal O'Connor and viewed him as a personal figure of inspiration.

My aunt, Sister Mary Rose Crowley, is a member of the Sisters of Notre Dame and is based in West Palm Beach, Florida, as well. She, too, has reflected upon the grace, the power, and the compassion of Cardinal O'Connor.

These people, all dedicated to the teachings of Christ, have received both encouragement and guidance from Cardinal O'Connor. The Cardinal has always served as a role model of conduct and solid Christian behavior for my relatives and for millions of other Catholics not only in New York but throughout the Nation and throughout the world.

As the leader of New York's Catholics, he has also been influential in establishing and maintaining a series of high quality, Catholic schools throughout the Archdiocese.

In fact, I attended Power Memorial High School in Manhattan and, as a graduate of parochial schools, I have been brought up with the values of the Cardinal, and I hope that I at some point will be able to instill those same values of my family that I was taught, values of family and faith, into my son, Cullen, who was baptized recently into the Catholic faith.

No other person, I do not think, in the city of New York did more for relations, especially between the people of the Catholic faith and the Jewish faith. In fact, I think Cardinal O'Connor can be credited with much of the movement we saw recently out of the Vatican toward revisiting World War II and

the Holocaust and the role of the Church during that time.

I think the gentleman from New York (Mr. FOSSELLA) would remember the great warmth between Cardinal O'Connor and the former mayor of New York Ed Koch. I think that said an awful lot about how New Yorkers felt about Cardinal O'Connor from all persuasions.

On behalf of all my constituents in the Bronx, which is part of the Archdiocese in New York, and my constituents in Queens, a part of the Brooklyn/Queens Archdiocese, I urge all my colleagues to support this resolution in honor of this great man, Cardinal O'Connor.

May God bless his soul.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, I rise to support this resolution in honor of Cardinal O'Connor, particularly for his effort in racial and spiritual harmony.

I thank the gentleman from New York (Mr. CROWLEY) and I thank those who have cosponsored this resolution, as I have.

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

Mr. Speaker, I take this time to commend the gentleman from New York (Mr. CROWLEY) for all of his efforts and support, especially in garnering support for the Congressional Gold Medal. He was very instrumental in that effort.

Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

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

Mr. Speaker, I welcome this opportunity to join the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. CROWLEY) and my other colleagues in expressing our sadness on the death of a great human being, his Eminence Cardinal John O'Connor, a man who I was honored to consider a friend.

Cardinal O'Connor was a humble man, and one of his final requests was to have his epitaph simply read, ''He was a good priest.''

Since the Cardinal was a good friend, I comply with his wish and say, Your Eminence, you were a good priest.

His Eminence Cardinal O'Connor dedicated his life to the Catholic Church. His allegiance to God and to his religion is well known throughout our Nation, throughout the world.

For all or most of our colleagues in this chamber, Cardinal O'Connor was and will remain an outstanding example of virtue, of honor and moral fortitude.

For me and my colleagues who represent congressional districts within the New York Archdiocese, the news of Cardinal O'Connor's passing came with even greater sorrow. He was a living personification of love for one another, for peace, and for living up to the ideals of our Judeo-Christian heritage.

Cardinal O'Connor was known for promoting racial and religion harmony. On Yom Kippur last year, the day of atonement, the Cardinal sent a letter to Jewish leaders expressing his sorrow for any member of his church who committed any acts of violence or prejudice against members of the Jewish faith. The work that he did in advancing good relations among all faiths of this land will never be forgotten.

The Cardinal was known for advocating the best education possible for all children regardless of their race, religion, or financial status. He welcomed AIDS patients into the Catholic hospitals of New York at a time when other medical institutions were turning them away. The Cardinal always administered to the sick and to the disabled and remained a staunch friend of the poor.

It was unfortunate that Cardinal O'Connor was a victim of abuse from certain elements in our society who feel comfortable attacking those institutions who continue to uphold our ancient moral standards. His Eminence, however, knew the value of his words and deeds and never flinched at dissent, for he knew he was doing God's work on Earth.

Perhaps the motto on Cardinal O'Connor's personal coat of arms sums up the philosophy of this outstanding leader: ''There can be no love without justice.''

Earlier this year, several of my colleagues and I supported the legislation to award Cardinal O'Connor with this country's highest civilian honor, the Congressional Gold Medal. God works in mysterious ways, and he allowed the Cardinal to live long enough to see our appreciation for his good works.

The Cardinal always said that he would have been satisfied with being just a teacher or parish priest without all of the media attention of his valiant works. Thank God people like him exist on this planet, for they serve as models for our younger generations in how to live meaningful and successful lives.

My heart and prayers go out to the Cardinal's family, and I hope that the Archdiocese of New York will be blessed with another archbishop as honorable and dedicated as our good friend, his Eminence Cardinal O'Connor.

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

Mr. RANGEL. Mr. Speaker, let me thank the gentleman from New York (Mr. CROWLEY) and the gentleman from New York (Mr. FOSSELLA) for being thoughtful enough to give some of us in the Congress an opportunity to express the appreciation that we have in having from our city, and indeed from our country, someone like Cardinal O'Connor.

I knew and respected and admired him and worked with him on so many different occasions. And because of the splendor of his vestments and the manner in which he carried himself, it is impossible for me, even now, to think of him as being gone.

But I would suspect that, with all of the spirituality, that he would want us to not think of him as being gone but, rather, to carry out some of the things that he would want us to do and some of the things that he has just built such a wonderful reputation on.

We pride ourselves in New York for our parades. The older we get, the longer it seems like the parade lasts in terms of marching. But one of the brightest spots that we all looked forward to, no matter what ethnic group it was, was reaching St. Patrick's Cathedral and knowing that, no matter what the weather was like, the Cardinal would be there with a smile on his face.

And it was just unbelievable to see how, no matter what the religion or the faith or the background was of the sponsors of the marchers in the parade, Cardinal O'Connor was their spiritual leader.

When the Haitians were trying so desperately hard to reach our shores and the Coast Guard was meeting them halfway and turning them back, the Haitian community was so frustrated that they did not know what to do. And I went to the Cardinal and reminded him that so many of the Haitians that were being persecuted were Catholics. And time after time and mass after mass, he would hold for Haitians to come into St. Patrick's Cathedral and, believe it or not, the mass, which I knew as an altar boy in Latin, he would say patios so that the Haitians would feel not only a part of being loved but a part of the spirituality.

How would he be remembered? In Harlem, we have a church called the Convent Avenue Baptist Church. For over 20 years, we celebrate Martin Luther King's birthday and Baptist ministers and ministers from all over the country come to speak.

We can rest assured that one person would be there early and stay late with all of his beautiful vestments in the middle of Harlem, and that would be Cardinal O'Connor.

The things that he allowed Catholic charities to do, and Catholic charities took care of the needs of the poor, and not all of the poor are minorities but, unfortunately, too many are, and if we took a look and found out where the resources were being spent, we would find it would be in the south Bronx, south Jamaica, and in Harlem.

The Cardinal was not satisfied to allow lay people to do it, but if a building had to be open or a ribbon had to be cut, he would cause excitement of the people in the community to know something was happening because he would be there smiling and blessing the opening of those things.

Yes, I do not know how we all are going to get along without remembering our great Cardinal. But again, in closing, I would say that he would want us to remember him for all the good he tried to do. And I think that all of us would be better people if we recognized that, whether we are Jewish or gentile or Muslim or Hindu or Catholic or Protestant, that somehow this great person was able not just to preach to Catholic catechism but to give a sense to all of us that we were loved by God and that we have a responsibility to love our fellow man.

He will be missed, but there will be enough of us that could try to fill the gap and I do hope that the spiritual community will never forget that we were not made to compete with each other but we were made to be like the Cardinal, to bring each other together.

I thank my friends and colleagues, the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. CROWLEY), for giving us this opportunity to thank God for having a chance to have known and to have worked with his Eminence.

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

Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his beautiful words. He truly was a friend of the Cardinal, and I thank him for his leadership and eloquence on this.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

□ 1615

Mrs. KELLY. Mr. Speaker, today all of New York grieves for the passing of his eminence John Cardinal O'Connor, the archbishop of New York. Cardinal O'Connor was a tireless advocate for the disadvantaged, the poor, the working class. His passing is a tremendous loss to the Nation.

I was privileged to have had the opportunity to meet with the cardinal on more than one occasion, and to say that I was impressed is really a vast understatement. I have to say he was a wonderful man to work with when we had common cause with which we were trying to achieve a goal. He was there, he was present, and he was always working very hard for all of us.

His presence commanded attention and respect. His awareness of individuals, their hopes, aspirations and desires brought him an empathy that very few can duplicate.

His humor was gentle, sometimes trenchant, and always amusing. John Cardinal O'Connor built bridges of understanding among the most diverse communities of New York and won the respect of the leaders of many faiths in the city. Today, we mourn the loss of a true leader, a visionary and a peacemaker whose moral convictions continue to stand as a great example for all of us. Even when he was suffering from the ravages of brain cancer, his humor was irrepressible and his advocacy undiminished. As Cardinal O'Connor is in our prayers, we must now also pray for the Archdiocese of New York that his successor can fill his tremendous shadow with the same qualities that made him such a great man.

We all pray for you, John Cardinal O'Connor, as we do for the Archdiocese of New York.

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

Mr. HINCHEY. Mr. Speaker, I am very grateful to my friends and colleagues for providing us with the opportunity to reflect for a moment on the life of this great and wonderful man, and to join with millions of other New Yorkers, others across this country and indeed in many places around the world who are feeling a deep sense of loss and a deep sense of sorrow at the death of John Cardinal O'Connor.

He was, in many ways, a very unique man. At the same time he prided himself on his own simplicity and his own sense of simple relationships with others. He was the classic parish priest, the classic pastor, peacemaker, working with others in the community wherever he found himself, whatever that community might be, helping people meet their obligations and helping them to get over the more difficult parts of their life.

He was a volunteer in the service of his country. He was a chaplain in the United States Navy. He spent a good part of his life ministering to servicemen, and the ministering that priests and other religious people do to servicemen is often some of the most difficult ministering because these are people away from home, away from their families and often under difficult and troubling circumstances.

He rose in that order to become chief of chaplains in the United States Navy. He was also, of course, a great leader in New York, in Pennsylvania, and other places where his ministry took him.

Among other things that I recall about him was his great advocacy on behalf of working people. He was a great believer in the right of working people to organize, to bargain collectively, to work in unions; and he was a great fighter against those who would impede that right. He went out of his way many times to make it clear that he was a strong believer in the right of people to organize collectively to try to improve their lives and the lot of their families.

This, among other things, stands out among this great and wonderful religious leader, great and wonderful American. We are all saddened by his passing. We are all saddened by our loss as a result of that passing, but we do have this opportunity, thanks to the gentleman from New York (Mr. CROWLEY) and the gentleman from New York (Mr. FOSSELLA), to reflect in this way on his life to pay tribute to the contributions that he made and to the great example that he has set for all of the rest of us.

Mr. FOSSELLA. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING), a good friend of the cardinal, the man from Nassau County.

Mr. KING. Mr. Speaker, I thank the gentleman from New York (Mr. FOSSELLA) for yielding me this time.

At the very outset, I want to commend the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. CROWLEY) for the great leadership they have shown in bringing this to the floor so all of us today can have the opportunity to reflect on the great contributions that were made by John Cardinal O'Connor.

I was very proud to call Cardinal O'Connor a friend. He was a man of great vision, a man of great dignity, a man of great moral capacity; and certainly he was a giant of the church. In many ways, too, he was also the ultimate New Yorker. He had a fighting spirit. He had a sense of self-deprecating humor. He took issues very seriously but never took himself seriously.

At a time of moral relativism, Cardinal O'Connor had the courage to stand for lasting truths and immutable principles. He spoke out on behalf of the unborn. He spoke out on behalf of working men and women. He spoke out on behalf of the impoverished, those suffering with AIDS, and he always made it clear to all men and women, no matter what their religious faith, that they had an obligation to look beyond themselves, to look for those who have been left behind and take care of them.

I had many personal experiences with Cardinal O'Connor. He was very, very active in bringing the Irish peace process forward. Certainly, from the time he came to New York in 1984, the St. Patrick's Day parade in 1985 where he stood up to pressure from the British and Irish governments to review the St. Patrick's Day parade. In 1994, when Jerry Adams received his first visa to reach this country, Cardinal O'Connor insisted on meeting with him to send a signal that this was important to the peace process to go forward.

In 1996, when there was a break in the peace process, it was Cardinal O'Connor who publicly met with leaders at St. Patrick's Cathedral from Ireland, including Jerry Adams, and there are so many others. As the gentleman from New York (Mr. RANGEL) said, he spoke out on behalf of Haitians. So it was not just one particular ethnic group or one particular religion. It was all people that were oppressed that Cardinal O'Connor identified with.

I think at this time when again there are few real heroes in our country, it is important to look to someone who did stand for what was right and was not afraid to say so. Also I think it is very

important to note that during this past 8 or 9 months when he was suffering from brain cancer, he showed the same class, the same courage, the same sense of dignity that he displayed throughout his life. He certainly displayed grace under pressure, and that is the ultimate definition of class. It is also the ultimate definition of a man who has a true faith and a true belief in God.

Again, I am proud to stand here today with all of my colleagues in honoring John Cardinal O'Connor. I was proud to call him a friend. He certainly will always be in my prayers and the prayers of my family. May he rest in peace.

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

Mr. Speaker, we thank the gentleman from New York (Mr. KING) for his words, especially bringing light and attention to the fact that Cardinal O'Connor had played such a major role in the Irish peace process and in many, many different ways. He had a tremendous amount of pride in his Irish heritage, and I probably dare say that one of his greatest days was March 17 every year. When the gentleman from New York (Mr. RANGEL) talked before about all the parades, I have to say that March 17 was probably his favorite day of all the parades, and he had the biggest smile on that particular day.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I would like to thank my very able colleague, the gentleman from New York (Mr. CROWLEY), and also the gentleman from New York (Mr. FOSSELLA) for sponsoring this resolution and my dear friend and our leader, the gentleman from New York (Mr. RANGEL), for sponsoring this resolution this evening.

I, as an Ohioan and a daughter of the Buckeye State, rise with a heavy heart along with our colleagues from New York to extend deepest sympathy to the family, the friends and the colleagues, both in public life, in private life, in church life, for the unselfish life of John Cardinal O'Connor. We mourn with all the loss of this truly great spiritual leader and world figure of enormous proportion.

It is amazing. I guess one could say there are cardinals and then there are cardinals, and without question those of us who hail west of Long Island and New York City kind of viewed Cardinal O'Connor and the New York archdiocese as our connection to the world, and his role stretched beyond the diocese of New York.

I have to think back to a wonderful invitation that was extended to us by the gentleman from New York (Mr. RANGEL) to meet with Cardinal O'Connor about 2 years ago when many of us who are very concerned about rebuilding in the former Soviet Union had brought visitors from, in that instance, the Ukraine to New York, people who had never traveled to the United States before, and Cardinal O'Connor agreed to hold mass to introduce these individuals in front of his magnificent congregation in New York City and then afterwards to privately meet with these individuals who could not even imagine that they would have had that set of experiences.

I can remember the cardinal afterwards hosting them in his private residence, something he did not have to do. I can recall during the mass, when it began, how he as a great moral leader but also an individual with great discipline and dispatch walked down the middle aisle of St. Patrick's Cathedral. I will never forget that. He had such a long gait because he was so tall, and he had so much energy you just felt like he lifted New York up; and he lifted all of us by the way he carried himself, and then to listen to his homily, the great humor, the keen mind that he displayed.

And every moment during that very, very special day for us is something I shall never forget and even then more importantly for the people who were our guests from the former Soviet Union, he, through the Catholic Near East Welfare Fund, began to work with them. Again, the branches of America's free society, with all of our institutions, including those of our religious institutions, began to build back and began to plant seeds that will bloom in generations to come.

I will always remember the fact that he was able to host us and he did that. We were not from New York. We were not from that archdiocese. In fact, some of our visitors were from around the world, and I really gained a much deeper appreciation of the importance of the New York diocese, the importance of that particular cardinal, and his own commitment to those who were not of his congregation there inside of New York City.

So tonight we mourn his passing from this life, but I want to again acknowledge the gentleman from New York (Mr. RANGEL) for bringing us together and also the gentleman from New York (Mr. CROWLEY) and the gentleman from New York (Mr. FOSSELLA) for placing in the RECORD the life story and the contributions of this truly world spiritual leader who has made such a difference in the lives of Americans but also people around the world whose lives he touched. We extend our deepest condolences to his family, to his friends, to the people of New York, and people of spiritual conviction around the world.

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

Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for again her thoughtful words and words of praise for the cardinal.

While New York claimed him as our own, he was born in Philadelphia and immediately before coming to New York he was the Bishop of Scranton, a great town in Pennsylvania, for one year.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), who is here to speak for those great folks of Scranton and who represents Scranton.

Mr. SHERWOOD. Mr. Speaker, I would like to thank the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. CROWLEY) for the opportunity to speak today as we mourn the passing of a great American, John Joseph Cardinal O'Connor, the archbishop of New York. I rise this afternoon to join my colleagues in expressing our condolences to Catholics throughout the Nation and around the world. From Cardinal O'Connor's home in Philadelphia, where he was ordained, across the globe with the United States Navy Chaplain Corps, to the Scranton diocese where he served as our Bishop, to the diocese of New York, he ministered with grace, love, compassion and humility.

I first knew the cardinal as the bishop of Scranton, and even though that is almost 2 decades ago, he is still revered in Scranton as a man of great compassion and wisdom and, most of all, his relationship with people.

☐ 1630

Several months ago, I stood in this well as an original cosponsor of legislation to award the Congressional Gold Medal to Cardinal O'Connor in recognition of his devotion to faith, service, and country. Americans of all faiths owe a debt of thanks to the Cardinal. He worked tirelessly to encourage respect and cooperation among secular leaders and believers of Christian and non-Christian religions. He was a spiritual humanist who believed in the fundamental value of every human life.

Mr. Speaker, it has been spoken today of his great friendship with Mayor Koch of New York, and I think it has been said that if he had not devoted his life to the Church, he could have easily been the mayor of Philadelphia. He had those kinds of talents.

We would all do well to strive to emulate his commitment to love and service.

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

Mr. Speaker, I thank the gentleman from Pennsylvania. He reminds us all that although Cardinal O'Connor spent the last years of his life in New York, he really was not a New Yorker by birth, and he never really belonged just to New York, he belonged not only to the United States, but to this world. I think the next speaker would like to expand upon that as well.

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

Ms. PELOSI. Mr. Speaker, I thank our colleague for his leadership in bringing this to the floor, along with the gentleman from New York (Mr. FOSSELLA) and Mr. RANGEL, both of whom spoke earlier. I thank my colleagues for giving us the opportunity

to mourn publicly and in this Chamber the death of John Cardinal O'Connor.

I was raised in Baltimore, Maryland. We have the oldest archdiocese in the country, but everyone in the country thinks of New York in terms of the greatest, because of size and because of St. Patrick's Cathedral.

I want to address both the national and international aspects of this great Cardinal. Both Baltimore and New York have wonderful basilicas and cathedrals and wonderful, wonderful religious leadership, and that leadership was not only there to guide us in our inner spiritual lives about religion, but also about the dignity and worth of every person.

When we talk about human rights throughout the world, a guiding message among Catholics is the message of Pope Paul VI who said if you want peace, work for justice. John Cardinal O'Connor was the living embodiment of that statement. He became an internationally recognized leader in the field of human rights working for peace and justice. He recognized the dignity and worth of every person, no matter how humble, no matter living in how remote an area of the world. He was not only a leader, but an inspiration, and, again, a disciple of the words of Pope Paul VI, and he brought that home. He brought that home. He not only promoted justice, economic and social justice, throughout the world, but he did so at home.

He had always spoken out and acted to aid the elderly, the homeless, working people, the mentally disabled and the poor. He was, again, the living embodiment of the corporeal works of mercy, the Sermon on the Mount, the gospel, the Gospel of Matthew. When I was hungry, you gave me to eat; when I was naked, you clothed me; when I was homeless, you sheltered me; when I was in prison, you visited me. Not just for those who were poor, but those who were disadvantaged in other respects as well.

His illness was a tragedy for our whole country, and we viewed it, many of us, as his purgatory, so we know he went directly to heaven. He would have anyway, probably, but God chose to give him this suffering to atone not for his sins, but for others. So we know he is in heaven.

So as we pray for the people of New York and on behalf of my own constituents extend condolences to the people of New York, and recognize his role as a national leader, and a special claim that all people in America have on St. Patrick's Cathedral and its Cardinal, and, in this case, John Cardinal O'Connor, we have all been diminished by his death. So in extending sympathy to the people of New York and to our country and to the family of John Cardinal O'Connor, I do so in prayer, prayer for his family, prayer for his constituents, but knowing that he is in heaven, beseech him to pray for us. He knows how badly we need his prayers.

Again, I thank our colleagues for giving us this opportunity to recognize the life and works of John Cardinal O'Connor and to extend sympathy to the people he served in his state, in this country, and throughout the world.

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

Mr. Speaker, just in closing on our side, I just want to say that I do not think anything more can be said about this great man that has not been said already here on the floor.

All of New York will miss Cardinal O'Connor. I speak for all my constituents, both Catholic and non-Catholic alike. He was a man who touched the heart and soul of every person in this country and in this world, and the world is lesser for not having him anymore.

Before I came to the floor this evening to manage debate on this, I called my mother to let her know that we would be doing this, and to maybe give my aunt and uncles a call in the religious community, that they might want to tune in to hear a few words about Cardinal O'Connor. She said, ''You know, I loved him;'' and my mother means she really loved him.

I think that is really representative of so many people. My mother was not even in his diocese, but she loved Cardinal O'Connor, and she was not ashamed to say it, and there are millions and millions of people who feel the very, very same way.

Mr. Speaker, I thank my good friend from Staten Island once again for his work on this effort.

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

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

Mr. Speaker, I commend my good friend the gentleman from New York (Mr. CROWLEY) for his leadership on this issue, and also again for helping us out so much with getting a Congressional Gold Medal to be bestowed upon Cardinal O'Connor, and the gentlewoman from California (Ms. PELOSI) for coming in and offering her thoughtful words as well.

As the gentleman from New York (Mr. CROWLEY) said, Mr. Speaker, it has all been said. As Catholics, as Christians, we are taught to believe in eternal life, and the Cardinal through his daily mass celebrated the Eucharist and celebrated not only life here on Earth, but what he thought would be entering into the Kingdom of God, where he will rest forever in peace and love.

I am very fortunate to represent the people of Staten Island, Bay Ridge, Brooklyn, Dykker Heights, Bensonhurst and Grave's End. While those folks are not in the diocese that the Cardinal controlled, like Mr. CROWLEY's mother, they loved the Cardinal as well.

If anything, New York, this country, the Catholic Church, has lost a bit of its soul with the passing of Cardinal O'Connor, but it has not lost the legacy that he has left for all of us to emulate.

A true leader, Mr. Speaker, does not say do as I say; he says do as I do, come follow me. Whether it was at the alter at St. Patrick's Cathedral or on the 5th Avenue on the St. Patrick's Day parade, or just touching the hand of a young child in a Catholic school who might not otherwise get a good education but for his steadfast commitment to ensuring that he gets one, or that person suffering from AIDS who had but a few moments left on this Earth, he was there to lend a helping hand and prayers, or for the homeless or the poor, the working men and women who were just looking for a better life when they land on these shores, Cardinal O'Connor, in my opinion, Mr. Speaker, will go down as a truly great American.

I thank and applaud my colleagues, especially the gentleman from New York (Mr. CROWLEY), the gentleman from New York (Mr. KING), the gentleman from Pennsylvania (Mr. SHERWOOD), the gentleman from New York (Mr. RANGEL) and others who have spoken for taking the time to acknowledge his greatness, his contributions to this country and his church, and, above all, Mr. Speaker, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. ARMEY) for allowing us to bring this to the floor in such an expeditious manner, and all my colleagues here, both Democrats and Republicans, for paying tribute to a great man.

Mr. WOLF. Mr. Speaker, I rise today to remember a truly great man—John Cardinal O'Connor, Archbishop of New York. Cardinal O'Connor's death is a tremendous loss not only for the people of New York, but for the country and for the world.

I have always admired Cardinal O'Connor. I understand that he was from southwest Philadelphia. I was from the same neighborhood, right around the corner from the parish he grew up in, St. Clement Parish, which is at 71st Street and Woodland Avenue. I'm from 70th and Reedland Streets, and I went to Patterson Elementary School and Tilden Junior High, which I understand is where Cardinal O'Connor also went to school.

Cardinal O'Connor lived a long and full life, and it was one which was marked by service to others. He was a voice for the voiceless and a champion of human rights, both here in this country and for all people everywhere.

He delivered a homily on January 30 of this year which I think epitomizes the values for which he stood, and I'd like to quote a few closing remarks that he made that day:

> Perhaps the time has come for a new and deeper reflection on the nature of the economy and its purposes. What seems to be urgently needed is a reconsideration of the concept of prosperity itself, to prevent it from being enclosed in a narrow utilitarian perspective which leaves very little space for values such as solidarity and altruism . . .
>
> We are not simply looking for economic benefits. We are looking for human benefits. When we recognize that the human person comes before all else under God, then the economy will be measured, will be truly rooted in helping every human person become everything that God intended him to be.

In the book of Isaiah, the first chapter, it says, ''Learn to do right! Seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow.''

That is a command that the Lord tells those who seek to follow Him. Cardinal O'Connor was a true man of God who will be deeply missed, but hopefully we can follow the example of his life in our lives as well.

Mr. BLILEY. Mr. Speaker, I am deeply saddened to hear about the death of His Eminence John Cardinal O'Connor and wish to announce my support for the resolution sponsored by Representative VITO FOSSELLA to express the condolences of the House of Representatives on His Eminence's death. His Eminence was a man of compassion and devotion to people of all faiths and will be forever remembered for his service to the Catholic Church and his country. His Eminence was, and will always be, an inspiration to me and Catholics around the world for his leadership. As an adoptive father, I want to take this time to recognize His Eminence's devotion to protecting the life of the unborn by promoting adoption as an alternative to abortion.

On October 15, 1984, His Eminence announced for the first time that, ''any women, of any color, of any religion, of any ethnic background, of any place, who is pregnant and in need, under pressure to have an abortion, can come to us in the Archdiocese of New York, can come personally to me. If she is in need, we will see that she is given free medical care and free hospitalization. If she wants to have her baby adopted we will provide free legal assistance. If she wants to keep her baby we will provide free assistance.

His Eminence expanded on this by saying during his January 17, 1999 Respect Life Sunday Homily, ''Since the 15th day of October in 1984, many thousands of women have come to us and many thousands of babies have been saved. Equally important, the lives of their mothers have been made whole. The infants in their wombs have leaped for joy at the news that they would be brought safely into this world, as the infant in the womb of Elizabeth leaped for joy when Mary came bearing within her womb the Lord of Life Himself. Every human being in this Church, every human being that any one of us will meet this day or on any day of our lives is a sacred human being.''

This country owes debt of gratitude for His Eminence's leadership on important issues of the day, and I want to personally single out his efforts to protect the sanctity of life and promote adoption.

Mr. HASTERT. Mr. Speaker, Cardinal O'Connor will be missed by our entire nation. He was quietly courageous—unafraid to take positions that might not be popular, while always approaching people with dignity and humility. Earlier this year, Congress had the privilege of bestowing on Cardinal O'Connor the Congressional Gold Medal, our highest civilian honor.

When asked how he would like to be remembered, Cardinal O'Connor said he wanted to be remembered simply as a ''good priest.'' Cardinal O'Connor was more than a good priest, he was a great man. He was an example to people of all faiths about how to live a truly God-filled life. Whether it was his work with AIDS patients or his commitment to education, Cardinal O'Connor kept himself immersed in helping others.

Cardinal O'Connor loved God. He loved the Church. He loved his family, and he loved his friends. But he also loved and was committed to the less fortunate. His life serves as an example to us all.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to express my deepest sorrow to the people of New York and to pay tribute to a great man. We all are much poorer today, because during the night, His Eminence, John Cardinal O'Connor died.

Cardinal O'Connor was a spiritual leader to 2.3 million Catholics. Despite this challenge, he did not limit his advocacy to strictly Catholic matters. Rather, he spoke out on a variety of issues. For example, Cardinal O'Connor has condemned racism in any and all forms. Cardinal O'Connor has also reached out to New York's Jewish community. He has issued condemnations of anti-semitism and spearheaded the effort to establish diplomatic ties between the Vatican and Israel. An endowed chair of Jewish Studies is named in his honor at the Catholic Seminary in Dunwoodie, New York.

But more importantly, the Cardinal was not only a man of words, but of action. During the early and most frightening stages of the AIDS epidemic in the 1980s, he opened New York State's first AIDS-only unit at St. Clare's Hospital. He remained a frequent visitor and volunteer at this unit, spending untold hours with those in pain and suffering, and counseling patients in their last moments on this earth. Catholic parishioners in America knew well of Cardinal O'Connor's contributions for the betterment of our society, most especially his many humanitarian endeavors such as his work on behalf of disabled persons and the people who care for them.

Cardinal John O'Connor was a great man, who has finally found peace from a devastating illness and we are all better people for having known him.

Mr. PAUL. Mr. Speaker, I want to join my colleagues who spoke today about the death of Cardinal O'Connor. In the passing of this tremendous spiritual beacon, millions of American worshipers have lost a great shepherd of the faithful.

Cardinal O'Connor was an unabashed champion for human life and human dignity. His presence will be missed. Throughout his illness he showed us how to face death with dignity as well.

John Cardinal O'Connor was a giant. He lived his life as a true pillar of faith. In a time when our nation and our world has witnessed a general move toward the devaluation of our common humanity, this man stood firm against the grain. There has never been a time when it has been as difficult as it is now for people to stand against the worst traits of modernity. Cardinal O'Connor's example shows beyond the shadow of a doubt that humans can continue to stand firm for noble goals even in this most difficult of times.

Having had the opportunity to correspond with him recently, I can attest that he remained a gentle and principled man until the very end of his earthly life. May God continue to bless the Cardinal and reveal Himself in all of His majesty to this great man in the place he has now been welcomed.

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

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the concurrent resolution.

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 317.

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

There was no objection.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, appointed on February 14, 2000:

Mr. BALLENGER of North Carolina, Vice Chairman;
Mr. DREIER of California;
Mr. BARTON of Texas;
Mr. EWING of Illinois;
Mr. MANZULLO of Illinois;
Mr. BILBRAY of California;
Mr. STENHOLM of Texas;
Mr. PASTOR of Arizona;
Mr. FILNER of California;
Ms. ROYBAL-ALLARD of California; and
Mr. FALEOMAVAEGA of American Samoa.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. 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 TRUTH ABOUT SOCIAL SECURITY

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

Mr. WHITFIELD. Mr. Speaker, in yesterday's Washington Post and also in today's Washington Post there were two articles in which Vice President GORE is scolding Governor Bush, candidate for president, on Social Security. In today's article, Vice President GORE in a speech yesterday to labor union members in Atlantic City said that Governor Bush had a secret plan to gut the Social Security program.

Now, the vice president is quite effective in being an advocate for the politics of fear, and it is a shame that he

would be using this opportunity to scare those most vulnerable in our society, and particularly those senior citizens who depend upon Social Security for their livelihood. So today I just wanted to take a few minutes to talk about Social Security.

The Social Security program began in 1936, and between 1936 and 1998, a period of 62 years, in about 47 of those 62 years there was a surplus in the Social Security account. In other words, there was more money coming in through the payroll tax than was being paid out to beneficiaries.

During those 47 years of surpluses, the Democratic leadership controlled the Congress for about 95 percent of that time, and during that time in excess of $800 billion was spent by the government from that fund.

Now, the sad thing about it was not only was the Congress during that period of time spending all of the income tax, both personal and corporate, but they were also spending all of the Social Security surplus, and they still were creating deficits, annual deficits, in excess of $200 billion a year in many of those years.

□ 1645

So I went back and I wanted to look at Vice President GORE's record while he was in Congress. Now, he served in the U.S. Congress and in the U.S. Senate from 1977 to 1992. During that time, Congress spent $269 billion of the surplus of Social Security. At least from the research that I looked at, I did not see anywhere that Vice President GORE expressed any opposition to spending that surplus money. Then, during that period, from 1977 to 1992, the Federal debt increased by $2.4 trillion. I did not find any record where Vice President GORE objected to that kind of addition to our Federal debt.

So I read this article about the Vice President using the politics of fear to scare senior citizens about the future of Social Security, and I said, what is the real issue here? When we have people come to Congress to lobby on Social Security, we obviously have senior citizens who depend upon it for their livelihood. But we also are having more and more young married couples with children coming, and they are paying frequently more in payroll tax than they are in income tax, many of them do not have any health insurance, they do not qualify for Medicaid, their employer does not provide health insurance, and they cannot afford it, and many of them do not believe that Social Security will even be there for their benefit when they retire. So Candidate Bush simply elevated for discussion the possibility which many of these young people want of allowing them the opportunity to direct up to 2 percent of their payroll tax into the equity markets.

Now, he did not say that he advocated that, he said that he wanted to explore it, because all of us know that by the year 2032, Social Security will be bankrupt. There is a surplus now and there will be until the year 2013, but at that time, the Federal Government is going to have to start repaying some of the $800 billion that it owes Social Security.

So Candidate Bush is looking for some long-term solutions for Social Security and its solvency. Of all of the articles that I have read about Vice President Gore, I do not see that he has ever advocated any solution, but he has been effective in advocating the politics of fear.

Now, we know from his record that this Vice President has no objection to the government spending every dime of the Social Security surplus. But, it appears from what he said yesterday and the day before that he does not want to even discuss giving young people just entering the workplace the opportunity to invest up to 2 percent of their payroll tax into the equity markets. We know that historically the Federal Government on the $800 billion of the Social Security money that it has borrowed is paying on the average of 5 percent a year. That is about what it averages out to. We know that historically the equity markets have increased over that period of time by about 14 or 15 percent a year.

So I would simply say, it is time for us to stop using the politics of fear as advocated by the Vice President and start looking for real solutions and having real discussions about how can we solve the long-term solvency of Social Security so that not only will it be available for senior citizens today, but it will also be available for those young men and women just entering the workplace today.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. DOOLEY. Mr. Speaker, I ask unanimous consent, in order to accommodate the gentleman from Washington (Mr. INSLEE) catching his airplane, that he could take the first 5 minutes, and then I could immediately follow with 5 minutes.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

NO MORE I LOVE YOU'S

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

Mr. INSLEE. Mr. Speaker, I rise this evening to warn my colleagues and the Nation of a computer virus that as we speak is really sweeping the world. This is a computer virus that is going to be shortly called the ''I Love You'' virus, and believe me, there is nothing romantic about it, because this may be one of the most insidiously destructive viruses we have seen in several years. It has already destroyed 600 files in my office, and I am afraid that in many, many other of my colleagues' offices this afternoon we will have incurred substantial damage. I wanted to alert anyone who may be listening to this of a couple of things about this virus.

First, anyone who receives an e-mail where the subject is ''I Love You'' should immediately delete the e-mail. That is the modus operandi of this e-mail, and no one should open up an e-mail with that subject matter now or perhaps forever, considering this virus. The reason is, there is a second aspect of this virus that is very damaging, and that is we have learned this afternoon that this particular virus will also damage common files that are on a shared server of anyone who opens up that e-mail. What has already happened this afternoon in my office is that we had someone open up that e-mail and it then destroyed other common files on our shared server system. In our system, it happened to destroy our graphic files under the JPEG type files and there may be others that are subject to damage. So I hope that everyone can spread the gospel with their friends not to open up any ''I Love You'' e-mail messages.

I have another message that is important for those who are responsible for this destructive act. That is, you will be hunted down; you will not be able to hide. There will be nowhere you can hide to escape the impact of your actions. You will be hunted down like dogs, and you will be prosecuted. The reason is, that these juvenile vandal efforts are enormously destructive, and I can assure the perpetrators of this: that the U.S. Congress, beginning next Tuesday, is going to do what we can to make sure that the investigatory authorities have the technological tools at their disposal to find those who are responsible for this and make sure that they are prosecuted.

Mr. Speaker, I think this points up an important point that we in Congress have to understand. In the West, when the technology of the stagecoach was invented, Congress responded by creating, if you will, a Marshals Service to respond to the stage coast heists. We now have to be additionally attentive to give our law enforcement officials the statutory authority and the resources and the technological resources that are necessary to track these folks down and make sure that they are prosecuted.

Mr. Speaker, we are going to suffer significant damage nationally as a result of this. The person power hours that are going to be required to respond to this is going to be a major national problem. I think that we should

commit ourselves when we return to our offices next Tuesday or Monday to be very diligent in making sure that we adopt the technology necessary to respond to this new threat.

PERMANENT NORMAL TRADE RELATIONS FOR CHINA

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

Mr. DOOLEY of California. Mr. Speaker, I rise today to speak out in support of the United States Congress granting permanent normal trade relations to China. I rise as a Democrat, one who believes that this policy of economic engagement is in the best interest of the United States on a number of issues.

When we look at the history of Congress and all of the trade agreements that we have had to vote on, seldom, if ever, have we had the opportunity to gain increased access to a market and not have to have given anything in return.

This administration was able to negotiate an agreement that resulted in the United States not reducing their tariffs 1 percent, not reducing their quotas 1 percent, not giving up anything, and in return, we achieved significant across-the-board reductions in tariffs. We received increased market access into China. We received the opportunity to have direct investment to China to over the 50 percent-ownership level in most sectors of their industry.

This is an agreement that is good for American workers, it is an agreement that is good for American businesses, it is an agreement that is good for American farmers.

One has to understand what is going to be the repercussions of the United States Congress failing to support PNTR for China. If we fail to vote for this measure, we are going to ensure that there are U.S. workers that are not going to benefit from the significant reductions in tariffs.

Just to put this in kind of graphic terms, if my colleagues can really think if the United States is still facing the same tariff schedule with China as we are today, and maybe it is in the exportation of auto parts, and if we are in competition with Canadian factories and Canadian workers who have supported the China PNTR who could experience a significant reduction in tariffs, it is clearly going to give that Canadian company the ability to gain that contract that will result in those products flowing into that China market. It will be U.S. workers that are on the outside.

The other thing that is going to result in tremendous benefit to U.S. workers and businesses are the provisions of this agreement that provide for even added protection against import surges coming from China. This agreement will ensure that the United States even has greater protection than it currently does today with import surges. So if we are faced with a situation as we were in years past with a significant increase in the exportation from China of apple juice concentrate, which had a significant impact in any Pacific Coast apple-producing States, or even if we were looking at the importation of large amounts of steel, we would now have the ability to take action specifically against China in order to deal with the import surges that might have resulted in having adverse economic consequences in this country.

Mr. Speaker, there have been a lot of my colleagues that have brought up an issue which is one that we have to address, and that is the issue of human rights and religious freedoms in China. All of us would like to see greater progress in China. But many of us I think agree that the best way to influence the internal affairs in China is by embracing this policy of economic engagement.

I was very honored and pleased to have the chance to visit with Martin Lee who is recognized internationally as one of the leading human rights activists in China, the leader of the Hong Kong Democracy Party. It was his commentary in terms of how we can make the greatest progress on human rights in China that I think resonated more effectively and with greater credibility than anybody I have heard address this issue. He is one who believes very strongly that if we do support this policy of economic engagement and supporting PNTR for China, that we will empower the reformers in China. We will empower the people that are trying to do away from the State-run enterprises. We will ensure that it is the people that are trying to carry out the reforms and bring China into a rule of law regime that their stature will be enhanced by our actions here.

He went on to further state that if the U.S. Congress failed to support PNTR, what we would in effect be doing would be undermining some of the progress that we have seen over the past decades in human rights and religious freedom, that in fact we would be empowering the hard-liners there, the people that want to maintain some of the centralized control of their economy and their society. He cautioned us and actually implored Congress not to take action that would result in China's stepping back and not moving forward.

Another gentleman from the Hong Kong Democratic Party also spoke, and he talked about what is happening with the introduction of the Internet into China. Just in the last year alone, we have seen Internet usage in China increase from 2 million people to 10 million people. It is expected that it is going to increase in this year alone to 20 million people. In the next 4 or 5 years, it is conceivable and quite likely that we will have 100 million people in China with access to the Internet. Why is this important?

I think it is important because I believe the Internet is probably greatest tool for the advancement of democracy that we have seen in the history of mankind. It will be this increased Internet usage in China that will result in more people getting access to information that is not controlled by the Chinese government. Support China PNTR.

□ 1700

DARYLE BLACK: A DEFENDER OF THE PEOPLE

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

Mr. HORN. Mr. Speaker, today the City of Long Beach, California, mourns the loss of a fine young police officer who was brutally murdered last Saturday night in a gang attack that also wounded his partner. Officer Daryle Black was 33 years of age when he died in the sudden and unprovoked attack that also wounded his colleague, Officer Rick Delfin. The murder of Officer Black reminds all of us that law and order are not automatic.

Safe streets and peaceful neighborhoods are created by those willing to risk their own safety, even their lives, for our community.

Officer Black cared deeply about serving others, and he served with a quiet courage and a steady professionalism. His loss is one we will all feel for many years from now.

Officer Black was a former United States Marine, a 6-year veteran of the Long Beach Police Department. He was assigned to a special gang enforcement unit. Officer Black was a very soft spoken person. Some of his colleagues said he was a gentle giant whose love for police work gave him the drive to risk his life on the streets every day.

He will be remembered by his many friends and colleagues for his professional dedication and commitment to protecting his community.

At the time of the shooting, Officer Black and his partner had just finished part of a police sweep of a neighborhood where gangs and drugs have been a serious problem for the city. Officer Delfin was wounded in the assault and is now recovering from an attack that most of us could never imagine, let alone face on a daily basis.

Daryle Black and Rick Delfin could imagine such an attack. Like every other police officer in America; however, they regularly faced personal danger, frequent physical and verbal assaults, and a host of other uncertainties each day as an unavoidable part of their job.

Mr. Speaker, too often we take for granted the thousands of men and women who patrol our neighborhoods, walk our streets, and guard our lives and property. The death of Officer Black brings home to us the very real and very constant risks that others accept on our behalf. All of our Nation's

law enforcement officers face those risks every single day.

Each time they leave their homes and families and go to work, there is no guarantee that they will return. They accept the risk of death to protect our freedom and our ability to live in a peaceful society, and they do this without hesitation or complaint.

We struggle to express feelings of grief, sorrow, and appreciation for this fine and humane man who lost his life protecting our freedom and our safety. As we mourn, we must remind ourselves that civilization comes with a cost; but we can take solace in knowing that police officers, like Daryle Black, defend our society every day.

Mr. Speaker, all of us owe a great debt of gratitude to the brave men and women who have dedicated law enforcement as their career. They provide us with peace of mind. Thank you, Daryle Black. Thank you, Rick Delfin. Condolences to the family of Officer Black and the hope that there will be a rapid recovery for Rick Delfin.

TRADE AGREEMENTS

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

Mr. SMITH of Washington. Mr. Speaker, trade has become an issue that is very divisive in this country, and I rise today as a Democrat and a member of the New Democratic Coalition to urge this body to remember the importance of expanding access to overseas market, the importance of trade to the growth of this Nation.

I do that mindful of some of the protests that have been out there about our global trade policy and even somewhat in support of some of the complaints that people have said about trade policy.

I think it is absolutely correct to look around the world and say what can we do to help improve human rights, to help improve labor standards, to help make sure that the entire globe protects the environment. And I think these issues need to be brought up more often in international discussions, not just involving trade, but in all discussions with other countries.

Mr. Speaker, what can we do to help improve those things? I rise today just to remind people that even though those issues are important, we cannot forget the importance of open markets. It starts with the simple fact that 96 percent of the people in the world live someplace other than the United States of America, while at the same time, here in the U.S., we manage to account for 20 percent of the world's consumption.

If we are going to grow economically, if we are going to create more jobs, those statistics make it abundantly clear that we are going to have to get access to some of those other 96 percent of the people in the world.

We need to get access to their markets. We need to reduce barriers, open access to trade to help grow the economy. And I do not think people understand completely the benefits that trade have brought and the role they have played in the strong economy that we now enjoy.

I just think that while we are working to improve labor conditions, working to improve human rights and environment, we can also open up other markets to our trade. And the best example of this, and I support the comments of the gentleman from California (Mr. DOOLEY), my colleague who came before me, is the China PNTR trade agreement.

All of the concerns we have heard about trade in previous agreements, a lot of them focus on the fact that it is a one-sided trade agreement. We open our markets, but other countries do not open theirs. This is actually the first trade agreement that goes the other way. China opens their markets by reducing their barriers across the board in a wide variety of goods and services that will increase our access to the single largest market in the world, 1.3 billion people.

This is a great trade agreement that actually will help us here in the U.S., and we need to recognize it for that. We also need to recognize how engagement helps move us forward.

Mr. Speaker, turning down PNTR for China will not do one thing to improve human rights, labor conditions or environmental standards in China. In fact, if you listen to the human rights activists over there, and if you listened to people over in that corner of the world, isolating China will send them in exactly the opposite direction.

Taiwan, in particular, we have heard a lot about how we cannot support this agreement, because of how bad China has treated Taiwan; and I agree that there have been many bad actions by China towards Taiwan. The Taiwanese, the recently elected president, an outspoken advocate for independence for Taiwan, someone who has run against China many, many times strongly supports the U.S. favoring PNTR for China, because he understands that engagement is the policy that will best protect him from Chinese aggression if they choose to go that route.

He wants China to be connected to the rest of the world so that they cannot afford to act in a way that forces the rest of the world to back away from them. So you can have a good trade agreement and also improve human rights, labor conditions, and the environment; but this argument goes beyond the specifics of the China Trade Agreement, even though I think it will be a watershed moment in this country to see whether or not we are going to go forward and embrace engagement and embrace overseas markets or drift back into a dangerous isolation that could push us into a bipolar world.

It is a basic philosophy of whether or not opening markets is open and beneficial. I think there is a lot of statistics out there that show that access to trade helps improve the economy across the board. This is not an isolated few who benefit from it. When we have an economy with 4 percent unemployment, 2 percent inflation, and growth as high as 6 or 7 percent, that benefits everybody in this country.

Mr. Speaker, we cannot lose sight of the importance of opening overseas markets to our goods. And it goes beyond economics. It is also a matter of national security. We should be concerned about the rest of the world, whether or not countries like Vietnam, Sub-Saharan Africa, other countries in the Third World grow and prosper. If they do not have access to our markets, their people will never be able to rise out of poverty. They will never be able to generate the type of economy that they need in order to have any level of prosperity whatsoever.

This is important for two reasons. One, if we can grow a vibrant middle class in places like Sub-Saharan Africa and beyond, they are in a position to buy our stuff and help our economy grow as well. If they are in poverty, we cannot get access to those markets because there is no one to buy.

Beyond economics, it is also important to keep the peace. If countries are impoverished, that is what leads to revolution and war. We have to help them grow up so that we can keep peace and stability in the world. Trade is important. Labor, human rights, environment, absolutely important. But let us not forget the importance of opening our markets for global stability and for a strong economy in the U.S.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

INTRODUCTION OF THE HIGGINS GOLD MEDAL RESOLUTION

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

Mr. JEFFERSON. Mr. Speaker, I rise today to announce that I have introduced a resolution on behalf of the entire Louisiana delegation that will honor some long-forgotten and overlooked heroes of World War II.

These heroes were not soldiers or sailors or aviators. These silent heroes were hard-working men and women from Louisiana. However, according to President Dwight Eisenhower who served as Supreme Commander of the Allied Forces, the ingenuity and hard work of these unsung heroes played an enormous role in winning World War II.

Mr. Speaker, this legislation will award a Congressional Gold Medal to the late Andrew Jackson Higgins and another Congressional Gold Medal to his workforce of 20,000 at Higgins Industries in New Orleans, Louisiana. These medals will recognize their contribution to the Nation, to the Allied victory in World War II and to world peace.

Let me briefly explain why the late Mr. Higgins and the employees of Higgins Industries deserve this long-overdue recognition.

Andrew Jackson Higgins designed and engineered high-speed boats and various types of military landing craft, later to be known as ''Higgins boats.''

Higgins boats were constructed of wood and steel and transported fully armed troops, light tanks and other mechanized equipment essential to all Allied amphibious landing operations, including the decisive D-Day attack at Normandy, France.

Mr. Higgins also designed, engineered, and constructed four major assembly plants in New Orleans for mass production of Higgins landing craft and other vessels vital to the Allied forces' conduct of World War II.

Higgins Industries employed more than 20,000 workers at his eight plants in New Orleans. They worked around the clock over 4 years. At peak production, they built 700 boats per month. By the end of the war, they had built 20,094 landing craft of all types, and trained 30,000 Navy, Marine, and Coast Guard personnel on the proper operation of these boats.

The slogan at Higgins Industries was: ''The guy who relaxes is helping the Axis.''

Beyond his genius in the design and engineering of the ''Higgins boats,'' Andrew Jackson Higgins possessed a foresight and a social conscience unheard of more than half a century ago.

Long before the United States had entered World War II, the late Mr. Higgins began to stockpile the materials needed to produce the thousands of landing craft and PT boats. His foresight contributed greatly to America's readiness when it finally did enter the war.

For example, Higgins bought the entire 1940 Philippine mahogany crop, anticipating a need for a stockpile of wood to build landing craft when American entered the war.

Besides his foresight and ingenuity, Higgins instituted a progressive social policy at Higgins Industries, where he employed a fully integrated assembly workforce of black and white men and women. His policy was equal pay for equal work decades before integration and racial and gender equality became the law of our land.

Mr. Speaker, after review of Mr. Higgins' contributions and the output of Higgins Industries during the early years of World War II, it is easy to understand Eisenhower's admiration and praise. On Thanksgiving, 1944, then General Eisenhower reported home, ''Let us thank God for Higgins Industries' management and labor which has given us the landing boats with which to conduct our campaign.''

Then again in 1964, President Eisenhower said of Andrew Higgins: ''He is the man who won the war for us. If Higgins had not produced and developed those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.''

Mr. Speaker, the time has come for our Nation and this Congress to recognize Andrew Jackson Higgins and his employees for their unparalleled contributions to our country, to victory in World War II, and to world peace.

Indeed, this tribute is just in time for June 6, 2000, the 55th anniversary of the Allied landing at Normandy, when the National D-Day Museum will be dedicated and opened in New Orleans.

There are not adequate words to describe the vision and patriotism of Andrew Jackson Higgins and his employees. He understood what is needed to win World War II long before America was a participant, and he went beyond the call of duty to be prepared to serve his country. Then, his employees undertook the Herculean task of building the boats that won the war.

Mr. Speaker, I ask all of our colleagues to join me and award a Congressional Gold Medal to the late Andrew Jackson Higgins and a second Congressional Gold Medal to the employees of Higgins Industries. These forgotten heroes of World War II provided a decisive and essential contribution to the United States and the Allied victory in World War II, blacks and whites, men and women, working side by side, equal pay for equal work, building the boats that won the war.

Mr. Speaker, these silent heroes must be honored and should always be remembered and the award of a Congressional Gold Medal to them is highly in order at this time.

CONGRATULATING THE CHICAGO DAILY DEFENDER ON ITS 95TH ANNIVERSARY

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise to extend congratulations to the Chicago Daily Defender newspaper on the celebration of its 95th year. The Chicago Defender was founded as a weekly newspaper on May 5, 1905 by Robert Sengstacke Abbott. His goal was to use the power of the press to address concerns of blacks worldwide, with special emphasis on the United States.

During Mr. Abbott's lifetime, the Chicago Defender amassed impressive achievements. Some examples are the Great Migration, the mass exodus of blacks from the South to the so-called promised land of the North; the first black publication to reach a circulation of 100,000; initiation of the Bud Billiken Parade, and much more.

Mr. Abbott formulated the following nine-point platform for his paper in 1905:

Racial prejudice worldwide must be destroyed;

Racially unrestricted membership in all unions;

Equal Employment Opportunities on all jobs, public and private;

True representation in all United States police forces;

Complete cessation of all school segregation;

Establishment of open occupancy in all American housing;

Federal intervention to protect civil rights in all instances where civil rights compliance at the State level breaks down;

Representation in the President's Cabinet;

Federal legislation to abolish lynching.

□ 1715

Mr. Abbott passed in 1940. Upon his death, John Sengstacke, his nephew, took over operations of the newspaper. Despite the change, the achievements continued.

Under Mr. Sengstacke's leadership, the National Newspaper Publisher's Association, an organization of black newspaper publishers, was formed. This occurred despite skepticism about uniting the Black publishers into one organization.

Another accomplishment, despite belief that it would not work, was the conversion of the Chicago Defender from a weekly to a daily newspaper in 1956. Mr. Sengstacke was also instrumental in integrating the armed forces through several presidential administrations, integrating major league baseball, construction of the new Provident Hospital, and continuation of the Bud Billiken parade. Today the parade is sponsored by the Chicago Defender Charities and is second in size only to the Tournament of Roses Parade.

In 1997, John Sengstacke passed, leaving behind Sengstacke Enterprises, which includes the Chicago Defender, the Michigan Chronicle in Detroit, the Pittsburgh Courier, and the Tri-State Defender in Memphis.

Today the Chicago Defender remains a significant force in journalism. Its importance is noted by the fact that only two points of the original nine-point platform have been removed. They are representation in the President's cabinet and Federal legislation to abolish lynching. The presence of the remaining seven points and their existence since 1905 is the principal guiding force of this publication as it moves forward.

This paper, Madam Speaker, was an inspiration to many, even to myself as I was a young boy growing up in rural Arkansas, where we used to wait for the pullman porters to bring copies of the Defender to our town. As a result of

reading the Defender, it gave us contact with the outside world.

The Defender has been most fortunate to have outstanding journalists like Lou Palmer, Vernon Jarrett, Faith Christmas, Jennifer Strasburg, and countless others.

So as they celebrate their 95th year anniversary, I simply want to say to the Defender and all of its staff persons, continue the great legacy, continue the great work. They have been an inspiration, and they continue to be a bright star that shines.

CHICAGO DAILY DEFENDER COMMEMORATION

The SPEAKER pro tempore (Mrs. MORELLA). Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Madam Speaker, this evening I rise to pay special tribute to a publication of historic proportions in the city of Chicago.

Five years into the last century, the Chicago Defender created for itself a permanent place in the history of American journalism by becoming Chicago's most influential African American newspaper. Without fail, since 1905, the Daily Defender has provided news and information regarding African Americans and the Black Diaspora. In doing so, this newspaper fills an important void in Chicago's media because it tells the stories that much too often are not covered by other mainstream publications.

In the Defender's early years, its founder, Robert Sengstacke Abbott, realized several impressive achievements, including orchestrating the ''Great Migration'' campaign. This campaign brought about the mass exodus of African Americans from the racist South to the ''promised land'' of the north.

The continued visionary leadership of Mr. Abbott's nephew, Robert Sengstacke, has led to Sengstacke Enterprises which includes, not only the Chicago Defender, but also the Michigan Chronicle in Detroit, the Pittsburgh Courier in Pittsburgh, and the Tri-State Defender in Memphis, Tennessee.

The Defender family has become a responsive and generous corporate citizen over the many years. Their philanthropic arm, the Chicago Daily Defender Charities, has created, developed, and sponsored various community events, including the largest parade in the city of Chicago, the beloved Bud Billiken Parade. Each charitable effort has enriched the lives of our people, our city, and our Nation.

The Defender has provided a medium for several talented award-winning African American journalists, including Dr. Metz T.P. Lochard, W.E. DeBois, Langston Hughes, and Vernon Jarrett. Their outstanding work provided the foundation for the journalistic standard that the newspaper continues to meet today.

So on this day, I rise to congratulate the Chicago Defender on 95 years of consistent, vital, exemplary work. It is my hope and my express desire that the Defender will continue to publish into the next century and beyond.

OCCASION OF THE INTRODUCTION OF THE FARMERS FOR AFRICA ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Madam Speaker, in this era of global economies, nations are becoming more interconnected and interdependent on one another. It is critical, therefore, that the economies of the developing nations are not left behind. It is critical that these nations have stable and efficient economies.

It is vitally important, therefore, that we assist in integrating Africa into the global economy. Boosting economic development and self-sufficiency for Africa are keys to achieving this end.

It is for these reasons and others that I was pleased to vote for the African Trade Development Act of 2000.

Generally we only hear about Africa when issues of hunger, welfare, and natural disaster emerge. It is true that hunger estimates in Africa range in upward of 215 million chronically undernourished persons. Yes, we need to be concerned and provide as much assistance as possible. However, there is an old cliche that says, ''Give a man a fish, and he will eat for a day. Teach a man to fish, and he will eat forever.'' At no other time is this cliche more are appropriate for African countries.

As a Nation we have the resources, the capacity, and the capability to teach the tools needed to ensure that their economies grow in strength and prosperity. One of the tools we can teach involve agribusiness. Agriculture is a primary sector in the economy for many African nations. It is here that we can provide the tools necessary to technologically upgrade the agriculture methods and processes. The proposed legislation, Farmers for African Act of 2000, provide these tools.

Farmers from the United States can help. Our farmers have the tools and skills to help. They have the ability to train African farmers to use and adopt state-of-the-art farming techniques and agribusiness skills.

In African countries like Mozambique, farmers need our help. Ravaging flood waters have left the lands devastated and thousands homeless and hungry. Their farmers need help. Our farmers can help. We ought to help.

Farmers in Zimbabwe need help. In that country, thousands of persons have received parcels of land to farm but do not have the agriculture skills or training to be successful. These farmers, too, need our help. Our farmers can help. We ought to help.

In Ghana, one of the most stable and productive countries in Africa, farmers there, too, need our help. American farmers, through their efficiency in using the most modern technologically sound agriculture and agribusiness techniques, can help African farmers.

This will not only help boost African crop yield and efficiency so that these Nations can produce enough goods to feed themselves, but it will also improve the competitiveness of African farmers in the rural market.

In addition, through the establishment of partnerships between Africa and American farmers, we can also create new avenues for delivering goods and services to African countries in need.

I urge my colleagues to join me in supporting farmers. Join me in supporting farmers in Africa and America. The legislation I and others have introduced today is designed to establish a bilateral exchange program between Africa and America, one that benefits both continents.

Madam Speaker, the legislation is budget neutral. Let me repeat that. The legislation is budget neutral, because it is funded through the existing product purchasing programs.

The nations that will be helped by this program will purchase products from the United States, and part of the revenue from those purchases can be used to fund the activities contemplated by this bill. It will not cost American taxpayers anything.

It will help 45 agriculture and African nations as well as highlight the importance of increasing trade and exchange opportunities with Africa.

This is timely legislation. It is necessary legislation. Please join us in supporting this measure. With this legislation, America will assist in providing the tools that would enable African countries to be competitive in the global economy. The legislation provides the tools in helping African nations eat forever.

THE WORLD TRADE ORGANIZATION, THE END OF GEOGRAPHY?

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

Mr. METCALF. Madam Speaker, during 1969, C.P. Kindleberger wrote that the ''nation-state is just about through as an economic unit.'' He added that the U.S. Congress and right-wing-know-nothings in all countries were unaware of this. He added, ''The world is too small. Two-hundred-thousand ton tank and ore carriers and airbuses and the like will not permit sovereign independence of the nation-state in economic affairs.''

Before that, Emile Durkheim stated, ''The corporations are to become the elementary division of the state, the fundamental political unit. They will efface the distinction between public and private, dissect the democratic

citizenry into discrete functional groupings, which are no longer capable of joint political action.''

Durkheim went so far as to proclaim that through corporations' scientific rationality it ''will achieve its rightful standing as the creator of collective reality.''

There is little question that part of these statements are accurate. America has seen its national sovereignty slowly diffused over a growing number of International Governing Organizations. The WTO, the World Trade Organization, is just the latest in a long line of such developments that began right after World War II. I am old enough to remember that time.

But as the protest in Seattle against the WTO Ministerial Meeting made clear, the democratic citizenry seemed well prepared for joint political action. Though it has been pointed out that many, if not the majority, of protesters did not know what the WTO was and much of the protest itself entirely missed the mark regarding WTO culpability in many areas proclaimed, this remains but a question of education. It is the responsibility of the citizens' representatives to begin that process.

We may not entirely agree with the former head of the Antitrust Division of the U.S. Department of Justice, Thurman Arnold when he stated that the United States had ''developed two coordinate governing classes: the one, called 'business', building cities, manufacturing and distributing goods, and holding complete and autocratic power over the livelihood of millions; the other, called 'government', concerned with preaching and exemplification of spiritual ideals, so caught in a mass of theory that when it wished to move in a practical world, it had to do so by means of a sub rosa political machine.''

□ 1730

But surely the advocate of corporate governments today, housed quietly inefficiency within the corridors of power at WTO, OECD, IMF and the World Bank, clearly believe.

Corporatism as ideology, and it is an ideology; as John Ralston Saul recently referred to it as a highjacking of first our terms, such as individualism, and then a highjacking of Western civilization, the result being ''the portrait of a society addicted to ideologies, a civilization tightly held at this moment in the embrace of a dominant ideology: Corporatism.''

As we find our citizenry affected by this ideology and its consequences, consumerism, ''the overall effects on the individual are passivity and conformity in those areas that matter, and nonconformity in those which do don't.'' We do know more than ever before just how we got here. The WTO is the red-haired stepchild of the General Agreement on Tariffs and Trade, GATT, which began, in 1948, its quest for a global regime of economic interdependence.

But by 1972, some Members of Congress saw the handwriting on the wall, and it was a forgery. Senator Long, while chairman of the Senate Committee on Finance, made these comments to Dr. Henry Kissinger regarding the completion and prepared signing of the Kennedy round of the GATT accords. Here is what he said: ''If we trade away American jobs and farmers' incomes for some vague concept of a new international order, the American people will demand from their elected representatives a new order of their own, which puts their jobs, their security and their incomes above the priorities of those who have dealt them a bad deal.''

But we know that few listened, and 20 years later the former chairman of the International Trade Commission argued that it was the Kennedy round that began the slow decline in American's living standards. Citing statistics in his point regarding the loss of manufacturing jobs and the like, he concluded with what must be seen as a warning:

''The Uruguay Round and the promise of the North American Trade Agreement all may mesmerize and motivate Washington policymakers, but in the American heartland those initiatives translate as further efforts to promote international order at the expense of existing American jobs.''

We are still not listening. Certainly the ideologists of corporatism cannot hear us. They are, in fact, pressing the same ideological stratagem in the journals that matter, like ''Foreign Affairs'' and the books coming out of the elite think tanks and nongovernmental organizations. One such author, Anne-Marie Slaughter, proclaimed her rather self-important opinion that State sovereignty was little more than a status symbol and something to be attained now through ''transgovernmental'' participation. That would presumably be achieved through the WTO for instance?

Stephan Krasner in the volume ''International Rules'' goes into more detail by explaining global regimes as functional attributes of world order environmental regimes, financial regimes and, of course, trade regimes. I quote: ''In a world of sovereign states, the basic function of regimes is to coordinate state behavior to achieve desired outcomes in particular issue areas. If, as many have argued, there is a general movement toward a world of complex interdependence, then the number of areas in which regimes can matter is growing.''

But we are not here speaking of changes within an existing regime whereby elected representatives of free people make adjustments to new technologies, new ideas, and further betterment for their people. The first duty of elected representatives is to look out for their constituency. The WTO is not changes within the existing regime, but an entirely new regime. It has assumed an unprecedented degree of American sovereignty over the economic regime of the Nation and the world.

Then who are the sovereigns? Is it the people, the ''nation'' in nation-state? I do not believe so. I would argue that who governs, rules; and who rules is sovereign. And the people of America and their elected representatives do not rule nor govern at the WTO but corporate diplomats, a word decidedly oxymoronic.

Who are these new sovereigns? Maybe we can get a clearer picture by looking at what the WTO is in place to accomplish. I took interest in an article in ''Foreign Affairs,'' the name of which is ''A New Trader Order,'' volume 72, number 1, by Cowhey and Aronson. Quoting their article: ''Foreign investment flows are only about 10 percent the size of the world trade flows each year, but intra-firm trade, for example, sales by Ford Europe to Ford USA, now accounts for up to an astonishing 40 percent of all U.S. trade.''

This complex interdependence we hear of every day inside the beltway is nothing short of miraculous according to the policymakers who are mesmerized by all of this. But, clearly, the interdependence is less between the people of the ''nation'' states than between the ''corporations'' of the corporate-states.

Richard O'Brien, in his book entitled ''Global Financial Integration: The End of Geography,'' states the case this way: ''The firm is far less whetted to the idea of geography. Ownership is more and more international and global, divorced from national definitions. If one marketplace can no longer provide a service or an attractive location to carry out transactions, then the firm will actively seek another home. At the level of the firm, therefore, there are plenty of choices of geography.''

O'Brien seems unduly excited when he adds, ''The glorious end of geography prospect for the close of this century is the emergence of a seamless global financial market. Barriers will be gone, service will be global, the world economy will benefit and so too, presumably, the consumer.'' Presumably?

Counter to this ideological slant, and it is ideological, O'Brien notes the ''fact that governments are the very embodiment of geography, representing the nation-state. The end of geography is, in many respects, about the end or diminution of sovereignty.''

In a rare find, a French author published a book titled ''The End of Democracy.'' John-Marie Guehenno has served in a number of posts for the French government, including their ambassador to the European Union. He suggests this period we live in is an imperial age. Let me quote him: ''The imperial age is an age of diffuse and continuous violence. There will no longer be any territory to defend, but only order, operating methods, to protect. And this abstract security is infinitely more difficult to ensure than that of a world in which geography commanded history. Neither rivers nor oceans protect the delicate mechanisms of the

imperial age from a menace as multiform as the empire itself.''

The empire itself? Whose empire? In whose interests? Political analyst Craig B. Hulet, in his book titled ''Global Triage: Imperium in Imperio'' refers to this new global regime as Imperium in Imperio, or power within a power: a state within a state. His theory proposes that these new sovereigns are nothing short of this, and I quote him: ''They represent the power not of the natural persons which make up the nations' peoples, nor of their elected representatives, but the power of the legal paper-person recognized in law. The corporations themselves are, then, the new sovereigns.

And in their efforts to be treated in law as equals to the citizens of each separate state, they call this ''National Treatment,'' they would travel the sea; and wherever they land ashore, they would be citizens here and there. Not even the privateers of old would have dared to impose this will upon nation-states.

Can we claim to know today what this rapid progress of global transformation will portend for democracy here at home? We understand the great benefits of past progress. We are not Luddites here. We know what refrigeration can do for a child in a poor country; what clean water means to everyone everywhere; what free communications has already achieved. But are we going to unwittingly sacrifice our sovereignty on the altar of this new god, ''Progress''? Is it progress if a cannibal uses a knife and fork?

Can we claim to know today what this rapid progress of global transformation will portend for national sovereignty here at home? We protect our way of life, our children's future, our workers' jobs, our security at home by measures often not unlike our airports are protected from pistols on planes. But self-interested ideologies, private greed, and private powers' bad ideas escape our mental detectors.

We seem to be radically short of leadership where this active participation in the process of diffusing America's power over to and into the private global monopoly capitalist regime is today pursued without questioning its basis at all. An empire represented by not just the WTO, but clearly this new regime is the core ideological success for corporatism.

□ 1745

The only remaining step, according to Harvard Professor Paul Krugman, is the finalization of a completed Multilateral Agreement on Investments, which failed at OECD.

According to OECD, the agreement's actual success may come through, not a treaty this time, but arrangements within corporate governance itself, quietly being hashed out at the IMF and World Bank as well as OECD. We are not yet the United Corporations of America. Or are we?

The WTO needs to be scrutinized carefully, debated, hearings, and public participation where possible. I would say absolutely indispensable, full hearings.

We can, of course, as author Christopher Lasch notes, peer inward at ourselves as well when he argued, ''The history of the twentieth century suggests that totalitarian regimes are highly unstable, evolving toward some type of bureaucracy that fits near the classic fascist nor the socialist model.

None of this means that the future will be safe for democracy, only that the threat to democracy comes less from totalitarian or collective movements abroad than from the erosion of psychological, cultural, and spiritual foundations from within.''

Are we not witness to, though, the growth of a global bureaucracy being created not out of totalitarian or collectivist movements, but from the autocratic corporations which hold so many lives in their balance? And where shall we redress our grievances when the regime completes its global transformation? When the people of each Nation and their State find they can no longer identify their rulers, their true rulers? When it is no longer their State which rules?

The most recent U.N. Development Report documents how globalization has increased inequality between and within nations while bringing them together as never before.

Some are referring to this, Globalization's Dark Side, like Jay Mazur recently in Foreign Affairs. He said, ''A world in which the assets of the 200 richest people are greater than the combined income of the more than 2 billion people at the other end of the economic ladder should give everyone pause. Such islands of concentrated wealth in the sea of misery have historically been a prelude to upheaval. The vast majority of trade and investment takes place between industrial nations, dominated by global corporations that control a third of the world exports. Of the 100 largest economies of the world, 51 are corporations,'' just over half.

With further mergers and acquisitions in the future, with no end in sight, those of us that are awake must speak up now.

Or is it that we just cannot see at all, believing in our current speculative bubble, which nobody credible believes can be sustained for much longer, we missed the growing anger, fear and frustration of our people; believing in the myths our policy priests pass on, we missed the dissatisfaction of our workers; believing in the god ''progress,'' we have lost our vision.

Another warning, this time from Ethan Kapstein in his article ''Workers and the World Economy'' in Foreign Affairs, Vol. 75, No. 3:

''While the world stands at a critical time in post war history, it has a group of leaders who appear unwilling, like their predecessors in the 1930's, to provide the international leadership to meet economic dislocations. Worse, many of them and their economic advisors do not seem to recognize the profound troubles affecting their societies.

''Like the German elite in Weimar, they dismiss mounting worker dissatisfaction, fringe political movements, and the plight of the unemployed and working poor as marginal concerns compared with the unquestioned importance of a sound currency and a balanced budget. Leaders need to recognize their policy failures of the last 20 years and respond accordingly. If they do not, there are others waiting in the wings who will, perhaps on less pleasant terms.''

We ought to be looking very closely at where the new sovereigns intend to take us. We need to discuss the end they have in sight. It is our responsibility and our duty.

Most everyone today agrees that socialism is not a threat. Many feel communism, even in China, is not a threat, indeed, that there are few real security threats to America that could compare to even our recent past.

Be that as it may, when we speak of the global market economy, free enterprise, massage the terms to merge with managed competition and planning authorities, all the while suggesting that we have met the hidden hand and it is good, we need to also recall what Adam Smith said but is rarely quoted upon.

He said, ''Masters are always and everywhere in a sort of tacit, but constant and uniform, combination, not to raise the wages of labor above their actual rate. To violate this combination is everywhere a most unpopular action, and a sort of reproach to a master among his neighbors and equals. We seldom, indeed, hear of this combination, because it is usual, and, one may say, the natural state of affairs. Masters too sometimes enter into particular combinations to sink wages of labor even below this rate. These are always conducted with the utmost silence and secrecy, till the moment of execution.''

And now precisely, whose responsibility is it to keep an eye on the masters?

I urge my colleagues, Republicans and Democrats, left and right on the political spectrum, to boldly restore the oversight role of the Congress with one stroke and join my colleagues in supporting H.J. Res. 90 in restoring the constitutional sovereignty of these United States.

STATE DEPARTMENT CITES PAKISTANI LINK TO TERRORIST GROUPS

The SPEAKER pro tempore (Mrs. MORELLA). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, yesterday the U.S. State Department released its annual report on terrorism worldwide called ''Patterns of Global Terrorism, 1999 Report.''

The report provides some very interesting and very troubling findings about where the threats to U.S. interests, U.S. citizens, and international stability have been coming from during the past year.

One of the most dramatic findings of the report is that Pakistan, traditionally an ally of the United States, is guilty of providing safe haven and support to international terrorist groups.

Unfortunately, Madam Speaker, the State Department stopped short of adding Pakistan to the list of seven nations that are described as state sponsors of terrorism.

Madam Speaker, at the beginning of this year, I introduced legislation calling on the State Department to declare Pakistan a terrorist state. I believe that the information made public this week gives added urgency to that effort.

To quote, if I may, Madam Speaker, from the section of the State Department's report dealing with South Asia, it says, ''In 1999, the locus of terrorism directed against the United States continued to shift from the Middle East to South Asia.'' The report goes on to cite the Taliban, which controls significant areas of Afghanistan, for providing safe haven for international terrorists, particularly Usama Bin Ladin and his network.

As the report points out, ''Pakistan is one of only three countries that maintains formal diplomatic relations with and one of several that supported Afghanistan's Taliban.''

The report goes on to say, ''The United States made repeated requests to Islamabad,'' the Pakistan capital, ''to end support for elements harboring and training terrorists in Afghanistan and urged the Government of Pakistan to close certain Pakistani religious schools that serve as conduits for terrorism. Credible reports also continue to indicate official Pakistani support for Kashmiri militant groups, such as the Harakat ul-Mujahedin, or HUM, that engaged in terrorism.'' This organization has been linked to the hijacking late last year of the Air India flight, and one of the hijackers' demands was that a leader of the HUM be freed from prison in India in exchange for the innocent hostages on the aircraft. That leader has since returned to Pakistan, according to the State Department.

I might also add, Madam Speaker, that this organization, the HUM, under a previous name has been linked to the kidnapping of Western tourists in Kashmir. Two of those Westerners have been murdered; and several others, including an American, remain unaccounted for.

The region of Kashmir has been ground zero for much of the Pakistani-supported terrorist activity. The State Department report notes that, ''Kashmiri extremist groups continue to operate in Pakistan, raising funds and recruiting new cadre.'' It blames these groups for numerous terrorist attacks against civilian targets in India's State of Jammu and Kashmir.

After last summer's U.S. diplomatic intervention to end Pakistan's incursion onto India's side of the Line of Control in Kashmir, Pakistani and Kashmiri extremist groups worked to stir up anti-American sentiment.

As my colleagues can imagine, Madam Speaker, at yesterday's briefing on the release of the report, Michael Sheehan, the State Department's Coordinator for counterterrorism, was put on the defensive as to why Pakistan was not designated as a state sponsor of terrorism when the report contained such damning information.

The agency's response is that Pakistan has sent mixed messages, on the one hand cooperating on extradition and embassy security, while, on the other hand, having relationships with the Kashmiri groups and the Taliban.

But, Madam Speaker, Ambassador Sheehan warned, ''for state sponsorship or the designation of foreign terrorist organizations, you can do it any time of the year.''

Madam Speaker, the U.S. Counterterrorism Policy is very simple: First, make no concessions to terrorists and strike no deals; second, bring terrorists to justice for their crimes; third, isolate and apply pressure on states that sponsor terrorism to force them to change their behavior; and fourth, bolster the counter-terrorism capabilities of those countries that work with the United States and require assistance.

Madam Speaker, I hope that the State Department will pay particular attention to the third and fourth points with regard to Pakistan and South Asia.

President Clinton, during his recent trip to South Asia, tried to appeal to the Pakistani military junta to cease support for terrorist organizations and activities. The pressure on Pakistan must be maintained and strengthened. Pakistani leaders should be reminded that the threat that their country could be designated as a terrorist state is a real one that could be invoked at any time.

India has been the prime victim of terrorism emanating from or supported by Pakistan. Thus, in keeping with the fourth point of the State Department's stated policy, we should strive to work much more closely with India, a democracy, on counter-terrorism efforts.

We can only hope that reason will prevail in Islamabad and that the Pakistani Government will see that the result of its present course will be increased isolation from the world community. If not, then we must be prepared to follow through and declare Pakistan a state that sponsors terrorism, with all of the stigma and isolation that goes with such a declaration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 2:00 p.m. 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 Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

ADJOURNMENT

Mr. PALLONE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, May 8, 2000, at 12:30 p.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:

7456. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Arkansas [Docket No. 97–108–2] received March 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7457. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Franklin, PA, Non-appropriated Fund Wage Area (RIN: 3206–AJ00) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7458. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Lebanon, PA, Non-appropriated Fund Wage Area (RIN: 3206–AJ01) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7459. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka MACKerel in the Central Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands [Docket No. 000211040–0040–01; I.D. 022500B] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7460. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Marshalltown, IA [Airspace Docket No. 99–ACE–52]—received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7461. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Iowa City, LA [Airspace Docket No. 99–ACE–50] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7462. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fredericktown, MO; Correction [Airspace Docket No. 99–ACE–47] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7463. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Regulations; Atlantic Intracoastal Waterway, FL [CGD07–00–008] (RIN: 2115–AE47) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7464. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9, Model MD–90–30, Model 717–200, and Model MD–88 airplanes [Docket No. 2000–NM–58–AD; Amendment 39–11595; AD 2000–03–51] (RIN: 2120–AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7465. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopters [Docket No. 99–SW–77–AD; Amendment 39–11598; AD 2000–04–15] (RIN: 2120–AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7466. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes [Docket No. 98–NM–240–AD; Amendment 39–11596; AD 2000–04–13] (RIN: 2120–AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7467. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, -200, and -300 Series Airplanes [Docket No. 99–NM–366–AD; Amendment 39–11600; AD 2000–04–17] (RIN: 2120–AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7468. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Esterville, IA [Airspace Docket No. 99–ACE–54] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7469. A letter from the Program Analyst, FAA, Department Of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 560 Series Airplanes [Docket No. 98–NM–312–AD; Amendment 39–11568; AD 2000–03–09] (RIN: 2120–AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7470. A letter from the Director, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule— Criteria for Approving Flight Courses for Educational Assistance Programs (RIN: 2900–AI76) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7471. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store Indexes [Rev. Rul. 2000–14] received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee of Conference. Conference report on H.R. 434. A bill to authorize a new trade and investment policy for sub-Sahara Africa (Rept. 106–606). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 489. Resolution waiving points of order against the conference report to accompany the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa (Rept. 106–607). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, and Mr. FILNER):

H.R. 4376. A bill to amend title 38, United States Code, to permit certain members of the Individual Ready Reserve to participate in the Servicemembers' Group Life Insurance program; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H.R. 4377. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-ROBERTSon Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CLAYTON (for herself, Mr. CLAY, Ms. KILPATRICK, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. HILLIARD, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. CLYBURN, Mr. RUSH, Mr. MCDERMOTT, Mr. RANGEL, Mr. HASTINGS of Florida, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. CARSON, Mr. TOWNS, Mr. OWENS, Mr. WYNN, Ms. BROWN of Florida, Mr. SCOTT, and Mrs. CHRISTENSEN):

H.R. 4378. A bill to establish a grant program in the Department of Agriculture to support bilateral exchange programs whereby African-American farmers and other agricultural farming specialist share technical knowledge with African farmers regarding maximization of crop yields, expansion of trade in agricultural products, and ways to improve farming in Africa, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN:

H.R. 4379. A bill to amend the Internal Revenue Code of 1986 to allow non-itemizers a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself, Mr. DINGELL, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Ms. WATERS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. MEEKS of New York, Ms. LEE, Mr. INSLEE, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, Ms. ESHOO, Mr. BARRETT of Wisconsin, Mr. LUTHER, Mr. STARK, Mr. HINCHEY, and Mr. RUSH):

H.R. 4380. A bill to strengthen consumers' control over the use and disclosure of their personal financial and health information by financial institutions, and for other purposes; to the Committee on Banking and Financial Services, 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. GREEN of Wisconsin (for himself and Mr. NUSSLE):

H.R. 4381. A bill to amend the Internal Revenue Code of 1986 to provide that income averaging for farmers shall be applied by taking into account negative taxable income during the base period years; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself and Mr. HOBSON):

H.R. 4382. A bill to amend title 5, United States Code, to provide temporary authority to offer voluntary separation incentives and early retirement to civilian employees of the Department of the Air Force and to provide experimental hiring and personnel management authority for the Department for the purpose of maintaining continuity in the skill level of employees and adapting workforce skills to emerging technologies critical to the needs of the Department; to the Committee on Government Reform.

By Mr. HERGER:

H.R. 4383. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. TAUZIN, Mr. MCCRERY, Mr. BAKER, Mr. JOHN, Mr. COOKSEY, and Mr. VITTER):

H.R. 4384. A bill to authorize the President to award gold medals on behalf of the Congress to the family of Andrew Jackson Higgins and the wartime employees of Higgins

Industries, in recognition of their contributions to the Nation and to the Allied victory in World War II; to the Committee on Banking and Financial Services.

By Mr. METCALF:

H.R. 4385. A bill to amend title 46, United States Code, with respect to the Federal preemption of State law concerning the regulation of marine and ocean navigation, safety, and transportation by States; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK (for herself, Ms. DANNER, and Mr. LAZIO):

H.R. 4386. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes; to the Committee on Commerce.

By Ms. NORTON (for herself and Mr. DAVIS of Virginia):

H.R. 4387. A bill to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia; to the Committee on Government Reform.

By Ms. SANCHEZ (for herself, Mr. BARTLETT of Maryland, Mr. ANDREWS, and Ms. MCKINNEY):

H.R. 4388. A bill to amend title 10, United States Code, to provide improved benefits training to members of the Armed Forces to enhance retention, and for other purposes; to the Committee on Armed Services.

By Mr. SCHAFFER:

H.R. 4389. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Resources.

By Mr. STARK (for himself, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. CONYERS, and Mrs. MEEK of Florida):

H.R. 4390. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. CROWLEY, Mr. SHERWOOD, Mr. KING, Mr. LAZIO, Mrs. KELLY, Mr. GILMAN, Mr. SWEENEY, Mr. WALSH, Mr. REYNOLDS, Mr. SMITH of New Jersey, Mrs. ROUKEMA, Mr. FRANKS of New Jersey, and Mr. QUINN):

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York; to the Committee on Government Reform.

By Mr. ABERCROMBIE (for himself, Mrs. MORELLA, Ms. CARSON, Ms. MILLENDER-MCDONALD, Ms. BROWN of Florida, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. CROWLEY, Mrs. CLAYTON, Mr. SANDERS, Mrs. TAUSCHER, Mr. MALONEY of Connecticut, Mr. CONYERS, Ms. BALDWIN, Ms. NORTON, Mr. PAYNE, Ms. DELAURO, Mr. MCNULTY, Mr. MCINTYRE, Mr. EVANS, Mr. SABO, Mr. ACKERMAN, Mr. STUPAK, and Mr. KENNEDY of Rhode Island):

H. Con. Res. 318. Concurrent resolution recognizing the significane of Equal Pay Day to demonstrate the disparity between wages paid to men and women; to the Committee on Government Reform.

By Mr. SHIMKUS (for himself, Mr. COX, Mr. CALVERT, Mr. ROHRABACHER, and Mr. KUCINICH):

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Lativa on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union; to the Committee on International Relations.

By Mr. WELDON of Florida (for himself, Mr. ARMEY, Mr. DELAY, Mr. LARGENT, Mr. COBURN, and Mr. STEARNS):

H. Res. 490. A resolution to ensure that the fiscal year 2000 on-budget surplus is used to reduce publicly-held debt and provide tax relief to American taxpayers; to the Committee on Ways and Means.

By Mr. PEASE (for himself, Mr. WAMP, Mr. STUPAK, and Mr. LAHOOD):

H. Res. 491. A resolution naming a room in the House of Representatives wing of the Capitol in honor of former Representative G.V. ''Sonny'' Montgomery; to the Committee on Transportation and Infrastructure.

By Ms. GRANGER (for herself, Mr. BLUNT, Mr. CLEMENT, Mr. DEMINT, Mr. TANCREDO, Mr. BURR of North Carolina, Mr. ROGAN, Mr. PHELPS, Mr. PAUL, Mr. GIBBONS, Mr. DEAL of Georgia, Mr. SWEENEY, Mr. JENKINS, Ms. SANCHEZ, Mr. CUNNINGHAM, Mr. GALLEGLY, Mr. BACA, Mr. HINOJOSA, Mr. DEUTSCH, and Mr. HILLEARY):

H. Res. 492. A resolution expressing the sense of the House of Representatives in support of America's teachers; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H. Res. 493. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued honoring the Fisk Jubilee Singers, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. OXLEY (for himself, Mr. HALL of Ohio, Mr. PORTMAN, Mr. GILLMOR, Mr. NEY, Mr. LATOURETTE, Mr. REGULA, Mr. TRAFICANT, Mr. KUCINICH, Mr. CHABOT, Ms. PRYCE of Ohio, Mr. SAWYER, Ms. KAPTUR, Mr. BOEHNER, Mr. HOBSON, and Mr. KASICH):

H. Res. 494. A resolution expressing the sense of the House of Representatives that the Ohio State motto is constitutional and urging the courts to uphold its constitutionality; to the Committee on the Judiciary.

By Mrs. ROUKEMA (for herself, Mr. BEREUTER, Mr. BLILEY, Mr. BORSKI, Mr. MCINNIS, Mr. GOSS, Mr. PICKETT, and Mr. MCCOLLUM):

H. Res. 495. A resolution expressing the sense of the House regarding support for the Financial Action Task Force on Money Laundering, and the timely and public identification of noncooperative jurisdictions in the fight against international money laundering; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 48: Mr. STEARNS.

H.R. 49: Mrs. CLAYTON.

H.R. 175: Mr. GRAHAM.

H.R. 252: Mr. COX.

H.R. 303: Mr. WAMP.

H.R. 353: Mr. DEAL of Georgia and Mr. ROGAN.

H.R. 443: Mr. MOORE.

H.R. 460: Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Mr. SAXTON, and Mr. BARTLETT of Maryland.

H.R. 531: Mr. COBLE, Mr. ROGERS, Mr. LINDER, Mr. LAZIO, Mr. GIBBONS, Mrs. BIGGERT, and Mrs. JONES of Ohio.

H.R. 534: Mr. CUNNINGHAM, Mr. CAPUANO, and Ms. HOOLEY of Oregon.

H.R. 583: Ms. JACKSON-LEE of Texas and Mr. LAMPSON.

H.R. 612: Mr. EVANS.

H.R. 721: Mr. BONILLA.

H.R. 732: Mr. ANDREWS.

H.R. 797: Mr. WELDON of Florida.

H.R. 816: Mr. CALVERT.

H.R. 827: Mr. GEJDENSON and Mr. EVANS.

H.R. 864: Mr. KINGSTON and Mr. THOMPSON of Mississippi.

H.R. 896: Mr. SCHAFFER.

H.R. 920: Ms. CARSON and Mr. TOWNS.

H.R. 1044: Mr. MANZULLO and Mr. THORNBERRY.

H.R. 1053: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1055: Mr. METCALF and Ms. MCKINNEY.

H.R. 1070: Mr. MCCRERY, Mr. HILLEARY, Mr. PACKARD, Mr. REYNOLDS, Mr. MOLLOHAN, Mr. BACA, Mr. BOYD, Mr. RYAN of Wisconsin, Mr. GUTKNECHT, Mr. WAMP, Mr. LATHAM, Mr. PETERSON of Minnesota, and Mr. MANZULLO.

H.R. 1130: Ms. RIVERS and Mr. KILDEE.

H.R. 1144: Mr. ENGLISH.

H.R. 1159: Ms. CARSON.

H.R. 1168: Mr. BECERRA, Mr. NORWOOD, Mr. SAWYER, and Mr. SPRATT.

H.R. 1187: Mr. DOOLEY of California, Mr. MCINTYRE, and Mr. GEKAS.

H.R. 1188: Mrs. MCCARTHY of New York.

H.R. 1227: Mr. STUPAK.

H.R. 1248: Ms. HOOLEY of Oregon, Mr. TIERNEY, Mr. BACA, Mr. SMITH of Texas, and Mr. MEEHAN.

H.R. 1322: Mr. SHADEGG, Mr. TIAHRT, Mr. MCCOLLUM, Mr. LUCAS of Kentucky, Mr. NETHERCUTT, Mr. JENKINS, Mr. MALONEY of Connecticut, Mr. VITTER, Mr. HEFLEY, Mr. UDALL of Colorado, Mr. GIBBONS, Mr. DEMINT, Mr. LEWIS of Kentucky, Mr. SPRATT, Mr. LARGENT, Mr. LAHOOD, Mr. SIMPSON, Mr. WALDEN of Oregon, Mr. BILIRAKIS, Mr. HOSTETTLER, and Mr. HERGER.

H.R. 1366: Mr. SKELTON, Mr. COOKSEY, and Mr. HUNTER.

H.R. 1387: Mr. HILL of Indiana and Mr. LARSON.

H.R. 1388: Mr. COOK, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Ms. KILPATRICK, and Mr. KLINK.

H.R. 1414: Mr. SASTON.

H.R. 1459: Mr. ISAKSON.

H.R. 1592: Mr. PETERSON of Pennsylvania.

H.R. 1634: Mr. TALENT and Mr. NETHERCUTT.

H.R. 1644: Mr. PETERSON of Minnesota.

H.R. 1771: Mr. STEARNS.

H.R. 1890: Mr. FRANK of Massachusetts.

H.R. 1914: Mr. ENGLISH.

H.R. 2263: Mr. GREENWOOD and Mr. UDALL of Colorado.

H.R. 2308: Mr. THUNE and Mrs. NORTHUP.

H.R. 2321: Mr. CONDIT and Mr. EVANS.

H.R. 2339: Mr. WYNN.

H.R. 2397: Mr. BOSWELL and Mr. HINOJOSA.

H.R. 2451: Mr. PETERSON of Minnesota, Mr. STUMP, and Mr. NETHERCUTT.

H.R. 2457: Mr. BALDACCI, Mr. GILMAN, Mr. ANDREWS, Mr. KLINK, Mr. GEORGE MILLER of California, and Mr. STARK.

H.R. 2498: Mr. BASS.

H.R. 2596: Mr. TOOMEY and Mr. HALL of Ohio.

H.R. 2640: Mr. STRICKLAND.

H.R. 2655: Mrs. EMERSON.
H.R. 2696: Ms. LOFGREN.
H.R. 2697: Mr. TALENT.
H.R. 2720: Mrs. MINK of Hawaii and Ms. DELAURO.
H.R. 2749: Mr. LEWIS of Kentucky, Mr. CHAMBLISS, and Mr. BILIRAKIS.
H.R. 2776: Mrs. LOWEY.
H.R. 2858: Mr. LAHOOD.
H.R. 2870: Mr. GOODLING.
H.R. 2894: Mr. STEARNS, Mr. MCCOLLUM, and Mrs. THURMAN.
H.R. 2900: Ms. WATERS, Mr. WU, and Mrs. KELLY.
H.R. 2906: Mr. WELDON of Florida.
H.R. 2907: Mr. ENGEL and Mr. SABO.
H.R. 2915: Mrs. CLAYTON.
H.R. 2945: Mr. ABERCROMBIE, Mr. HOLT, Mr. HINCHEY, and Ms. ROS-LEHTINEN.
H.R. 2953: Mr. CONDIT, and Mr. JOHN.
H.R. 2991: Mrs. MINK of Hawaii and Mr. TIAHRT.
H.R. 3004: Mrs. MALONEY of New York, Ms. DEGETTE, Mr. FORBES, Mr. MARKEY and Mr. MORAN of Kansas.
H.R. 3032: Mr. EVANS, Mr. RANGEL, and Mr. BLUMENAUER.
H.R. 3113: Mr. GEJDENSON and Mr. KILDEE.,
H.R. 3161: Ms. LEE and Ms. DEGETTE.
H.R. 3193: Ms. WOOLSEY, Mr. SUNUNU, and Mr. OSE.
H.R. 3208: Mr. MARKEY, Mr. SANDLIN, and Ms. CARSON.
H.R. 3219: Mr. HILLEARY, Mr. MCHUGH, Mr. HUNTER, Mr. ISTOOK, Mr. SKELTON, Mr. ISAKSON, Mr. PETERSON of Pennsylvania, Mrs. EMERSON, Mr. COX, Mrs. MYRICK, and Mr. NETEHRCUTT.
H.R. 3224: Ms. BERKLEY.
H.R. 3240: Mrs. CHENOWETH-HAGE, Mr. WICKER, Mr. SMITH of Michigan, Mr. HILL of Montana, Mr. DUNCAN, Mr. BACA, Mr. HEFLEY, and Mr. BASS.
H.R. 3244: Mr. PRICE of North Carolina.
H.R. 3249: Mr. SANDERS and Ms. ROS-LEHTINEN.
H.R. 3308: Mr. LUTHER.
H.R. 3408: Mrs. KELLY and Mr. PAUL.
H.R. 3413: Mr. CROWLEY, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, and Mr. ISAKSON.
H.R. 3466: Mr. EHLERS.
H.R. 3489: Mr. WYNN, Mr. DEAL of Georgia, and Mr. MCHUGH.
H.R. 3518: Mr. CUNNINGHAM.
H.R. 3544: Mr. UPTON, Mr. SNYDER, Mr. BURTON of Indiana, Mr. BECERRA, Ms. KAPTUR, Ms. VELAZQUEZ, Mr. KILDEE, Mr. TERRY, Mr. CALVERT, Mr. MEEKS of New York, Mrs. NORTHUP, Mr. REYES, Mr. WAXMAN, and Mr. GOODLATTE.
H.R. 3573: Mr. GILLMOR.
H.R. 3575: Mr. HINCHEY and Mr. LEWIS of Kentucky.
H.R. 3576: Mr. WATTS of Oklahoma and Mr. LAZIO.
H.R. 3583: Mr. DEAL of Georgia.
H.R. 3584: Mr. STUPAK.
H.R. 3594: Mr. BALDACCI and Mr. BILIRAKIS.
H.R. 3625: Mr. NETHERCUTT, Mr. SWEENEY, Mr. HOUGHTON, Mr. ARCHER, Mr. ROGERS, Mr. DUNCAN, Mr. HILLEARY, Mr. SENSENBRENNER, Mr. TAYLOR of North Carolina, Mr. HAYWORTH, and Mr. BRYANT.
H.R. 3633: Mr. UPTON, Mr. SNYDER, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. ACKERMAN, Mr. BECERRA, Ms. KAPTUR, Ms. VELAZQUEZ, Mr. BORSKI, Mr. KILDEE, Mr. FALEOMAVAEGA, Mr. GREEN of Wisconsin, and Mr. CALVERT.
H.R. 3634: Mr. BRADY of Pennsylvania.
H.R. 3670: Mr. KUCINICH, Mr. DINGELL, and Mr. LAFALCE.
H.R. 3680: Mr. HOLT, Mr. SANDLIN, Mr. KLECZKA, Mr. BARTLETT of Maryland, Mr. UDALL of Colorado, Mrs. MORELLA, Ms. ESHOO, Mr. REYNOLDS, Mr. BALLENGER, Ms. LEE, Mr. MARTINEZ, Mr. ETHERIDGE, Mr. FARR of California, Mr. SMITH of Texas, and Mr. EWING.
H.R. 3694: Mr. CALVERT.
H.R. 3700: Ms. SCHAKOWSKY, Mr. SANDERS, Ms. LEE, Mr. MCINTOSH, Mr. BONIOR, Mr. EVANS, Ms. HOOLEY of Oregon, and Mr. PASTOR.
H.R. 3710: Mr. WEXLER, Ms. WATERS, Ms. HOOLEY of Oregon, Mr. HALL of Texas, Mr. BRADY of Pennsylvania, Mr. ROGAN, Mr. COYNE, Mr. TURNER, Ms. CARSON, Ms. ROYBAL-ALLARD, Mr. MEEKS of New York, Mr. MEEHAN, Mr. TIERNEY, Mr. MARTINEZ, and Mr. GUTIERREZ.
H.R. 3766: Mrs. THURMAN, Mr. ROTHMAN, Mr. CLYBURN, Mr. SCOTT, Mr. LIPINSKI, Mr. BOSWELL, Mr. DELAHUNT, Mr. PETRI, Mr. MCHUGH, Mr. STARK, Mr. WISE, Mr. MOLLOHAN, Mr. MARKEY, Mr. MURTHA, and Mr. BERRY.
H.R. 3809: Mr. RANGEL and Mr. MATSUI.
H.R. 3836: Mr. KANJORSKI and Mr. CAMP.
H.R. 3840: Mr. FOLEY and Mr. KENNEDY of Rhode Island.
H.R. 3841: Ms. NORTON.
H.R. 3842: Mr. MCNULTY, Mr. OXLEY, Mr. TURNER, Mr. WU, Mr. LOBIONDO, Mr. RYUN of Kansas, Mr. BARTLETT of Maryland, Mr. SCHAFFER, Mr. GUTKNECHT, and Mr. LATHAM.
H.R. 3871: Mr. SCHAFFER.
H.R. 3872: Mr. FOLEY, Mr. TRAFICANT, Mr. NORWOOD, Mr. GOODLATTE, and Mr. COOK.
H.R. 3873: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3889: Mr. ACKERMAN and Mr. ENGEL.
H.R. 3891: Mr. FATTAH and Mrs. LOWEY.
H.R. 3905: Mr. LEVIN and Mr. LEWIS of Georgia.
H.R. 3916: Mr. MENENDEZ, Mr. LARGENT, Mr. MCHUGH, Mr. TANCREDO, Mr. SWEENEY, Mrs. TAUSCHER, Mrs. THURMAN, and Mr. GONZALEZ.
H.R. 3993: Mr. KING and Mr. FORBES.
H.R. 4033: Mr. PASTOR, Mr. JACKSON of Illinois, Mr. BARRETT of Wisconsin, and Mr. LARSON.
H.R. 4040: Mr. CALVERT.
H.R. 4066: Mr. ALLEN, Mr. COYNE, Mr. JACKSON of Illinois, Mr. PORTER, Mr. GEORGE MILLER of California, Ms. LOFGREN, and Mr. ROTHMAN.
H.R. 4076: Mr. SCHAFFER.
H.R. 4090: Ms. MILLENDER-MCDONALD.
H.R. 4094: Mr. RUSH, Mr. DEFAZIO, Mr. OLVER, Mr. GORDON, Mr. KLINK, and Mr. FORD.
H.R. 4106: Mr. EHLERS and Mr. CALVERT.
H.R. 4131: Mr. RODRIQUEZ, Mr. REYES, and Mr. BACA.
H.R. 4141: Mr. BURR of North Carolina, Mr. EHRLICH, Mr. EHLERS, Mr. GRAHAM, Mr. ADERHOLT, and Mr. THUNE.
H.R. 4143: Ms. DELAURO, Mr. STUPAK, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4152: Mr. SHAYS.
H.R. 4154: Mr. CALVERT.
H.R. 4167: Mrs. MYRICK, Mr. EVANS, Mr. PETRI, Ms. MCKINNEY, Mrs. MORELLA, Mr. BALDACCI, Mr. SHAYS, Mr. WAXMAN, Mr. SMITH of Washington, Mr. SANDERS, Mr. GUTIERREZ, Ms. RIVERS, Mr. ENGEL, Mr. ABERCROMBIE, and Ms. BALDWIN.
H.R. 4168: Mr. GORDON, Mr. VENTO, Mr. SHERMAN, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Mr. SANFORD, Mr. BORSKI, Mr. HOLDEN, and Mr. SKELTON.
H.R. 4184: Mr. CALVERT and Mr. ROHRABACHER.
H.R. 4191: Mr. ENGLISH and Mr. MCHUGH.
H.R. 4192: Mrs. THURMAN Mr. DEFAZIO, and Mr. STARK.
H.R. 4198: Mr. NORWOOD and Mr. MANZULLO.
H.R. 4201: Mr. DELAY, Mr. FOSSELLA, Mr. DEAL of Georgia, Mr. COX, Mr. BAKER, Mr. JONES of North Carolina, Mr. CALLAHAN, Mr. RAMSTAD, Mr. WHITFIELD, Mr. BURR of North Carolina, Mr. DICKEY, Mr. TANCREDO, Mr. GOODLATTE, Mr. ROGAN, and Mr. BILIRAKIS.
H.R. 4213: Ms. BERKLEY, Mr. ENGLISH, Mr. NETHERCUTT, and Mr. DAVIS of Illinois.
H.R. 4214: Ms. CARSON, Mr. TOWNS, Mr. MCCRERY, Mr. EHRLICH Mr. PASTOR, Mr. CALVERT, Mr. BILIRAKIS, Ms. SANCHEZ, Mr. PICKETT, and Mr. CLYBURN.
H.R. 4215: Mr. CUNNINGHAM, Mr. THORNBERRY, Mr. KINGSTON, and Mr. WELDON of Florida.
H.R. 4218: Mr. OSE.
H.R. 4219: Mr. NORWOOD, Mr. KANJORSKI, Mr. GONZALEZ, Mr. KENNEDY of Rhode Island, Mr. POMEROY, Mr. NEY, Mr. COYNE, Mr. MOLLOHAN, Mr. SAWYER, Mr. OBERSTAR, Mr. SUNUNU, Mr. SANDERS, Mr. WISE, Mr. GEKAS, Ms. HOOLEY of Oregan, Mr. TOOMEY, and Ms. BERKLEY.
H.R. 4245: Mr. TOWNS, Mr. RAHALL, Mr. MCCRERY, Mr. ENGLISH, Mr. EHRLICH, Mr. CALVERT, Mr. BILIRAKIS, Mr. PICKETT, and Mr. MCGOVERN.
H.R. 4246: Mr. CALVERT.
H.R. 4260: Mr. MANZULLO and Mrs. THURMAN.
H.R. 4268: Mr. NEY and Mr. CAMP.
H.R. 4274: Mr. MCCOLLUM and Mr. CUNNINGHAM.
H.R. 4277: Mr. PETRI.
H.R. 4289: Mr. WATTS of Oklahoma, Mr. PORTER, Mr. SHIMKUS, Mr. LANTOS, Mr. KILDEE, Mr. MORAN of Virginia, Mr. UNDERWOOD, Mr. LIPINSKI, Mr. COSTELLO, and Ms. DELAURO.
H.R. 4299: Mr. BARR of Georgia, Mr. CHAMBLISS, Mr. COLLINS, Mr. LINDER, Mr. ISAKSON, and Mr. NORWOOD.
H.R. 4308: Mr. POMBO.
H.R. 4313: Mr. BACA and Mr. PASTOR.
H.R. 4334: Mr. RAHALL, Ms. CARSON, and Mr. ALLEN.
H.R. 4356: Mrs. KELLY.
H.J. Res. 1: Mr. VITTER.
H. Con. Res. 62: Mr. BALDACCI.
H. Con. Res. 177: Ms. ROYBAL-ALLARD and Mr. BAIRD.
H. Con. Res. 220: Mr. PASTOR.
H. Con. Res. 252: Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. THORNBERRY, Ms. JACKSON-LEE of Texas, Mr. GREENWOOD, Mr. MCCOLLUM, Mr. PETRI, Mr. FLETCHER, Mr. TANNER, and Mrs. MORELLA.
H. Con. Res. 271: Mr. DEFAZIO, Mr. MEEHAN, Mr. WEXLER, Mr. WYNN, Ms CARSON, Mr. GONZALEZ, Mr. BALDACCI, and Mr. PAYNE.
H. Con. Res. 297: Mr. SAWYER and Mr. WAXMAN.
H. Res. 107: Mr. LUTHER, Mr. CAMPBELL, and Mr. HASTINGS of Florida.
H. Res. 458: Mr. RAHALL and Ms. HOOLEY of Oregon.
H. Res. 459: Ms. PRYCE of Ohio and Mr. RYUN of Kansas.
H. Res. 463: Mr. SCHAFFER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 701

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Conservation and Reinvestment Act of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''coastal population'' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 and following).

(2) The term ''coastal political subdivision'' means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term ''coastal State'' has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(4) The term ''coastline'' has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term ''distance'' means minimum great circle distance, measured in statute miles.

(6) The term ''fiscal year'' means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term ''Governor'' means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note).

(8) The term ''leased tract'' means a tract, leased under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of the area of ''lands beneath navigable waters'' as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term ''political subdivision'' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term ''producing State'' means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) The term ''qualified Outer Continental Shelf revenues'' means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term ''Secretary'' means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term ''Fund'' means the Conservation and Reinvestment Act Fund established under section 5.

SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the ''Conservation and Reinvestment Act Fund''. In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS REVENUES.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) AMOUNTS NOT DISBURSED.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) INTEREST.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) TRANSFER FOR EXPENDITURE.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $100,000,000 to the Secretary of Agriculture to carry out the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) and the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(8) $50,000,000 to the Secretary of the Interior to develop and implement Endangered and Threatened Species Recovery Agreements under subtitle B of title VII of this Act.

(c) SHORTFALL.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (8) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) INTEREST.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest moneys in the Fund (including interest), and in any fund or account to which moneys are transferred pursuant to subsection (b) of this section, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Such invested moneys shall remain invested until needed to meet requirements for disbursement for the programs financed under this Act.

(2) USE OF INTEREST.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under—

(A) chapter 69 of title 31, United States Code (relating to payments in lieu of taxes); and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraphs (A) and (B) in proportion to the amounts appropriated for that fiscal year under other provisions of law for purposes of such programs. To the extent that the total amount available for a fiscal year under this paragraph and such other provisions of law for one of such programs exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be allocated to the other such program, but not in excess of its authorized limit. To the extent that for both such programs such total amount for each program exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be deposited into the Fund and shall be considered interest for purposes of subsection (a)(3). Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (A) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $100,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (B), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (B) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $15,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (A), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of this paragraph if the annual appropriation for that fiscal year under other provisions of law for each of the program referred to in subparagraph (A) and the program referred to in subparagraph (B) is less than $100,000,000 and $15,000,000, respectively, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be deposited into the Fund and be considered interest for purposes of subsection (a)(3).

(3) CEILING ON EXPENDITURES OF INTEREST.—Amounts made available under paragraph (2) in each fiscal year shall not exceed the lesser of the following:

(A) $200,000,000.

(B) The total amount authorized and appropriated for that fiscal year under other provisions of law for purposes of the programs referred to in subparagraphs (A) and (B) of paragraph (2).

(4) TITLE III INTEREST.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, without further appropriation, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund to the extent that such refunds are attributable to Qualified Outer Continental Shelf Revenues deposited in the fund under this Act.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

SEC. 7. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) IN GENERAL.—it is the intent of thE Congress in this Act that States not use this Act as an opportunity to reduce State or local resources for the programs funded by this Act. Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its average annual expenditure was for such programs during the preceding 3 fiscal years. No State or local government shall receive funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program.

(b) EXCEPTION.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures —

(1) is attributable to a nonselective reduction in expenditures for the programs of all executive branch agencies of the State or local government;

(2) is a result of reductions in State or local revenue as a result in a downturn in the economy or because of reduced sales or user fees; or

(3) is within the range of historical fluctuations of State appropriations.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

SEC. 9. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

SEC. 10. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) REGULATION.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

SEC. 11. SIGNS.

(a) IN GENERAL.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) STANDARDS.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) GRANT PROGRAM.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract with qualified Outer Continental Shelf revenues, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be based on qualified Outer Continental Shelf revenues from each leased tract or portion of a leased tract the geographic center of which is within a distance (to the nearest whole mile) of 200 miles from the coastline of the State and shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each such leased tract or portion, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues.

(d) TIME OF PAYMENT.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) PROCEDURE AND TIMING; REVISIONS.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) AMENDMENT OR REVISION.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 8, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following).

SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 2000.''.

SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 460l–6) is amended to read as follows:

''APPROPRIATIONS

''SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

''(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.''.

SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 460l–7) is amended to read as follows:

''ALLOCATION OF FUNDS

''SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

''(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

''(2) 50 percent shall be available for grants to States.''.

SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 460l–9) is amended by adding at the end the following:

''(d) USE OF FEDERAL PORTION.—

''(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

''(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

''(A) the owner of the property concurs in the acquisition; or

''(B) acquisition of that property is specifically approved by an Act of Congress.

''(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

''(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress.

''(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

''(B) In preparing each list under suparagraph (A), the Secretary shall—

''(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

''(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

''(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

''(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

''(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

''(C) The Secretary of the Interior and the Secretary of Agriculture shall each—

''(i) transmit, with the list transmitted under subparagraph (A), a separate list of those lands under the administrative jurisdiction of the Secretary that have been identified in applicable land management plans as surplus and eligible for disposal as provided for by law; and

''(ii) update and resubmit to the Congress each list transmitted under clause (i), as land management plans are amended or revised.

''(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list under paragraph (2)(A) shall include, for each proposed acquisition included in the list—

''(A) citation of the statutory authority for the acquisition, if such authority exists; and

''(B) an explanation of why the particular interest proposed to be acquired was selected.

''(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e)(2)(A) for the fiscal year, provides notice of the proposed acquisition—

''(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

''(A) the land; or

''(B) any part of any federally designated unit that includes the land;

''(2) in writing to the Governor of the State in which the land is located;

''(3) in writing to each State political subdivision having jurisdiction over the land; and

''(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

''(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

''(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

''(A) All actions required under Federal law with respect to the acquisition have been complied with.

''(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

''(C) A notice of the availability of such statement or assessment and of such summary is provided to—

''(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

''(ii) the Governor of the State in which the land is located; and

''(iii) each State political subdivision having jurisdiction over the land.

''(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.''.

SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) IN GENERAL.—Section 6(b) (16 U.S.C. 460l–8(b)) is amended to read as follows:

''(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

''(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

''(A) 30 percent shall be apportioned equally among the several States; and

''(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

''(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

''(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

''(5)(A) For the purposes of paragraph (2)(A)—

''(i) the District of Columbia shall be treated as a State; and

''(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

''(I) shall be treated collectively as one State; and

''(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

''(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.''.

(b) TRIBES AND ALASKA NATIVE CORPORATIONS.—Section 6(b)(5) (16 U.S.C. 460l–8(b)(5)) is further amended by adding at the end the following new subparagraph:

''(C) For the purposes of paragraph (1), all federally recognized Indian tribes, or in the case of Alaska, Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes, or in the case of Alaska, Native Corporations shall be equivalent to the amount available to a single State. No single tribe, nor in the case of Alaska, Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe, or in the case of Alaska, Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).''.

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 460l–8(b)) is amended by adding at the end the following:

''(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.''.

SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 460l–8(d)) is amended to read as follows:

''(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, so long as the priorities and criteria defined by the State are consistent with the pruposes of this Act, the State provides for public involvement in this process, and the State publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 2000, a State Action Agenda that meets the following requirements:

''(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 5 years.

''(B) The agenda must be updated at least once every 5 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

''(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.''.

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460*l*–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking ''State comprehensive plan'' and inserting ''State Action Agenda''.

(2) In paragraph (1) by striking ''comprehensive plan'' and inserting ''State Action Agenda''.

SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 460l–8(e)) is amended—

(1) in subsection (e)(1) by striking '', but not including incidental costs relating to acquisition''; and

(2) in subsection (e)(2) by inserting before the period at the end the following: ''or to enhance public safety within a designated park or recreation area''.

SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 460l–8(f)(3)) is amended—

(1) by inserting ''(A)'' before ''No property''; and

(2) by striking the second sentence and inserting the following:

''(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.''.

SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

''WATER RIGHTS

''SEC. 14. Nothing in this title—

''(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

''(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

''(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

''(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.''.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 302. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term ''Federal Aid in Wildlife Restoration Act'' means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after ''shall be construed'' the first place it appears the following: ''to include the wildlife conservation and restoration program and''.

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting ''or State fish and wildlife department'' after ''State fish and game department''.

(d) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: ''the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.''.

SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting ''(1)'' after ''(a)'', and by adding at the end the following:

''(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 2000 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.''; and

(2) by adding at the end the following:

''(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

''(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

''(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 2000; or

''(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

''(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.''.

SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

''(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

''(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅛ of 1 percent thereof.

''(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

''(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

''(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

''(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

''(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

''(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

''(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

''(B) provisions for the development and implementation of—

''(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

''(ii) wildlife-associated recreation projects; and

''(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

''(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

''(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

''(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

''(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

''(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

''(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish

Restoration Act relating to fish restoration and management projects.

SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: ''Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.''.

SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

''TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

''SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

''(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

''(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

''(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

''(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

''(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.''.

SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting ''development of new recreation areas and facilities, including the acquisition of lands for such development,'' after ''rehabilitation of critically needed recreation areas, facilities,''.

SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking ''and'' after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

''(l) 'development grants'—

''(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

''(2) does not include routine maintenance, and upkeep activities; and

''(m) 'Secretary' means the Secretary of the Interior.''.

SEC. 406. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

''(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

''(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

''(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

''(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.''.

SEC. 407. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

''GRANTS

''SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, acquisition, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

''(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

''(A) such transfer is consistent with the approved application for the grant; and

''(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities in accordance with section 1010.

''(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.''.

SEC. 408. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting ''development,'' after ''commitments to ongoing planning,''; and

(2) in subsection (a)(2) by inserting ''development and'' after ''adequate planning for''.

SEC. 409. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

''(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

''(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.''.

SEC. 410. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

''CONVERSION OF RECREATION PROPERTY

''SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

''(2) Paragraph (1) shall apply to—

''(A) property developed with amounts provided under this title; and

''(B) the park, recreation, or conservation area of which the property is a part.

''(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

''(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

''(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

''(1) of at least equal fair market value, and reasonably equivalent usefulness and location; and

''(2) in accord with the current recreation recovery action program of the grantee.''.

SEC. 411. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE V—HISTORIC PRESERVATION FUND

SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting ''(a)'' before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

''(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be deposited into the Fund and

shall be available without further appropriation to carry out this Act.

''(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.''.

SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

''SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

''In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.''.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of this Act in a fiscal year shall be available without further appropriation to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term ''Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Farmland Protection Program

SEC. 701. ADDITIONAL FUNDING AND ADDITIONAL AUTHORITIES UNDER FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) is amended to read as follows:

''SEC. 388. FARMLAND PROTECTION PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall carry out a farmland protection program for the purpose of protecting farm, ranch, and forest lands with prime, unique, or other productive uses by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

''(1) permanent conservation easements in such lands; or

''(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

''(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

''(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

''(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means any of the following:

''(1) An agency of a State or local government.

''(2) A federally recognized Indian tribe.

''(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

''(A) is described in section 501(c)(3) of the Code;

''(B) is exempt from taxation under section 501(a) of the Code; and

''(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

''(e) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

''(f) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

''(g) TECHNICAL ASSISTANCE.—To provide technical assistance to carry out this section, the Secretary of Agriculture may not use more than 10 percent of the amount made available for any fiscal year under section 702 of the Conservation and Reinvestment Act of 2000.''.

SEC. 702. FUNDING.

(a) AVAILABILITY.—Amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be available to the Secretary of Agriculture, without further appropriation, to carry out—

(1) the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note), and

(2) the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(b) MINIMUM ALLOCATION.—Not less than 10 percent of the amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be used for each of the programs referred to in paragraphs (1) and (2) of subsection (a).

Subtitle B—Endangered and Threatened Species Recovery

SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(8) of this Act in a fiscal year shall be available to the Secretary of the Interior without further appropriation to carry out this subtitle.

SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance on land owned by a small landowner.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term ''endangered or threatened species'' means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) SMALL LANDOWNER.—The term ''small landowner'' means an individual who owns 50 acres or fewer of land.

(4) SPECIES RECOVERY AGREEMENT.—The term ''species recovery agreement'' means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

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Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, ultimate ruler of this Nation, the one to whom we are joined with millions of Americans across the land in humble repentance on this National Day of Prayer, we know that repentance is confessing our needs and returning to You. In so many ways we have drifted from You, Holy Father. Forgive us when we neglect our spiritual heritage as a Nation. Help us when we become dulled in our accountability to You and the moral absolutes of Your commandments. Without absolute righteousness, morality, honesty, integrity, and faithfulness, our society operates in frivolous situational ethics while the prosperity of our times camouflages the poverty of the soul of our Nation.

May this day of prayer be the beginning of a great spiritual awakening. Wake us up to the realization that all we have and are is Your gift. Draw us back into a relationship of graceful trust in You that will make our motto ''In God We Trust'' not just a slogan but a profound expression of our dependence on You to guide and bless this Nation. We confess our false pride and express our full praise. Today we renew our commitment to You as Lord of this land and of our personal lives. Hear the urgent prayers of Your people and bring us back home to Your heart where we belong.

Today, gracious God, we join the Nation in mourning the death of John Cardinal O'Connor. We thank You for his leadership, for his prophetic powers, and for his obedience to follow You in social justice.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Indiana, 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 acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, today the Senate will immediately begin consideration of the Abraham-Mack amendment regarding merit pay for teachers. Following that debate, Senator MURRAY will be recognized to offer her amendment regarding class size. No time agreements have been made with regard to these amendments, and therefore votes will occur at a time to be determined in the future. Senators will be notified as votes are scheduled.

The Senate will not be in session tomorrow. However, it is expected that debate on the Elementary and Secondary Education Act will continue next week.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

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

EDUCATIONAL OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3117

Mr. ABRAHAM. Mr. President, I send an amendment to the desk on behalf of Senator MACK, myself, and Senator COVERDELL, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. MACK, and Mr. COVERDELL, proposes amendment numbered 3117.

Mr. ABRAHAM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. WELLSTONE. Mr. President, I have a unanimous-consent request regarding debate on this amendment. I think we will probably go back and forth, but on the Democratic side, after Senator KENNEDY and Senator MURRAY speak, I ask unanimous consent I follow them in sequence as we alternate back and forth.

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

Mr. ABRAHAM. Mr. President, my assumption is that the unanimous-consent agreement that was entered into

and envisioned, we would alternate between sides if there are speakers on each side, but that it would govern the order in which the Democratic side speakers would address the Senate.

The PRESIDING OFFICER. That is the Chair's understanding. The Chair, under the unanimous-consent request, will alternate between sides. The speakers on the Democratic side are Senator KENNEDY, Senator MURRAY, and Senator WELLSTONE, in that order.

Mr. ABRAHAM. Mr. President, title II of the bill before the Senate today includes a provision called the Teacher Employment Act—or TEA. This provision combines the current ESEA, title II, Eisenhower Professional Development Program and the class-size reduction program, for a total of $2 billion, which is then made available to states and local education agencies for teacher development programs.

Our amendment would amend the TEA provision—and expand the scope of allowable uses of title II professional development funds to allow states and local education agencies to use these funds for the development and implementation of teacher testing, merit-based pay, and tenure reform programs.

Mr. President, I believe that a qualified, highly trained, and highly motivated teacher is the key to a quality education for America's children. Most of our colleagues would agree.

Teachers play a special and indispensable role in our children's education. Nothing can replace the positive and long-lasting impact a dedicated, knowledgeable teacher has on a child's learning process.

The National Commission on Teaching and America's Future found that while class size reduction has the least impact on increasing student achievement and that teacher-education—teacher quality—has the most impact on student achievement.

Our amendment is designed to improve the quality of our teachers. It puts into practice the common sense we all share—the sense that teachers should be trained in the area they teach, that outstanding teachers should be rewarded, and that a teacher's promotion should be based not just on longevity but on performance.

Let me explain why I believe this amendment is important. First, I believe that teachers should know the subject matter they teach. Unfortunately, this is not always the case in many classrooms around the country. According to the Department of Education, one-third of high school math teachers, nearly 25 percent of high school English teachers and 20 percent of science teachers, are teaching without a college major or minor in their subjects. Teacher testing allows school districts to better target those teachers in need of additional professional development. By pinpointing the strengths and weaknesses of teachers, schools will be able to place teachers in their area of specialty and help those teachers in need of additional professional development.

A recent study, using student math scores on the Tennessee Comprehensive Assessment Program for two large Tennessee metropolitan area school systems, at the University of Tennessee at Knoxville ranked teachers based on five objective rankings of effectiveness. By the fifth grade, students who had studied under ''highly ineffective'' teachers averaged 54 to 60 points lower on achievement tests than students who had spent the 3 years with ''highly effective'' teachers.

I believe that States and local districts should be allowed to use Federal funds for teacher testing programs to determine which teachers are effective, and for which teachers additional professional development would be of assistance.

Second, I believe that outstanding teachers should be rewarded with merit-based pay increases. Teachers who motivate and inspire their students and put forth the extra effort to improve and expand their own skills should be rewarded. In the business world, employees who go the extra mile and exceed expectations are financially rewarded for their dedication and hard work. Are teachers, tasked with educating and shaping our children lives and futures, any less deserving of merit-based pay rewards?

Merit-based pay would reward teachers for exceptional teaching—providing added incentive to excel at a demanding and challenging profession. A senior associate at the Educational Trust, an advocacy group for the poor, once referred to high-poverty schools as boot camps for teachers.

Shouldn't there be the option of rewarding teachers who choose to take the more difficult path or who inspire less advantaged students to perform at a level well above that of their peers? I believe every one of us understands that teachers do, indeed, deserve these rewards. And, what is more, our kids deserve the improved educational experience such rewards will produce. Finally, I believe that teachers should be promoted to higher positions based on performance and subject expertise, not just on the longevity of their tenure.

Tenure reform ensures teachers will be held accountable for their overall performance in the classroom. According to U.S. News and World Report, the presiding officer's own State of Kentucky's tenure reforms—which includes exhaustive performance evaluations of teachers and schools and accountability for poorly performing teachers and administrators—have dramatically improved many of that State's worst performing schools. All of these reforms can vastly improve the quality of instruction in the classroom, which will provide students with the educational tools necessary to succeed in this new demanding economy they confront. I believe we ought to permit the States and local districts to use federal funds to design, develop, and implement these reforms—should they decide to do so.

Now let me now explain what this amendment does and does not do. It permits—and I stress word ''permits''—states and localities to use these funds for teacher testing, merit pay, or tenure reform programs. It does not mandate or require them to set up these programs—nor does it penalize them if they choose not to. It gives States and localities the freedom to decide precisely how these programs should be designed and how they should be administered. It does not require the States and local districts to do anything with the information gathered from testing or which tests to be used. Nor would they be required to base merit pay decisions on the outcome of the teacher tests. This amendment does not dictate that Federal funds must be used for tenure reform or establish criteria for such reform. Again, it only permits States and local districts to use funds for those purposes if they choose, based on how they choose.

While it could be argued that teacher testing, tenure reform, and merit-pay programs are already permissible uses under the Teachers Empowerment Act provision, we believe that explicitly listing these programs would eliminate any uncertainty among the states and local districts, granting them the freedom to full develop and implement the programs which will best target their specific needs in teacher professional development. This amendment is based in the same principles as the legislation that passed the Senate last Congress with bipartisan support by a vote of 63–35.

In conclusion, I would like to recognize a very simple fact. We in Washington too often focus on these issues from simply a national perspective. I think this debate we have had over the last few days clearly focuses on the important, critical role States and especially local school districts must play in the development of quality education in our Nation.

This amendment is designed to give even more flexibility to the States and the local districts to use these Federal funds for programs that we believe can help to improve their quality. There are no mandates. This is simply a permissible use that we would be providing.

In summary, we think this legislation can be improved by the amendment. We look forward to hearing discussion on it today. We believe it is important to reward quality teachers of this country for their commitment to ensure our children will be taught by the most qualified and knowledgeable individuals available.

I will have more to say on this as we go forward. I know there are other Senators wishing to address the issue. I note the presence of Senators MACK, WELLSTONE, and KENNEDY, so I yield the floor and I will speak again at a later point.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, generally around here if there is someone who is proposing the amendment, they are recognized to make opening comments. I understand there is a cosponsor on that. I think they should be entitled to also make opening comments. We will be glad to hear from the other cosponsor of the amendment if he would like to speak first.

Mr. MACK. I am glad to let my colleague go first.

Mr. KENNEDY. Mr. President, I will just make a brief opening comment. I want to start off by mentioning where we are on the issue of teacher training and teacher enhancement that is being addressed by my good friend from Michigan. Under the Republican bill, there is $2 billion for teacher quality and class size—that is a total of $2 billion. Included in that, is $1.3 billion which is presently allocated for the class size reduction program that has been implemented for 2 years in a row. Therefore, the 29,000 teachers teaching today in grades 1, 2, and 3, who are getting paid out of class size reduction program funds, will effectively be receiving pink slips because the Republicans are taking that program's money and putting it into the Republican bill.

Second, part of that $2 billion is the $350 million that is currently being used in math and science professional development across the country. The $350 million program, named after President Eisenhower, helps local schools to develop the capability of math and science teachers. It has been a good program and is working effectively around the country.

So, the Republicans want to wipe out the new teachers who have been hired for the first, second, and third grade; they want to end the Eisenhower math and science professional development program.

On the other hand, our total proposal on the Democrat side is $3.75 billion. We have $2 billion which is for professional development, mentoring and recruitment, and $1.75 billion for class size reduction. We had, as part of our debate yesterday, included our $3.75 billion in the democratic substitute. Last evening, I reviewed what we did in our particular proposal and the guarantees we provided for teacher quality and education. We made sure in our amendment that there was going to be a guarantee of funds for professional development. The other side only mentions ''a portion of funds for professional development''. It is ironic to hear my friends talk about the importance of professional development, when they barely target any funds in their existing bill for professional development. ''A portion can be spent.''

Furthermore, their bill does not guarantee any funds for mentoring programs, which we all know are so important and effective for retaining teachers.

We find the turnover of teachers serving in title I underserved areas averages 50 to 60 percent in 4 years as compared to those who have mentoring, which can make a great deal of difference to teachers. Their amendment does not address the issue of how to resolve the high turnover rate issue. It does not guarantee that teachers are going to get special skills to help students with disabilities or limited English proficiency. It does not give priority to developing math and science training programs.

When all is said and done, our Republican friends have come up with nothing to ensure that a certain amount of these funds go for professional development, mentoring programs, recruitment programs—activities we know are proven to improve teacher quality and retention.

We were anticipating, maybe unreasonably so, that in the areas that are tried, tested, and true, such as enhanced teacher training in the classroom, that our friends were going to come up with something. Basically, what they came up with is merit pay and testing of teachers. We have listened carefully to what the Senator stated. We are, as I mentioned, somewhat interested in the fact that these are the two areas.

In looking through the studies and reports of incentives for teachers to advance their capability of academic achievement and results, the cumulative studies are very compelling and are rather common sense.

Obviously, the academic background of the teacher's expertise is enormously important. But, we still are finding out that of the more than 50,000 teachers who were hired this past year, the majority of those serving in high-poverty areas are not fully qualified. We need to do something about this. We find there is a higher turnover rate in high-poverty schools. We know that if the schools want to hold on to new teachers, mentoring by experienced teachers, is effective. Studies have shown this.

Also, it is very evident that there ought to be continuing education and professional development for all teachers. As the information comes in and more studies are conducted, it is clear that professional development ought to take place not outside the school but in the classrooms and schools.

These are the models which have had the greatest success in ensuring all of our teachers are of the highest quality. For those who are not going to measure up, after evaluations and professional development, they ought to be given their fair due in terms of a hearing, but then moved out of the educational system.

That is what we believe, that is for what we stand, and that is included in our educational provisions. Those are the issues that we feel are important.

I ask the Senator whether he knows of any States that have embarked on a merit pay program.

Mr. ABRAHAM. My understanding is States have experimented with merit pay programs since the 1960s. I can recall in the late 1960s when I was an intern working in the education office of the Governor of Michigan, we were looking at various experimental programs, learning from models from places such as North Carolina and other States that were experimenting with those programs.

It seems to me this is not a new proposal at all. It is one with which various States have experimented and employed in different ways for a long time. That was my first experience with it, I think in 1969, 1970.

Mr. KENNEDY. I asked the question because last night I tried to find out which States have merit pay programs, and I was unable to find any.

Currently, there is nothing prohibiting States from implementing merit pay programs. If it is so successful, I would have thought we would have had several States already doing it and demonstrated that it has improved student achievement.

I can give the Senator a number of places where it has been tried and dropped. In Fairfax County, VA, they developed a merit pay program in the last few years, but the program was dropped.

I am all for incentives for teachers who move ahead in their academic achievements and accomplishments. We ought to provide incentives to encourage professional development and more advanced degrees. I am all for schools that are able to move ahead, and for giving flexibility to the States and the educational districts to provide financial incentives to do that. But in the areas where we are talking about rifleshot programs, which this amendment does, for particular individuals—I can, probably like the good Senator from Washington, Mrs. MURRAY, think of teachers who are teaching in some of the toughest schools in Boston, in Holyoke, MA, and in a number of other communities, who are showing up every day, working hard, facing extraordinary challenges where almost a third of all the children attending those schools are coming from homes where there is either physical abuse or substance abuse. They deserve combat pay.

But that isn't what this is really about. This is about individuals and principals giving individual financial incentives. What we want to try to do is to make available—at least on our side—the kinds of financial resources available to local communities, for whole school reform.

I know the other side believes that States should have block grants—blank checks—but we want to support tried and tested programs that have worked.

I have a very interesting study here that was just completed by the National Commission on Teaching & America's Future, the Consortium for Policy Research in Education. A review of 65 studies of science teaching concluded that teachers' effectiveness in

teaching science depends on the amount and kind of teacher education, disciplinary training, and the professional development opportunities they experience later in their careers.

That is what we should have, the continuing, ongoing availability and requirement that there is going to be a continuing upgrading of the skills of teachers. That is what they want.

What we have seen to be a strong determinant of teacher effectiveness stems from the quality of the teacher's initial teaching education and certification, and, second, later, professional development. Studies done over the last few years have shown this to be true.

In listening to our colleague speak, I was just trying to find out where his programs have been effective.

I yield at this time and then will come back to the issue. There are others who want to speak.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, let me make just a couple of comments before I give my prepared remarks.

It is interesting how this debate is being engaged rather vigorously so quickly and so early this morning. I remind my colleagues that this is basically this same amendment that was adopted by the Senate 63–35 in the last Congress.

I imagine the reason for it is that all of my colleagues received a letter from the National Education Association, the teachers union, in opposition to this amendment. This letter from the National Education Association on behalf of its 2.5 million members strongly urges opposition to the amendment offered by Senator ABRAHAM and myself. They are opposed to it because it authorizes ''federal funds for [the purpose of] testing of current teachers, tenure reform, and merit pay.''

I find it interesting that the NEA previously came out in support of testing—NEA President Bob Chase has said the NEA:

> . . . wholeheartedly supports and endorses the recommendations of the National Commission on Teaching and America's Future's new report, ''Doing What Matters Most: Investing in Quality Teaching.''

The report recommends: Teachers should be licensed based on demonstrated performance, including tests of subject matter knowledge, teaching knowledge, and teaching skill.

The report recommends: To encourage and reward teacher knowledge and skill, we should develop a career continuum for teaching linked to assessments and compensation systems that reward knowledge and skill.

That sounds to me like a broad endorsement of the concept of testing teachers to understand where they are with respect to the knowledge they have in the courses they are going to be teaching. I think it clearly indicates the idea of moving away from pay being based on someone's seniority to one based on merit—pay should be based on the ability to teach, the ability to be able to show, in testing, that they have the knowledge in the areas in which they are teaching.

So I make that comment to begin.

Further, with respect to questions about merit pay, again, my colleague already referred to the fact there have been States experimenting with this idea since the late 1960s. But Denver, CO, has a merit pay system. Interestingly enough, the Secretary of Education, Secretary Riley, when he was Governor of South Carolina, endorsed merit pay.

In Florida, we encourage teachers to participate in what I believe is the National Board for Professional Teaching Standards. If a teacher in the State of Florida successfully completes that process and becomes certified by this board, they are going to receive a bonus. I think that is merit pay.

So this idea that I think the Senator from Massachusetts tried to imply, that this is something no one is pursuing and there is no value to it, I would say, is not accurate.

Mr. President, I rise today with my friend and colleague, Senator ABRAHAM, to offer this critically important amendment. It focuses on the single most important, yet most overlooked, aspect of education—the quality of America's teachers.

Education is the engine of social and economic progress, and the ladder of opportunity. The rungs of that ladder must be supported by exceptional teachers. I have little doubt that the American spirit of ingenuity and innovation will continue to lead the world in providing new economic opportunities, expanding medical research and improving the quality of life for everyone. But there is a catch. For our children and grandchildren to achieve the high standards we expect of them, we must provide them with the tools they need to help them excel. The economic security of our children depends upon the quality of their education.

Each time we debate education reform in America, there is a growing sentiment that continued viability of the American dream could slip away simply because our children are unprepared to face tomorrow's challenges. The academic performance of America's students in international exams can hardly be considered world class. In fact, the longer our students attend American schools, the further behind they fall in performance. Consider these statistics:

While America's 4th graders score above the international average in math tests, they continue to trail students in countries like Austria, the Czech Republic, Hong Kong, Japan, Korea, the Netherlands, and Singapore. By the 8th grade, American students barely meet the international average, and by the 12th grade, American students lag far behind their international peers.

In science, U.S. students score above the international average in both 4th and 8th grades. But, in 4th grade, U.S. students are outranked by only one country—Korea. By the 8th grade, thirteen countries outrank U.S. students.

Again, that is an indication that the longer they are in school, the further behind they fall with other countries in the world.

In international physics tests, American 12th graders ranked sixteenth, and far behind countries like Russia, Slovenia, Latvia and the Czech Republic.

In both math and science, the performance of U.S. 12th graders is among the lowest in the industrialized world. Of the 21 countries that participate, the United States placed 16th in science and 19th in math skills.

Our students will be denied basic opportunities because they have not been adequately equipped to face a new, competitive, and global economy. We can and must do better.

Without qualified teachers in America's classrooms, all other attempts at reform are meaningless. We have long focused on the need to hire more teachers—as many as two million over the next decade. Our focus shouldn't be on the number of teachers, but rather, on the quality of those teachers.

As long as students are compelled to attend school, we should be compelled to staff those schools with the best and brightest teachers. Parents all over the state of Florida, and I imagine the same is true around the country, are concerned that the success—or failure—of their child's entire academic year will be determined by the quality and expertise of their child's teacher. Studies show that the most important factor in determining student success on standardized tests is the teacher's ability to present the material. As States are taking important steps to challenge their students with high-stakes tests for promotion and graduation, we must encourage states to step up to the plate and provide students with teachers who are better prepared than ever before.

Further complicating the situation is the shortage of teachers nationwide, which has led many school districts to assign teachers to subjects for which they have no formal training. Four million American students are currently being taught English, Math, or History by teachers who have neither a college major or minor in the subject they are teaching. Four million kids!

Mr. President, maybe I have a slightly different perspective in looking at these numbers today than I would have, say, 5 or 6 weeks ago. Priscilla and I were just blessed with our first granddaughter. We already have three grandsons, but this is our first granddaughter. While all of us in the family are engaged in the early days of raising that little baby and trying to get through the night, we are also concerned about the future for little Addison. Is she going to be among the one out of five students in America being taught English by a teacher who doesn't have a major or minor in English?

Think about that for a moment. I think one out of four math students are being taught by teachers who do not have a minor or major in that subject. So when I think about little Addison's future, and I realize the competitive world in which we live today, and how much more competitive it is going to be in the future, I know she is not going to be able to compete and have the same opportunities we all have enjoyed if she doesn't have an education second to none. Frankly, that can only come about as a result of having high-quality teachers in the classroom—teachers who my son and his wife, Ann, can be comfortable in knowing have the knowledge and expertise to provide that education.

Requiring secondary school teachers to earn a major or minor in their subjects might make sense if there were not a clearly superior policy that could be adopted instead, such as requiring teachers to pass a subject knowledge test for the subject areas they teach.

Teacher testing is an important first step toward upgrading the quality of instruction in the classroom. Testing provides a valuable opportunity for teachers to demonstrate knowledge of subjects for which they do not hold a major or minor degree. It will also enable principals to evaluate their staffing needs and to staff classrooms with the most qualified teachers. You simply can not teach what you don't know.

Common sense also dictates that we should not focus solely on under-performing teachers. We must also recognize that there are many great teachers who are successfully challenging their students on a daily basis. Teaching is one of the most important and challenging professions. While many excellent, enthusiastic, and well prepared teachers already work in America's schools, their work often goes unrecognized and unrewarded. Salaries for teachers lag far behind other professions for which a college degree is expected or required, and as a result, many exceptional teachers leave the profession and others who would be exceptional teachers never even consider teaching.

We have created a system of clear incentives for our best teachers to leave the classroom. Instead, we should be enacting policies to keep the best and brightest teachers in the classroom. To do this, we need to evaluate and reward teachers with a compensation system that supports and encourages them to strengthen their skills and demonstrate high levels of performance. That, in turn, will enhance learning for all children.

Today, schools compensate teachers based almost solely on seniority, not on their performance inside the classroom. It rewards underperforming teachers and penalizes exceptional ones by grouping them together in a single pay scale based primarily upon length of service. Merit-pay would differentiate between teachers who are hard-working and inspiring, and those who fall short. It is true that good teachers cost money. But the fact is, bad teachers can cost more because they limit the education of a child and his or her ability to contribute to society.

We hear quite often that merit pay won't work in public schools because it is too difficult to compare the accomplishments between teachers teaching smart, wealthy, well-disciplined, well-fed children versus those teaching poor, inattentive, hungry and unruly children. These conditions are no different than the differences faced by other professionals like doctors or lawyers who face both unwinnable cases or deadly diseases. Teachers should also be rewarded proportionately to their accomplishments in enhancing student learning, attitudes, and behavior.

This is not to suggest that simply throwing more money at schools and teachers will rescue schools from mediocrity. Some suggest we try throwing more money at the problem, although I would point out that we have already tried that. The United States spends more money per pupil than any other industrialized nation, and as I mentioned earlier, our children are not achieving high levels of performance on international standardized exams. The reality is that no amount of money will save mismanaged, bureaucratic, red-tape ridden schools from failure. And no amount of money will rescue a student who is placed in a classroom led by an unprepared, unenthusiastic, and uninspiring teacher. This debate is less about money and more about giving teachers a greater stake in the education they provide. We can do this by offering them real incentives to do their best so that their dedication and expertise will be recognized and rewarded. This will benefit all students.

Our amendment, known as the MERIT Act, will enable states to use their limited federal dollars on a number of initiatives to enhance teacher quality. First, this amendment provides funding for states to develop rigorous exams to periodically test elementary and secondary school teachers on their knowledge of the subjects they are teaching. Secondly, this amendment provides funding to states to establish compensation systems for teachers based upon merit and proven performance. Finally, this amendment provides states with resources to reform current tenure programs.

This broad approach will enable states to staff their schools with the best and most qualified teachers, thereby enhancing learning for all students. In turn, teachers can be certain that all of their energy, dedication and expertise will be rewarded. And it will be done without placing new mandates on states or increasing the federal bureaucracy.

Last Congress, the Senate passed a similar amendment with bipartisan support by a vote of 63–35 during debate on the Education Savings Account legislation. Unfortunately, the President vetoed that bill, despite his previous support for teacher testing.

I look forward to working with my colleagues as we continue the fight to give dedicated professionals, who teach our children, a personal stake in the quality of the instruction they provide. I hope there will again be broad, bipartisan support for this amendment. I thank the chair and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

Mr. COVERDELL. Mr. President, I was going to ask a question of the Senator from Florida. I am not trying to speak. Will the Senator yield for that?

Mrs. MURRAY. I will yield for a quick question.

Mr. COVERDELL. When the Senator from Florida brought this amendment to the floor, he was talking about an experience in Los Angeles at a school. In deference to the Senator from Washington, I want to keep it brief, but I wonder if he could allude to that briefly.

Mr. MACK. Mr. President, that is a story I remember very well. To cut it short takes away, I think, the strength of its message. So maybe a little bit later on in the debate we can discuss it, but I would be glad to yield the time back to the Senator so she can continue.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, on our side, I ask unanimous consent that Senator WELLSTONE be followed by Senator DORGAN.

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

Mrs. MURRAY. Mr. President, I congratulate the Senators from Michigan and Florida for addressing an issue I think all of us really need to address; that is, how do we recruit and retain good teachers in our classrooms today?

I think all of us whose kids are in public schools want to know our child will go to school and get the best teacher in that school. The question before us is, How do we make that happen? How do we ensure every one of our kids gets a really good teacher?

I have to say I am disappointed in the proposal our colleagues on the other side of the aisle came up with on merit pay. We have heard a lot of slogans in this debate. So far, from the other side, we have heard about private school vouchers, block grants, and now we are getting merit pay and testing for teachers. They all sound really good.

But I assure my colleagues, as someone who has been a teacher, someone who has been a school board member, someone who served in the State legislature, slogans don't teach kids; they don't keep good teachers in our classrooms; they don't improve test scores.

We are right in looking at the question of how we assure that we have good teachers. I was on a school board.

I have debated the issue of merit pay, which, by the way, school districts can now do and which State legislatures can now do.

As a Senator, I ask you to give us an example of a current school district that has merit pay in place that is working. We have not heard of any. I will tell you why. Because when you get down to the question of what does merit pay really do and you start to look at it, you realize that merit pay doesn't accomplish what we really want in ensuring that all of our kids get a good education.

Good current educational policy and curriculum standards are what we want to teach our kids today. It is not how to sit at a desk, listen to an adult, do everything right all day long, and not move but, rather, how to work together in teams and how to work together with other students because that is what is required of them when they get into the workforce. Very few jobs today have a single person sitting at a desk doing the same task all day long.

Merit rewards an individual teacher pitted against another teacher rather than encouraging teachers to work together in their building to improve the education of all of our children.

That is what we are trying to teach our children. The best way to do that is by example—encouraging teachers in a building to work together. Certainly different teachers in every building have different skills. Certainly some of them do better with one child, or another child, or another curriculum piece.

We must encourage everyone to work together rather than saying we are going to pick the best three or four of you and give you an extra incentive; we encourage a teacher to come and be the principal's pet, or to be there to work the longest, or to try to show that they are somehow better than the other teachers. You start getting teachers pitted against each other. That is not what we want in a good school building. We want all the teachers supporting each other.

The best schools I have been in are ones where all of the first grade teachers get together after school, or support each other throughout the day, or share their curriculum. Who is going to share their curriculum, or share the good things that work in their classroom, if that means they may not be the teacher who gets the merit pay? That is why school boards and States have not enacted merit pay. It is simply another slogan we put out here.

I think we really need to concentrate on what works. How can we ensure that we recruit the best and brightest? How can we ensure that people want to go into the teaching profession, that we keep the best and brightest, and help those who need additional skills to be the best and the brightest?

Think back through your own education. I don't know how many Senators have gone to public schools all their lives. I have, my kids have, and I have been in them. I know. When I look back at my education, or my children's education, and I think about all the teachers I had—think about this: Which one would you pick to get merit pay? It is difficult to do because all of us have had really good teachers. Our kids have had good teachers, and all of us have had good teachers.

I will tell you something. I remember well when my kids were in elementary school and my son had a teacher for whom I didn't particularly care. I was at a meeting with some friends. I complained about the teacher. And, surprisingly, another one of my friends said: You do not like that teacher? That is the best teacher my child has ever had. Why? Because that teacher didn't connect with my son but did connect with her son. Different kids learn different ways. Different kids connect with different adults. A teacher may do really well with one child and not well with another.

Tell me, how are we going to pick which teacher gets the merit pay? By the parents who like the teacher the best? By the teacher who is the toughest, who may do well for some kids but not well for others? By the teacher who does the most testing in their classrooms? By the teacher who passes a test, maybe?

I can tell you this. I have had teachers in my own life and in my kids' lives who were brilliant but who had no way of communicating with the kids they were teaching or how to teach what they held in their own head.

I ask my colleagues, and I ask those who are listening, how would you pick which one of your very own teachers or which one of your kids' teachers should receive merit pay? Do you think you can do a fair job?

That is what we are doing in this amendment we are debating today. Somebody is going to have to pick. Somebody is going to have to choose that curriculum. Instead of encouraging teachers to work together, whatever that criterion is which some principal decides is going to be how they choose a teacher to get merit pay is going to create disincentives in their own building and antagonism in their own building. I don't think that is what we need to be encouraging.

I think we need to address the issue of getting the best and brightest teachers in our classrooms. We do not pay any teacher enough, I am here to tell you, particularly those teachers who are in our toughest schools, who have the kids with 99-percent-free and reduced lunches in their elementary schools. I have been in those schools—kids who come and hear 70 different languages in one school district, kids who come to school who have not even lived in a home, or in the same home for more than several weeks, kids who come to school whose parents may not have come home last night, who may not have eaten last night, who have seen tremendous difficulties in their own lives.

We need to make sure those kids get a good teacher. But those are incredibly difficult challenges, and those are the incredibly difficult classrooms.

If we are going to provide extra pay for a couple of teachers only, I say let's give it to those teachers who are teaching in the most difficult circumstances. We should be giving them combat pay for their difficult circumstances. Certainly, I will tell you that those teachers who are in those classrooms are not likely to be the ones who get merit pay if it is based on any kind of teacher testing, or testing of their students, because they have the toughest kids in their classrooms.

Merit pay, if you do it on testing, rewards those teachers whose kids come to school ready to learn, whose parents are there helping them, and who come from the communities that have the resources in those schools.

Let's be very careful about what we are promoting. Let's be sure that we tell kids in our high schools and colleges that we want them to teach; we need them to teach. We know we need the best and the brightest in our classrooms, we know we need teachers who are professionals, and we know we must reward them.

I know that doesn't address the question my colleagues brought out about: What about those poor teachers? What about those teachers who aren't qualified?

I can tell you what we are asking teachers to do today is tremendously different from what we asked teachers to do 10, 20, or 30 years ago.

If you got your teaching degree back in 1972 and you are teaching in a classroom today, I assure you that no one in your college taught you how to use a computer. No one taught you how to develop your curriculum to use technology. No one thought you would need the math skills our students need today. No one thought you would be teaching in a classroom with many different languages or cultures. No one thought you would have the discipline problems you have.

Let's take those teachers who got their degree back in 1970, 1975, or 1980 and give them the professional development to get the skills they need in today's classrooms.

I have talked to teachers who feel extremely frustrated. They tell me if I were in a private business and the requirements had changed as dramatically as our public schools had in the last 30 years, they would have sent me to professional development.

We lack the resources and haven't provided the resources in our public education system to give our teachers the professional development they need. Let's not condemn them for that now. Let's do what is right and help provide professional development for our teachers in a way that is constructive so we can keep people who want to be in the classroom but have not been able to keep up.

I think we can revise some of the systems of tenure; many districts have

done that. I think that is a good way to proceed.

It is pretty darn frustrating to be a teacher today. They listen to the debate on the Senate floor and they hear about all the horrible teachers who cannot pass tests. These are people with college degrees who chose to be in our classrooms with our young kids. These are people who we should be supporting. We should be supporting them with incentives to be in the teaching profession. We should support them with quality pay. When teachers work for $23,000 a year and are told they have to go back and pay for a test to stay in this profession, or pay to go back to school, how do they do that? I don't know how they do that. I don't know how a single mom with a couple of kids who is teaching and earning $23,000 or $25,000 a year would ever be able to continue to be in our classroom, even if she were in the best classroom, if we required her to go back to school to take tests.

There is one problem with this underlying amendment I have not mentioned, and I don't think anybody has. There is no money here. It requires testing, and there is no money. That money will have to come from somewhere in the districts. The districts will not have the money, and likely they will require the teachers themselves to pay for it. That has been the practice in the past.

I understand the motive behind the slogan. I understand the desire to tell the good teachers in our classrooms that we appreciate the work they are doing. However, I think we should reward all teachers with better salaries. I think we should provide better training for teachers, more professional development for our teachers, give them the skills they need. If we want to come back and say we have done everything for these teachers to give them the best skills and they still don't make the grade, then there is something to say about this underlying amendment. We haven't done that yet. We have left our teachers behind. As a result, we have left our students behind.

In closing, there are tremendously good people in our schools today who are trying their best and working very hard. I think they deserve the most accolades we can give them. We should not be denigrating them.

We do have some excellent ways of rewarding good teachers today. On my staff, I have a woman named Ann Ifekwunigwe, an Albert Einstein Distinguished Educator. She has been with me on my staff as a fellow for the last year and has done an outstanding job. She is actually an elementary schoolteacher from the Los Angeles Unified School District. She is a great example of what we are already doing. Ann worked very hard and received her national board teacher certificate in California. Once you have done that in California, teachers then get a 15-percent salary increase and a $10,000 bonus.

There are ways under current law to encourage and help pave the way for teachers who want to get additional training which benefits all of our students. We should encourage those. I don't think we should be just using a slogan of merit pay, saying we will pick a couple of teachers out of our schools and tell them they are better than the rest of the teachers, without understanding the consequences of what may happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the Senator from Washington has asked the wrong question. She is looking for examples as to where merit pay is being used successfully and she just cited California. I am not familiar with that program, but it is a certification that led to a bonus and merit pay.

I remind the Senator of the remarks of the Senator from Florida. In Denver, CO, teachers earn additional bonuses if they show student improvement. Secretary Riley, of this administration, previously endorsed merit pay when he served as Governor of South Carolina. Florida law provides bonuses to teachers who are nationally certified by the National Board for Professional Teaching Standards, and can earn additional bonuses if they mentor another teacher in getting nationally certified as an additional bonus.

The superintendent of education from the State of Arizona was recently in our Capitol and lauded the concept of merit pay for teachers who have outstanding capabilities, pointing out this concept is important in order to retain people who are getting better and better. You need to be able to reward that teacher and keep that teacher in the system; otherwise, the individual is likely to leave.

Let me simply say I am quite taken with the argument given by the Senator from Washington which, in theory, runs against everything we do in this country—that there should be no reward for achievement; everybody has to be treated identically or they won't be able to work together.

That message is taught from elementary to high school to college to professional sports, where everybody has to work as a team—but is everybody treated the same way? What corporation in America could function that way? You would pay the salesman who sold 2 vacuum cleaners the same salary as one who sold 10. The American way is one of honest, fair competition and reward. We do not have a system where everybody is dumbed down. Yet this is an argument that people won't be able to get along if one is more successful than the other. The way it has always worked in this country is that person was a role model that made everybody else try to reach that standard to be as successful, to do as well.

Competition makes better products, better performers. The competition of ideas in our democracy makes ideas truer and more honest. Competition is healthy, not detrimental. The whole country is built on the back of it.

I appreciate the remarks of the Senator from Florida. I think he is probably somewhat stunned someone remembered something that was said months ago, but it was such a compelling story about the role of teachers in education, and he has been kind enough to stay.

As part of my remarks, I ask the Senator if he might relate to those in the center of this debate that great story of what he found in a very special school when he went to Los Angeles.

Mr. MACK. I thank the Senator for the opportunity to do this. A number of years ago, my wife and I visited a school called the Marcus Garvey School in Los Angeles. I went there because I was trying to learn more about the different types of schools in America—what works, what does not work. While I am going to be talking about the Marcus Garvey School, I am not endorsing or embracing everything the school does. But the thing that stood out to me was the role of the teacher in this school. So this is what happened.

I went to the Marcus Garvey School and met the administrator, the principal, the owner of the school—all one person, Anyim Palmer, who was in a room probably no bigger than 10 by 10, filled with furniture that was probably 35 or 40 years old. The phone was on a stack of papers. There was no secretary. When the phone rang, he answered it. The point I am making is there were not a lot of amenities. This is basic stuff. This is a building with rooms in it, an administrator, teachers, and students.

He said: I want to take you down and show you what some of our students are doing. Unfortunately, the school is not filled today because of the time of the year it is.

Priscilla and I went down to a room where there were three different groups of children being taught in the same room. The first group of students we saw were 2-year-old children. Again, I emphasize 2-year-olds, not second graders; 2-year-old children. There were eight of them sitting at a little table. The teacher said to the children: Show the Senator and Mrs. Mack how you can say your ABCs. You can imagine the cute little voices of those children as they recited their ABCs. When they finished that, the teacher said: Now that you have done it in English, do it in Spanish. So then these little 2-year-old children went through their alphabet in Spanish. When they finished that, the teacher then said to them: Now do the alphabet in Swahili, and they did that as well—2 years old.

We went across the room to where 3-year-old children were doing math problems. The teacher said to me: Give one of the students a math problem. As I would suspect most people would have done, I gave a problem such as 5 plus 8—you know, pretty straightforward. But, again, 3 years old. She

said: No, no, no, give them a tough problem. So I said something like 325 plus 182. And this 3-year-old child, standing at the board, put down little dots, wrote down a number, another series of dots, wrote down a number and got the right answer at 3-years-old.

We went across the room where 4-year-old children were reading. We were told that these children were reading at the second, third, and fourth grade level. They were 4 years old.

We went into another room in this facility where there were 5-year-old children. A little boy was asked to stand up and recite for me, in the proper chronological order, every President of the United States. That little fellow stood up, looked me right in the eyes, and he rattled right through every President of the United States in the proper order. I must admit I knew he did that because they gave me a cheat sheet to look at. He was 5 years old.

Every time we went to a different area and saw these students, these children at work, Priscilla and I would say to this person who was taking us around: How can this be? How can this possibly be? What makes this work? Every single time we asked the question, the answer was: It is the teacher. It is the teacher. It is the teacher.

Anyim Palmer challenged what was then considered the best private school in Los Angeles County, their sixth grade against his third grade students. I think it was in math and English. You know who won—Anyim Palmer's third grade beat the sixth graders. How did he do it? What he said to me was: It was the teacher.

What I found out later is Anyim Palmer was a public school teacher in California who became so frustrated and angry that the system was failing to teach children in his community that he quit the public schools and started his own school. Do you know what he did? He also trained his own teachers. He said: Forget everything you have learned. I am going to train you. I am going to teach you how to teach.

Again, I thank the Senator for asking me to restate that story. It made a major impression on me. We can talk about all these other things, but we must focus on how to make sure that the teacher standing up in front of our children and grandchildren has the knowledge in the subject they are teaching—this is not fancy. We are not asking for special degrees. I am asking a very simple question. If a teacher is standing in front of my little granddaughter, Addison, a few years from now, I want my son and his wife to know the person who is teaching their little daughter has the knowledge in the subject they are teaching. That does not seem to be an unreasonable request to make.

I thank the Senator for asking the question. I yield.

Mr. COVERDELL. I thank the Senator from Florida. He has been at this some time. But let me just ask him, he is a principal coauthor of the measure. Is there anything about this measure that is a mandate?

Mr. MACK. I say to the Senator he is exactly right, there is no mandate. As strongly as I feel about it, I would like to, but I do not think that is our role. I think we can make some serious mistakes by mandating certain things, to say to a particular school district or a particular State they have to do what I say. They might say, what if we put this kind of testing program into effect but our concern is we need more computers. We need more books. We need—whatever.

This is not a mandate. It never has been a mandate. It never will be a mandate, at least as far as the Senator from Michigan and I are concerned. It is merely a statement of importance and it says to the schools if they want to, these dollars can be used for the purpose of developing the concepts for creating tests, developing some merit pay program, or in reforming tenure, all three of which we think can in fact go to the heart of the matter about what is necessary to improve the ability of the teacher.

The inference was made earlier that somehow or another those of us who are talking about this are out to degrade the teachers in this country. That is absolutely a false challenge. Most of us can remember those teachers who made a difference in our lives, who challenged us, who demanded from us that we do better. Each of us responded in a little bit different way. But we understand the importance of having good, quality teachers, and there are a lot of them. That is why we put the merit pay in, to recognize that.

Again, as to this notion that somehow or another if we were to put in place a merit pay system that, highlights teachers who are doing well, and encourages those who are not teaching our children to do better and somehow or another people would know and there would be divisions that would take place, let me tell you something. There is probably not a school in America where every teacher doesn't know who is carrying the load and who is not. You do not need a merit pay program for students and teachers alike to know who the good teachers are. You can just hear the kids talking about it: Boy, I hope I don't get in so-and-so's class.

It doesn't take a merit program. Merit pay is not going to do that. Children and parents already know the good ones and those who are not carrying their load.

What we are trying to do is the right thing.

Mr. COVERDELL. My colleague would agree, would he not, that the merit pay might keep that good teacher in that system longer than otherwise? At some point, we know we are losing good teachers because outside interests are seeking that kind of talent.

Mr. MACK. I certainly hope it would do that. I believe it would. As both of us have indicated, the State of Florida has developed a program that provides an incentive for teachers to get certification by a national board. If they receive that certification, they get a bonus.

They also get a bonus if they encourage another teacher to do the same thing.

What we are saying is, we are recognizing, not only through the dollars but through our interest, the importance of that individual teacher and the importance of the quality of that individual teacher. I believe it would encourage them to stay in the system longer. Most of the teachers love the children they are teaching. They want them to do better. We just need to give more encouragement to those teachers.

Mr. COVERDELL. I thank the Senator from Florida and the Senator from Michigan. I see the Senator from Minnesota is prepared to speak. He has been very accommodating. I have a few other things to say, but I am going to yield so he can proceed with his remarks. A little later today, I will have another opportunity, I am sure, to speak again. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague. I reserve my right to the floor and yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3118 TO AMENDMENT 3117

Mr. KENNEDY. Mr. President, I send a second-degree amendment to the desk on behalf of myself and the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mrs. MURRAY, proposes an amendment numbered 3118 to amendment No. 3117.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 1 of the amendment in line 4, strike all after ''Reforming'' through the end of the amendment and insert the following: ''and implementing merit schools programs for rewarding all teachers in schools that improve student achievement for all students, including the lowest achieving students;

''(B) Providing incentives and subsidies for helping teachers gain advanced degrees in the academic fields in which the teachers teach;

''(C) Implementing rigorous peer review, evaluation, and recertification programs for teachers; and

''(D) Providing incentives for highly qualified teachers to teach in the neediest schools.''

Mr. MACK. I suggest the absence of a quorum.

Mr. WELLSTONE addressed the Chair.

Mr. MACK. I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, the Senator from Minnesota yielded without losing his right to the floor and is entitled to recognition.

Mr. WELLSTONE. I believe I have the floor.

The PRESIDING OFFICER. I already recognized the Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. Mr. President, I will first respond, to make this a debate format, to some of the points I heard raised. I also will speak to the second-degree amendment.

One of the points that was made is that the focus on teacher merit is important because it leads to retention of teachers. I want to cite the National Commission on Teaching & America's Future, a report that came out in 1996 in which they spelled out the key elements for effective teacher retention: A, organize professional development around standards for teachers and students; B, provide a yearlong inservice internship; C, include mentoring and strong evaluation of teacher skills; and D, offer stable, high-quality professional development.

The second-degree amendment is about implementing merit schools programs for rewarding all teachers in schools that improve student achievement for all students, including the lowest achieving students.

Over and over, we have been here making sure those students who come from difficult circumstances and do not do as well are the students to whom we pay special attention.

B, providing incentives and subsidies for helping teachers gain advanced degrees in academic fields in which the teachers teach;

C, implementing rigorous peer review, evaluation, and recertification programs for teachers;

And D, providing incentives for highly qualified teachers to teach in the neediest schools.

In many ways, what is in the second-degree amendment mirrors what the National Commission on Teaching & America's Future tells us we need to do to have the very best teachers and retain those teachers as well.

I speak on behalf of the second-degree amendment. I want to talk about where I strongly dissent from the amendment my colleagues from Michigan and Florida have laid out: the emphasis on reforming teacher tenure systems and the emphasis on establishing teacher compensation systems based on merit and proven performance. Then I will talk about testing teachers periodically in the academic subjects in which they teach. I will talk about each one.

I am the first to admit that the tenure system does not always work the way we want it. I am the first to admit there are some teachers, unfortunately, in our schools who do not add to children but subtract. Sometimes they are tenured teachers, and that is when it gets tough. There is a reason for tenure, and the reason for tenure is to make sure teachers are free to express their ideas.

Albeit, I taught at the college level, but I am a perfect example of someone who benefited from tenure. First, I had to fight to get it. That is a 20-hour speech. The point is, there is no doubt in my mind that tenure was what gave me the protection to freely express my ideas on campus.

When we talk about education, we want students introduced to a variety of ideas, and we do not want teachers put in a position where they do not feel free to express their viewpoint, where they do not feel free to teach the way they believe they should teach, to teach students the way they think they should teach students because they worry about capricious, arbitrary decisions that might be made.

I now will talk about compensation based upon merit and then talk about teachers being tested periodically, and to give the example of Denver, CO, I think, raises yet another question. That has to do with this path we are barreling down with all the emphasis on standardized tests.

It is unbelievable. We have a trend in the country—and thank goodness people are now starting to look at it—where we are going to measure a student's academic performance on the basis of a single standardized test when all the people who have developed those tests tell us we should never use a single standardized test, and when we have not done what we should do to make sure every student has the same opportunity to do well on those tests. Let me do that parallel with teachers.

Let me give an example. I can see how this could very well happen given this proposal. If, for example, how well teachers are doing is based on how well students are doing, which is, in turn, based upon standardized tests given to students at as young an age as 8, if one is teaching in a school in an inner city, if one is teaching in a school in rural America, if one is teaching in a school where these kids come to kindergarten way behind, where they come from poverty homes, where they come from pretty difficult circumstances, and they do not have the resources they need, it could be your students are not going to do as well. Do we then argue the teachers do not show merit?

In addition, what kind of tests are we talking about using? The people who have done the professional work on having the very best teachers have said that in addition to having the decent salaries, in addition to putting an end to the bashing of public school teachers, in addition to making sure teachers have the resources with which to work, in addition to making sure we invest in the infrastructure of the schools, that we have the technology programs, that we have a manageable class size, in addition to all that, we want to have good peer evaluation, we want to have mentors, we want to have good programs during the summer, such as the Eisenhower program which has been eliminated in this block grant program which enables teachers of math and science to come together to compare notes and become revitalized and renewed. We want to do all of that. None of that is in this proposal. None of it is in the Republican bill, S. 2.

I say to my colleagues, not only does this amendment out here on the floor reflecting S. 2 do precious little to, No. 1, attract the very best into teaching, and, No. 2, to retain the very best in teaching—by the way, we have some of the very best teachers right now in public schools.

You know what, colleagues. Here is my challenge. I will tell you one of the ways we can retain good teachers is to stop bashing public school teachers. Some of the harshest critics of public school teachers on the floor of the Senate could not last 1 hour, I say to Senator SCHUMER, in the classrooms they condemn.

When I go into schools and talk to the students—and I am in a school every 2 weeks—I ask them: What do you think makes for good education? The first thing they say is: Good teachers. That is the first thing, even before, I say to Senator MURRAY, lower class size.

Then I ask: What makes for good teachers? And then we get into this discussion about what makes for good teachers.

By the way, I never hear students say the really good teachers are the teachers who engage in drill teaching, worksheet learning.

They hate it. They say the good teachers are the teachers who fire their imaginations, get them to connect themselves personally to the material they are talking about—none of which is ever reflected in these standardized tests.

Then, later on in the discussion—let's say there is an assembly of 600 students—I ask: How many of you are interested in going into public school teaching? I will tell you, I am lucky if it is 5 percent—maybe it is 10 percent—who say they are. This occurs at the very same time we are talking about over the next 10 years needing 2 million more people to go into education to become teachers, at the very same time we all say we care so much about education.

Then I ask the students: Why not? I want to tell you, colleagues, when these young people talk about whether or not they are going to go into public school teaching, and why they do not want to go into public school teaching, I guarantee you, they never say the reason they are not going to go into public school teaching to become public school teachers is because they are not going to have these merit tests.

They do not say: If there were merit tests, and we would have standardized tests to determine how we are doing to see if we are qualified to teach, then we would be really interested in becoming public school teachers.

They say two things discourage them from becoming public school teachers. No. 1 is that salaries are too low. By the way, a lot of women say—they are very honest about it—there was a time when maybe they would have had to go into teaching. They don't have to any longer in terms of opportunities for them.

The second thing they say—I think this needs to be said to some of our colleagues—is that they would be disrespected. I say to Senator MURRAY, who has probably had this discussion in Washington State, they have put more of an emphasis on being disrespected than the salary. They say there is just very little respect.

Then I say to them: Wait a minute. You are the students. Are you disrespecting your teachers?

They say: Well, you know, on our part, we do not give the teachers the respect they deserve. But it is a problem in the community as well.

So I say to my colleagues on the other side, rather than bringing amendments to the floor of the Senate that do not speak to what it is we should do to attract the very best teachers into public school education, what we should do—some of which is in the second-degree amendment that we now present—is put an emphasis on rewarding schools for doing well with the students and providing subsidies to help teachers gain advanced degrees in academic fields—who could argue with that?—and implementing good peer review. That really matters.

I say to Senator MURRAY, we were both teachers. Senator MURRAY, I think, would agree to having good evaluation and also providing incentives for highly qualified teachers to teach in the neediest schools. I thank my colleagues, Senator KENNEDY and Senator MURRAY, for having that provision in the amendment. That makes a great deal of sense.

The Abraham amendment which basically talks about maybe trying to figure out ways of ''reforming'' tenure systems, which I think means getting rid of tenure—let's be clear about what we are talking—and then talks about the teacher compensation systems based upon merit and proven performance, and then right away goes to periodic testing of teachers, is ridiculous. What kind of test are you going to use?

Now we are going to have standardized tests of students all over the country. Now we are going to have a single, standardized test for teachers all over the country. It is all going to become educational deadening. It is all going to discourage really talented people from wanting to teach. It is going to lead to drill education. It is going to focus attention away from what we all should be doing to make sure kids do well in school. It does not represent a step forward.

So I say to colleagues, I come here as someone who views education as the most important issue—that has been my adult life, education—to speak strongly in support of our second-degree amendment and to speak strongly in opposition to the Abraham-Mack amendment.

One final time I have to say this. I want to issue a warning. Albeit, the language is ''may,'' but there is Federal money involved here. I want to, one more time, say that we are, in the name of ''reform,'' talking about standardized testing everywhere.

I tell you, we should just listen to the students. I ask every Senator—Democrat and Republican alike—over the next 6 months, to try to spend a good deal of time in the schools in your States. Maybe many of you do. I am not implying the Senator from Michigan does not.

I find very little interest in standardized tests as representing a real indication of reform. I find the interest is in the discussion of smaller class size, the discussion of how to get really good teachers, the discussion of really good child care, prekindergarten, and the discussion of the decaying physical infrastructure of schools. I find a lot of the discussion, frankly, about what happens to kids when they go home and what happens to kids before they go to school. I find a lot of the discussion, in the best schools, about how teachers feel free to teach. They team teach. I heard Senator MURRAY talk about that. It is really very exciting. I would say that is the direction in which we should go, not in this other direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to have the opportunity to speak because I believe the right participation by the U.S. Government in the educational process of our children is fundamental to our success as a nation in the next century. It is important for us to understand that we have a limited role in this area.

Mr. President, 93 percent of all the funding for education—93 percent; that is basically $13 out of $14 spent in education—comes from State and local governments. Frankly, I think that is a positive, not a negative. I think when people invest their own resources, when they invest the resources they have control over, they are likely to do so very effectively.

But it is appropriate, and as a matter of fact beneficial, when the Federal Government decides to be of assistance in the area of education. When we are involved, I think there ought to be some principles that we should follow in order to make sure we maximize the positive impact we can have in terms of the achievement standing of children. I use a term such as ''achievement standing'' or the ''capacity to achieve'' because I think that is what we are interested in, in education.

The question is, What do we want out of education? I think we want children whose capacity to do things, whose capacity to learn, and the things that they have learned, have been enhanced substantially.

It is nice to have school buildings. It is nice to have teachers. It is nice to have education programs. But ultimately, the purpose for which we develop resources and to which we devote the resources, is to elevate the capacity of children to learn.

How do we improve what happens to children?

I have had some opportunity to be aggressive and active in this area at the State and local level in government. Having spent 8 years as the Governor of my State, and visiting many of Missouri's 550 or so school districts, I know it is the focal point of the community in almost every setting. It is the objective of that community to elevate the standing of students, asking how do we help students do more?

Different communities have found different ways of inspiring students, preparing students, building students, and elevating what happens in the classroom. I think that is what we should be involved in.

During my time as Governor of the State of Missouri, the State board of education was so convinced about getting parents and teachers involved in the education of children, because it motivates children to be achievers, that we had a slogan that said: ''Success in school is homemade.''

Talking about localizing what we do in education, if you take it all the way to the home, you have localized it about as much as possible.

As a matter of fact, during my time as the president, or chairman—I forget the designation I carried—for the Education Commission of the States, it was an emphasis we agreed upon nationally that energizing parents and energizing the local community was the way in which we get the most return for our school dollars, as study after study has shown. And the anecdotal evidence is incredibly strong that cultures that involve parents and local officials in making decisions for what can and will work are the cultures where education succeeds.

So the ingredients of public school success include the very important point of getting students motivated as a result of the active participation of their families.

The House Committee on Education and the Workforce Subcommittee on Oversight and Investigations answered this question about what are the ingredients of educational success in a report released in July of 1998. The report was called ''Education at a Crossroads: What Works and What's Wasted in Education Today.'' The subcommittee found that successful schools and school systems were not the product of Federal funding and directives but instead were characterized by—here are the ingredients—parental involvement in the education of their children; two, local control; three, emphasis on basic academics; four, dollars spent in the classroom, not on distant bureaucracy and ineffective programs.

I believe these are the ingredients that are necessary for all of us to understand if we are going to talk about elevating the performance of students, which is why we speak about this issue today, because there are noble objectives and there are programs that may sound novel and noble, but if they don't elevate the status of students, we will have failed miserably.

I am concerned that too often the Federal program which finds its first consumption of resources in the administration of the program and the bureaucracy at the Federal level very frequently then goes to the State bureaucracy at the State level, but it doesn't get all the way to the student.

But there is more to my concern that the proposal just doesn't get all the way to the student. Frequently, when it gets all the way to the student, it directs an activity or a devotion of the resource which is not called for in the circumstance of the student.

So there are two principles that are operative here: First, that we get the resource all the way to the student so that the resource is spent in the classroom and not in the bureaucracy. The second principle is, let the resource be spent, once it is at the level of the student, on things that make a difference in terms of performance and student achievement in the classroom.

It would be appropriate, I think, to have some sense of satisfaction of getting a resource all the way to the classroom and not having the shrinkage of the bureaucracy that takes the resource away. But if the resource gets to the classroom and the expenditure can only be for things that aren't needed or directly pertinent to student achievement, we will have lost the battle anyhow.

Yesterday, I had the opportunity of addressing this body, and I had the unhappy task of detailing the fact that for tens of thousands of individuals at the State level in our educational effort their entire existence is consumed with filling out Federal forms; that we are serving the bureaucracy with paperwork perhaps more effectively than we are serving the students with education.

If the active participation by parents, community leaders, teachers, and boards of education at the local level is what really energizes schools to elevate the level of student achievement, maybe we should not have so much direction from the Federal level about how much and where the money should be spent.

I think that is pretty clear as a part of this bill which has been offered by our side; that we want to get the resources to individuals in the classroom, and not only deliver the resources to the classroom but to make sure that the best use for those resources can be determined by those who know the names of the students and the needs of the school rather than some hypothetical best use being developed a thousand miles away by bureaucrats who know, in theory, that generally the country needs X or Y but do not have very much awareness of specific needs in specific classrooms, in specific districts, in particular towns, counties, or communities all across America.

So this principle is, one, to get resources to the classroom and, two, to let the people who know the names of the students and the needs of the schools make the decisions. That is of fundamental importance.

When you gather at the Federal level the character of the programs and say we will make all the decisions about what is done, and we may want to get the resources to you but we will tell you what you have to do, that is the equivalent of hanging a sign on the schoolhouse door: ''Parents need not apply.'' It is the equivalent of saying to them, as much as we think you are an important part of education, you won't get to help make a decision about the way the resources are devoted, about the kind of program that is conducted, because, as a matter of fact, we will make those decisions for you in some remote bureaucracy.

I think the key to what we want to do is to empower those individuals at the local level by, first, sharing the resources with them as efficiently as possible, not shrinking it by running it through bureaucracy after bureaucracy and, second, empowering them by saying, once you have the resources, you have the right and opportunity to spend it in ways you know will benefit the students in a specific setting.

We have watched as we have lived with the sort of status quo in education, with the Federal Government trying to impose its ideas on the country, and we aren't showing the desired results. When you are not getting the right results, if you keep doing the same things, you are asking for difficulty. The industrialist puts it this way: Your system is perfectly designed to give you what you are getting.

If we like what we are getting in education, we should just keep doing what we are doing. But if we think we can do better —as a matter of fact, if we think we must do better for the next generation of Americans, if we recognize that the world is exploding in a technological, developmental sense, and that for people to be at the top of the list, they are going to have to be able to deal with technology and they will have to have high levels of achievement and capacity in terms of education, I think we are going to have to confess that we must do better. And in order to do better, we have to change what we are doing.

It is virtually impossible to do better if we just do the same thing over and over. I think State and local governments need the kind of flexibility that we provide, and I think when we try to restrict that flexibility, when we try to restrain the capacity of the people who know best what their own children need, who witness what will motivate, on occasion, success in those students, we tell them they can't use that judgment, awareness, and knowledge, they can't use their proximity to the problem as a basis for developing a solution, as a matter of fact, we are hindering the process.

I stand to speak in favor of this measure which will not only move resources to the local and State level but will provide the authority and flexibility so those resources can be devoted to students in classrooms in ways that are known by the individuals who know—teachers and students—and to the needs of the institution to improve performance. I believe that is the key.

For us to persist in doing what we have done with the status quo, to persist with a system that finds more and more people disenchanted because they find their hands tied, and they want to do one thing they believe will help their students but the government says, no, they have to do something else, which isn't that helpful, or, even in order to do something else, they have to file a stack of papers that will take people out of the classroom, moves people away from education.

For the Federal Government, according to a study in Florida, to administer Federal dollars, it is about six times as expensive as it is to administer a State dollar. That is six times the paperwork volume that is basically involved.

We ought to begin to wonder whether those individuals who actually have the stake in the circumstances, their child in the school, why we should distrust them and impose this sort of not only rigid set of requirements but this rigid audit trail which requires six times as much administration as a State or local dollar does to deliver educational capacity to children. That is something we ought to be leery of. We ought to say, wait a second. Why would we want to spend all of that money in administration and second-guessing those who know best about their own children, their own future, and who have a stake in this issue, which is the important stake, and that is the achievement of the students?

I think we ought to ask ourselves what happens in education when there is more nonteachers in the education system than there is teachers in the education system? When the administration of education and the tens of thousands of full-time equivalents across the country mandated by the Federal Government consume the resources instead of the resources getting to the classroom, we ought to ask ourselves: Is this the way for us to really be achievers?

We know when people have the right opportunity to succeed and the right resources, they can get the job done—my colleagues and I have talked about it over and over again—when they have the right opportunity in terms of resources and the right authority in terms of flexibility.

I think those are the two keys we have offered to the American people by this measure on our side as a way of allowing them to use the money they

have paid in taxes to elevate the capacity of the students who will chart the course of America in the next century.

We want for our children high levels of achievement. The children are the focus. The classroom is the focus. It is the place where it happens to those on whom we focus—the children. The ingredients of success are not great bureaucracies. They are great teachers, great classrooms, and great students. And it involves parents. When we tell parents the bureaucracy will make the decisions, we shunt them aside. We tell them they need not apply. That is a dangerous strategy and damaging to our students.

Our Federal programs haven't worked, and just doing more of it won't improve our performance.

My grandfather's admonition was, ''I sawed this board off more times, and it is still too short.'' If you keep sawing it will still be too short. You have to change your conduct.

We should change the focus at the local level; States and local governments need the ability as it relates to teachers. As Senator ABRAHAM said, we are not going to mandate that the States and local communities deal with teachers in any specific way. We want to authorize them to be able—with the resources they earned and paid in taxes—to devote those resources in such a way that they believe it will result in elevated performance for the students.

That is the long and the short of what we ought to be doing. The status quo is unacceptable. America will not survive on a continuing basis in the long term with our students being last on the list of those among industrialized nations. It doesn't matter if we are first on the list of expenditures. It doesn't matter if we have more resources devoted to the process that is eventually sucked into the bureaucracy or devoted to things that do not pay off. What matters is that students achieve. We cannot long endure as the leader of the free world if our students are the last on the list. Being the leader and being last doesn't fit.

It is time for us to focus our energies, resources, and authority to make good decisions for the elevation of student capacity. That will make a difference at the local level. That is why this measure is such an important measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in order to try to inform the membership, we are attempting to establish a time situation so Members will know. We wanted to have a very brief comment on this second degree to the underlying amendment, and then to move ahead with an announcement which will be agreed to by leaders that would spell out how we would proceed from that time. That is in the process of being worked out, as I understand it. But we are reasonably hopeful that in a very short period of time we will either have a vote on this, or perhaps we could set it aside and start considering other amendments. We are prepared to do it. I will see what the mood is after I address the Senate for just a few minutes at this time.

Mr. President, I will speak briefly about the second-degree amendment that Senator MURRAY and I have offered. I think there has been a good debate and discussion about the importance of well-trained teachers, continuing and ongoing professional development, and also incentives for teachers who want to try to have a continued academic degree and who go through various certification processes.

Our amendment, as Senator WELLSTONE pointed out, seeks to do the merit program on a whole school level that rewards all teachers in the schools; improve achievement for all students, including the lowest achieving students; provide incentives and subsidies for helping teachers with advanced degrees; and implements a rigorous peer review evaluation recertification that takes in many considerations during the course of a year. It is a very rigorous program where teachers are evaluated by master teachers, where there is a video sample of their work evaluated. We believe that is consistent with other provisions of the Democratic alternative.

We are saying to the parents of this country that we are including in our educational program, recommendations that work—that have been tried and tested.

We differ with our Republican friends who say let's have a blank check and send it to the State capitals. Let's have block grants and let the Governors make the decisions and judgments about what they are going to do.

We differ with that. That is why we offered this second-degree amendment.

You could say: What is your evidence in terms of these particulars schoolwide? I want to correct the Record of my good friend from Georgia who said Secretary Riley tried merit pay in North Carolina. It is true. He did try it. It is also true he also decided that it failed after the State spent $100 million. They changed their program to the merit schools program, which is working, which is exactly what we are doing today. You now have probably the most successful school district in the country, which is in North Carolina, which is using just the kind of program that we are talking about. We are seeing the development of the same kind of program in the State of Kentucky.

In North Carolina, the State focuses on whole school achievement and overall student achievement for reward. The State doesn't believe that individual activities can be isolated to determine what produced the improvements in student achievement—it's a whole school effort. Therefore, the focus is rewarding the whole school. Rewards are given to the school, and all teachers and the principal benefit.

If any State wants to use their 93 cents out of any dollar for the objectives that the Senator from Michigan points out, they are free to do so. We don't prohibit it. If they want to do it, they can do it. We are saying with our 7 cents of the money that is going out in the local community, we are going to support tried and tested programs that have been successful.

I asked earlier in the day what States permit individual merit pay, and we still do not have an answer. What we know on our side, for example, is supported by a CRS Report dated June 3, 1999, ''Performance-Based Pay for Teachers.'' It states that many individual merit-pay plans were adopted as a means to increase teacher accountability and improve classroom performance. But, these plans not only failed to improve student achievement, but also destroyed teachers' collaboration with each other and teachers' trust in the administrators.

Instead, the more recent shift toward group-based, whole school incentive pay plans, allows teachers to focus on fostering overall student learning. These plans encourage teachers to work together within a school in a noncompetitive environment.

We support States that have merit pay with regard to whole school programs, merit pay for enhanced academic accomplishment, merit pay for evaluations and the recertifications. All of those are very worthy and are permitted and encouraged in our amendment.

We listened earlier about an excellent school in New Haven, CA, one of the poorer districts in California. Classroom teachers, while still working with children, have opportunities to have their knowledge and skills rewarded both financially and by returning something to the profession.

In New Haven, classroom teachers carry out internship programs, develop curriculum, design technological supports, and create student standards, assessments, and indicators of student learning.

Using a combination of release time, afterschool workshops, and extensive summer institutes, the district involved more than 100 teachers—nearly two-fifths of K through 4— on the language arts and math standards committee during 1996–1997 year.

During the summer of 1997, nearly 500 teachers, approximately 65 percent of the certified teachers, participated in district-sponsored staff development activities. The district had 24 different workshops in technology alone, offering a wide variety of different areas, including math and science instruction, bilingual programs, and many others.

The district pays the teachers for the courses leading to the additional certification in the hard-to-staff areas, such as special education, math, science, and bilingual. If the district does not pay the teachers for their time directly, the work counts toward increments on their salary scale.

The district provides free courses that reap ongoing financial benefits for teachers.

The district is bringing the salary incentives for those who have successfully passed the National Board for Professional Training Standards. The NBPTS for teachers was instituted in 1987. Achieving the national board certification involves completing a yearlong portfolio that illustrates teacher practices through the lesson plan, with samples of student work over time and analyses of teaching.

They found that this school district—one of the poorest and neediest in all of California, the New Haven Unified School District, in a low-wealth district—now has an excellent reputation in education. Twenty years ago, it was one of the poorest in education, as well as financially. Today, they have closed their doors to out-of-district transfers and moved up into one of the highest achieving schools in California.

This is how it was done with regard to the teachers. There are other elements necessary in terms of classrooms.

Finally, I mention in Charlotte, NC, Mecklenburg, they ran an annual achievement goals-bonus cycle. This is how they consider their school district. Based on the degree to which the schools attained a set of goals, including improvement in academic performance, advanced course enrollment, dropout rates, and student attendance, there were two levels of bonus awards—100 percent and 75 percent. Schools that earned 75 to 100 percent of the possible goal points were designated exemplary, and bonuses of $1,000 and $400 were awarded to teachers and classified staff. Schools earning 60 to 74 percent of the possible goal points were designated as outstanding, and the bonus amounts were $700 and $300 for teachers and staff, respectively.

We are for it. But we ought to do it in ways that work. That is what our amendment does. That is why it deserves to be accepted by this body.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Utah.

Mr. BENNETT. Mr. President, I rise to commend my friend from Michigan for his amendment. I endorse the amendment. I think it is only common sense that we deal with this issue. I will make some comments about the underlying bill and what I have heard in this debate and try to put it in some kind of context.

First let me outline what credentials I have to comment on this. About a dozen years ago, I was approached by the chair of the Utah State School Board and asked to chair the Strategic Planning Commission that was being followed by that school board to create a strategic plan for Utah schools.

Frankly, that was the experience that got me back into public life. I was very comfortably ensconced as CEO of a profitable company and thinking that would be my career for the rest of my life. Getting involved in educational issues, becoming chairman of that planning commission, and laying out a strategic vision for Utah schools got me immersed in the whole education issue.

What I discovered 12 years ago—a depressing thing, by the way, and nothing has changed in the intervening 12 years—was that the school system was focusing on the wrong issue. Indeed, we named our report ''A shift in focus'' because we said that was what was going to be necessary to solve the educational problem in this country.

All of the focus of the professional educators and people involved in education was on the system: How can we tweak, fine-tune, fund, change, somehow manipulate the system?

As we got into it, we said no, the shift should be from focusing on the system and how it works, to focusing on the student and what he needs.

I offered this analogy going back again to my business roots. In the automobile world, at one time General Motors focused entirely on the way they made automobiles. They said: These are the automobiles we make. Now, sales department, you go out and sell the automobiles to the public.

Toyota came along, a very small company, and said: We are going to ask the drivers what they want in a car, and we are going to focus on drivers rather than cars. As a result, Toyota came up with an entirely different kind of car from those General Motors was producing. The focus was on the driver and not the car. The focus was on the customer and not the company. The company that focused on the customer and on the driver did exceedingly well. Toyota grew from a tiny company to the second largest in the world making automobiles and became, for a time, more profitable than General Motors, until General Motors discovered they had to shift their focus.

Instead of saying, this is what we produce, you go buy it; like Toyota, they started asking the question: What do you want? We will go make it. Saturn, a General Motors venture, came out entirely of that activity.

That is the analogy I used when I wrote that strategic plan for Utah schools: Instead of focusing on the school system and how it works, focus on the students and what they need. We were asked to come up with a mission statement for education as we did that commission. The mission statement we came up with terrified the superintendent of schools in the State of Utah. He said: You can't say that because if you say that, we will get sued.

We went ahead and said it anyway. What we said was: The mission of public education is to empower students to function effectively in society. That is what we are here for, to empower students to function effectively in society.

No, no, no, say the professionals; the mission of education is to construct a system that does the following things.

We do not measure the system. We measure the ability of the students to function in society. If they cannot function effectively in society, they are not getting a decent education. That was a radical notion 12 years ago. As I say, 12 years have passed and very little has changed.

Those are my credentials. That is the background I had coming in and listening to this debate. As I listen to this debate, I have some very, for me, interesting reactions.

First, from our friends on the Democratic side of the aisle, we have had an eloquent, continuing, and unrelenting defense of the status quo. Any suggestion that we try to do anything different is met with a stonewall of criticism and fear that somehow something will change. There is an unrelenting defense of the status quo that has been the underlying theme of this entire debate, as far as my friends on the other side of the aisle are concerned.

Interestingly enough, an overwhelming defense of the status quo is not what the American people want to hear. So if we go out on the campaign trail for just a moment, we find the Vice President saying we need revolutionary changes in education. There is an article that ran in this morning's Washington Post, which I ask unanimous consent to have printed at the end of my remarks, written by George Will.

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

(See Exhibit 1.)

Mr. BENNETT. He is talking about the Vice President's recent talk on education, and he quotes the Vice President as saying:

> Today, I am proposing a new national commitment to bring revolutionary improvements to our schools—built on three basis principles. First, I am proposing a major national investment to bring revolutionary improvements to our schools. Second, I am proposing a national revolution—

And so on. According to Mr. Will, the Vice President used ''revolution,'' ''revolutionary,'' or ''revolutionize'' 8 times in his speech and ''invest,'' a word we know means spending, 14 times.

As Mr. Will concludes in his article:

> The basic Gore position is that the public schools are splendid, and at the same time desperately in need of revolutionary investments.

I find a disconnect between the Vice President's rhetoric out on the campaign trail and what we are hearing on the floor today because any attempt on the part of the Republicans to produce something that is different is attacked. Anything we say let's experiment with is attacked. The overwhelming defense of the status quo is underlying everything our friends on the other side of the aisle are saying.

From the prospect of the position I had as chairman of that strategic planning commission, I want to look at this fearsome, frightening, Republican proposal that would go into such new ground as to somehow threaten the status quo. It is the most timid, it is

the most small, tiny, incremental kind of revolution I have ever seen.

The bill the Republicans are putting forward is, to put a number on it, something like 98-percent status quo. It funds the programs we have now, and it funds them generously. It supports the programs we have now, and it supports them solidly. But it says, putting the smallest toe at the very edge of the smallest possible body of water: Couldn't we just try a couple of things? Couldn't we give 10 States the chance, if they want to—no mandates, no requirements—just 10 States the chance, if they might want to, to try something out? In another area, couldn't we just try 15 States? Boy, that is bold and revolutionary and going to upset the whole world—15 States, if they decide they want to, might be able to try a few things a little differently.

These are the threatening kinds of Republican proposals that are coming along that are causing our friends to be so excited about anything that might in any way upset the status quo. If a State finds the Republican proposal is so revolutionary and threatening that it will destroy the State's ability to deliver education to its children, the State does not have to accept it. There is no mandate in this bill at all that says any State has to do any of the things we are giving them the opportunity to do. This is just the first tiny step. From my position as chairman of that strategic planning commission, I would look at the Republican proposal and say: This is timid. This is not nearly what is needed.

But I come here and discover it is denounced as somehow so threatening that it is going to bring down the entire educational edifice of the United States. But I repeat, at the same time, there is that kind of attack on Republican willingness to innovate and to even allow States to try a few things. At the same time that kind of attack is going on, the Vice President is going up and down the country demanding revolutionary improvement with major investments. I would like to know what those revolutionary improvements are. I would like to know, in the context of this bill, what changes in the status quo in revolutionary fashion the Vice President has in mind. If you get to the details, the only revolution he is calling for is spending more money on programs that already exist.

Let's take a look for just a minute at some past history. I want to read an excerpt from the Washington Post, talking about schools in the District of Columbia. It says:

> Alarmed by the crises confronting Washington youth, a group of community leaders is urging sweeping changes in D.C. public schools.

That does not sound like the status quo is so wonderful.

And another:

> A new consumer guide to the nation's public school system ranks only two urban school systems lower than the D.C. schools.

Again, the status quo is not so wonderful. The interesting thing about these quotes from the Washington Post is that they appeared there in 1988, 12 years ago. For 12 years, Republicans have been trying to bring about some changes in the D.C. public schools. I have stood on this floor and debated this issue in the context of the D.C. appropriations bill. Every time we try to try something different in D.C., we are told no, we cannot upset the status quo.

Here is another quote from the Washington Post:

> The malaise that infects the District of Columbia public schools runs deep. . . . There are problems in every phase of the educational process. There are school system employees who display no interest in the advancement of students, while excellent teachers and administrators are smothered by confusing and contradictory directives. . . . Instruction is inconsistent. At many schools, the audit said, test results have not been shared with parents and teachers. . . . The teacher appraisal process has been a joke. In the 1988–1989 school year, not one teacher received a conditional or unsatisfactory rating. On average, 22 percent of the teachers received no evaluation at all. While some excellent teaching was observed, the audit said, the predominant classroom activity involved students copying exercises and directions from books while teachers graded papers at their desks.

This appeared in the Washington Post in 1992, some 4 years after the first articles appeared in the Washington Post.

What revolutionary changes are we talking about? Every time the Republicans come to the floor and ask for an incremental change, we are told, no, you are undermining the confidence in public schools.

For over a dozen years now, in at least the Nation's school district where we have some degree of influence, the public school system has failed the children of the public schools.

As I listen to this debate and relive my experiences from memory as being chairman of the Strategic Planning Commission for the Utah State board of education, I realize how timid public policymakers really are, how anxious they are to talk about revolutionary improvements when they are running for office, and how anxious they are to stifle any attempt to bring to pass any sort of revolution when they have the opportunity to make a policy decision.

We must recognize, as I said before, this bill as what it is. The underlying bill is not a revolutionary bold attack on the status quo. I wish it were. There are many things that can and should be done. This is just the most timid kind of probing into possibilities, and yet even that is too much, even that is too fearful for those defenders of the status quo.

I go back to my original analogy. When it was first suggested to General Motors that they might produce some smaller cars, that they might try to go after the market that Toyota was beginning to discover, there was a mantra that ran through General Motors and Ford and the big three generally, and it was: Small cars mean small profits. It was repeated over and over.

By repeating that mantra to themselves, these auto executives convinced themselves that the status quo was just fine, and they watched the Japanese come into this country and take market share away from them to a degree that, to some extent, threatened their existence.

It was only after the marketplace told them they should be focusing on the driver and what the driver wanted rather than on their own systems and what they were comfortable producing that they finally began to compete in the world marketplace for automobiles and began to produce the kinds of cars Americans wanted to drive.

Now American manufacturers are competitive, and we drive American cars with the understanding that they are well built, they have good fuel economy, and they give us the value for the money, an understanding that, frankly, 15 or 20 years ago, Americans did not have.

Why can't we have that same understanding with respect to education instead of being so overwhelmingly concerned with the system and how do we tweak the system and how do we defend the system and this is the way we teach and, by George, the students have to sit there and take it.

Why can't we say: What do the students need to function effectively in society? Why can't we assess the student needs, the student challenges in the future, and the student responsibilities and then say, OK, if that is what the student needs, we will provide it? If the student needs skill in the English language, to a degree that he or she does not have it now, we better figure out a way to get it to them.

The main problem with our school system is this: Our school system is built on the industrial model. Indeed, it was created as we went through the Industrial Revolution. Stop and think about it for a moment.

Our schools are factories. That is, the model on which they are built is the factory model, with the student as product and the teacher as worker. Indeed, we organize the workers into unions, which is just the same thing that happens in a factory.

Here is the product. The product is wheeled into the English room where the English worker pours English into the product for 45 minutes. The factory whistle blows, and the product is wheeled into the math room, where the math worker pours math into the product for 45 minutes. The factory whistle blows, and the product is wheeled into the social sciences room where the social science worker pours social science into the product for 45 minutes, and so on.

It is organized along the industrial model, student as product, teacher as worker.

After the product has gone through enough class time exposures, we stamp a certificate on it, which we call a diploma, and send the product out into

the world saying: You are now educated, and the certificate we have put upon you proves it. We spend more attention to seat time than we do to the ability of the student to perform.

If I may digress for a moment and give you an example of how pervasive this whole mentality is from my own State, I want to talk about one of the members of our commission. We had a professor in educational psychology at Brigham Young University who was a member of the Strategic Planning Commission, which I chaired. I will not give you all of this history, except to tell you he made a commitment early in his life that he would return some day to the tiny rural community in Utah where he grew up and give something back to that community. It was an emotional kind of commitment made as a teenager when the people in that community raised enough money to send him to the University of Utah to get a college education, something he never could have afforded on his own.

As I say, he is a professor, graduated Ph.D. from Stanford, one of the Nation's leading authorities on small school problems. The position of superintendent of the school district in which his old hometown was located became vacant. He said to his wife: I am going to apply for that position.

She said: Come on, that's so far below what you do and what you are qualified for professionally.

He said: No, I made a commitment years ago that I would someday return to my hometown and give back to that community, and here is a way I can do it. I can go there, be the superintendent of schools, try a whole bunch of innovative things, and make a major difference. I can fulfill that age-old commitment I made as a teenager to go back to my community.

He applied for the position. He was told that he was not qualified for the position because there were certain gaps in his academic record that were required for that particular assignment. All right, he said, I will fill those gaps.

He went around to his colleagues in the School of Education at Brigham Young University and said: Give me the test. I have to have this particular class on my transcript. Even though I am a Ph.D. from Stanford, I have to have this particular class. Give me the test. I will take the test and demonstrate proficiency.

They said: No, no, no, no, no, no. You have to take the class. We can't give you an examination to find out whether you are proficient. You have to take the class.

He said: Some of these classes I teach.

They said: It doesn't matter. You have to sit in the classroom for the prescribed number of hours or we will not certify you as being educated.

He did not become the superintendent of schools in that particular rural district. This demonstrates the commitment that runs through the entire educational community, to seat time as the ultimate measure of educational ability.

What we are saying in this bill is, let's take a tiny, incremental, very tentative step towards looking at the needs of the student instead of focusing on the structure of the system, toward saying if somebody teaches a class, let's just assume that he knows what is in that curriculum and does not have to sit through it in order to acquire the requirements of the system.

Let's move from the industrial model paradigm that has the student as product and teacher as worker to a system with the student as worker—student, you are responsible for your own education—and teacher as coach. Teacher, help the worker understand where to go to get this information, to look for that skill, and so on.

In the process that means, ultimately, we will have a system that funds the student rather than the system. We will have a funding system where the money follows the student wherever the student, as worker, decides he or she needs to go, with the teacher, as coach, saying: You may have made a wrong decision. Look at the options. Look what you could do over there. Let me help you. Let me coach you. Let me support you. But understand, the ultimate responsibility for your education is yours, not mine.

That kind of a paradigm shift in thinking throughout the entire educational system would be truly a revolutionary improvement rather than the kind of changes or improvements that the Vice President has in mind when he uses those phrases.

I thank the Chair and the other Members of the Senate for your indulgence. As I have gone on this trip down memory lane of my own involvement with schools, I close with this one last anecdote.

When we were laying out, for an employee of the Utah board of education, some of the things we wanted to do and wanted to see happen in Utah's schools, he looked at me with great horror and said: We can't do that overnight. He said: Understand, we are trying to make these sorts of improvements. We are trying to make this a better situation for kids. But we can't do it overnight. You are too impatient. You come out of the business world where you can make a decision and then have it implemented. We can't do that. He said: But give us credit for moving. We will move in this direction, but we won't get there for 15 years.

I said to him: Now, wait a minute. Fifteen years?

Think of that in terms of the life of the student. That means the students who are entering this system as kindergartners, this year, will not see any improvement in their entire career because they will graduate before 15 years as seniors from high school.

If you think it is salutary that we can get changes moving slowly, and they will be effective in 15 years, you are just saying that a kindergartner entering school today is doomed to stay in the status quo his or her entire career through elementary and secondary education.

As the quotes I have read indicate, I was right. Students who entered as kindergartners, at least in the District of Columbia, are now graduating as seniors with no improvements, no changes. That is tragic.

To condemn a youngster as a kindergartner to no changes, no improvements, no experimentation at all, just to defend the status quo, and say, we are moving towards these changes, and they will come 15 or 20 years from now, is not something with which I want to be associated.

The Republican bill is not threatening. The Republican bill is not revolutionary. The Republican bill is the tiniest kind of incremental opportunity for States to experiment. We ought to pass it.

I yield the floor.

EXHIBIT 1

A LESSON PLAN FOR GORE

(George F. Will)

If AL GORE keeps talking incessantly about education, someday he may slip and say something interesting. But he avoided that pitfall—anything novel would offend his leash-holders, the teachers' unions—in his Dallas speech last Friday, unless you find interesting this unintended lesson, drawn from his speech, about how schools are failing to teach future speech-writers how to write:

''Today, I am proposing a new national commitment to bring revolutionary improvements to our schools—built on three basic principles. First, I am proposing a major national investment to bring revolutionary improvements to our schools. Second, I am proposing a national revolution in . . . ''

By November the salient issue may be not education but: Can Americans bear a president who talks to them as though they are dim fourth-graders? Whoever writes GORE's stuff knows his style, the bludgeoning repetition of cant, as in his almost comic incantations about Republicans' ''risky tax schemes.'' In Dallas, GORE used ''revolution,'' ''revolutionary'' or ''revolutionize'' eight times and ''invest'' (a weasel word to avoid ''spending'') or some permutation of it 14 times. And—it is as reflexive as a sneeze—he used ''tax scheme'' three times, ''risky tax cut'' once and threw in another ''scheme,'' referring to vouchers, for good measure.

GORE's grating style in Dallas suited his banal substance, which was Lyndon Johnson redux. The crux of GORE's plan is more spending of the kinds that are pleasing to teachers' unions. Such as: ''My education plan invests in smaller schools and smaller classes—because we know that is one of the most effective ways to improve student performance.''

Actually, we know no such thing. Pupil-teacher ratios have been shrinking for a century. In 1955 pupil-teacher ratios in public elementary and secondary schools were 30.2-to-one and 20.9-to-one respectively. In 1998 they were 18.9-to-one and 14.7-to-one. We now know it is possible to have, simultaneously, declining pupil-teacher ratios and declining scores on tests measuring schools' cognitive results. If making classes smaller is such an effective route to educational improvement,

why, after 45 years of declining pupil-teacher ratios, are schools so unsatisfactory they need to be ''revolutionized'' by GORE's ''investments''?

GORE's Dallas speech proves the need for remedial classes not only in prose composition but in elementary arithmetic, too. He says that George W. Bush's ''tax scheme, if enacted, would guarantee big cuts in spending for public schools.'' Well.

Bush's proposed tax cut over 10 years would involve just 5 percent of projected federal revenues. And federal money amounts to just 7 percent of all spending on public elementary and secondary education. Tonight's homework assignment, boys and girls, is to calculate how trimming 5 percent of federal revenues could necessitate ''big cuts'' in education, 93 percent of which is paid for with nonfederal funds.

GORE's vow that every new teacher hired under his program would be ''fully qualified'' probably is an encoded promise that all new teachers would be herded through the often petty, irrelevant and ideologically poisoning education schools that issue credentials to teachers. Education schools feed their graduates into, and feed off, the teachers' unions. Those unions sometimes push for state legislation that keeps the education schools in business by requiring teachers to pass through them.

''There are,'' says GORE, ''too many school districts in America where less than half the students graduate, and where those who do graduate aren't ready for college or good jobs.'' Washington has lots of public schools that fit that description, which is why none of GORE's children attended one.

Most failing schools serve (if that is the word) poor and minority children, whose parents increasingly favor meaningful school choice programs—programs that give parents resources to choose between public and private schools, thereby making the public school system compete. GORE is vehemently opposed to that. The ''dramatic expansion of public school choice'' he promises would enable students to choose only among public schools, thereby keeping students from low-income families confined to the public education plantation.

What would be ''revolutionary'' would be a GORE education proposal that seriously offended the teachers' unions. But he is utterly orthodox in his belief that public schools are splendid—and desperately in need of revolutionizing investments.

''Fundamental decisions about education have to be made at the local level,'' said GORE at the beginning of last week's litany of proposals for using federal money, and the threat of withdrawing it, to turn the federal government into the nation's school board. To the classes GORE needs in remedial composition and arithmetic, add one on elementary logic.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. Mr. President, to alert the membership of what we are trying to do, we have been in touch, of course, with the majority. We would like to finish the pending amendments the Abraham and Kennedy amendments, in the near future. Then what is anticipated by the leadership, as I understand it, is to go to the Murray amendment.

Senator MURRAY has graciously agreed to the time agreement of an hour and a half, evenly divided. Then we would go to the LIEBERMAN amendment. I have spoken to Senator Lieberman. He agrees to 2 hours on his side, and the majority could take whatever time they believe appropriate on that amendment. Then we would go to the Gregg amendment.

The only thing we are waiting on is a copy of the Gregg amendment. We have not seen that. As soon as that is done, with the concurrence of the majority—which we have kept advised during the entire morning—we would be able to enter into an agreement. It is up to the majority leader, of course, as to when the votes would take place.

I see the majority leader on the floor. What we would like to do, prior to an agreement—we have had Senators waiting here most of the morning. They would like to speak. Senator DORGAN would like a half hour; the two Senators from New York would use 10 minutes of Senator DORGAN's time to speak about the death of Cardinal O'Connor. Senator FEINGOLD wants 12 minutes to speak on some matter. I really don't know what that is.

I did not know the majority leader was on the floor. I was just trying to alert everyone as to what we are trying to do.

Mr. LOTT. Mr. President, if the Senator would yield, I did not hear all of what he said. I was back in the Cloakroom preparing to come to the floor.

Mr. REID. If the Senator would yield, what we would like to do when we finish this, which should be momentarily—either having a vote now or setting it aside—is to go to the other amendments after Abraham, Kennedy. Senator MURRAY, who has the next amendment in order on our side, will agree to an hour and a half on her class size amendment. Following that would be Senator LIEBERMAN. There has been agreement his would be the next amendment. He has agreed to 2 hours on his side on that. He indicated he did not know if the majority would need that much time. But whatever the majority wants, that would be the case.

Then it is my understanding we would go to the Gregg amendment, with no time agreement as far as we are concerned. We have not seen the Gregg amendment. We have been waiting for some time now. It is on its way. But the route sometimes is circuitous to get here. I did indicate, I think we have some Members who have been wanting to speak all morning.

Mr. LOTT. Mr. President, if Senator REID would yield, I understand that you are waiting to see the Gregg amendment. Of course, we would like to see the Lieberman alternative also.

Do we have that?

Mr. REID. Yes. It is my understanding that Senator LIEBERMAN has been in touch with members of the majority for the last several days.

Mr. LOTT. But I do not know that we have seen the language. That is what I have to make sure of, just like you need to see——

Mr. REID. I think you have. But if you haven't, that is certainly available.

Mr. LOTT. Of course, as far as the timing, we have Senators that are very interested in speaking on the pending matter, in addition to the ones you have mentioned.

I must confess, I was a little surprised that there was a second-degree amendment offered to Abraham-Mack. I thought when we entered that earlier agreement we would have the four that were agreed to. While there was language in there that said that, I guess, relevant second degrees would be in order—or perfecting amendments—I had the impression we were kind of not going to do that.

So the fact that there is now an amendment to the Abraham-Mack amendment I think puts a different spin on things. Our people need to be able to review that and speak on the second-degree amendment.

In addition, I see Senator ABRAHAM, who is the sponsor of the underlying amendment. Basically, what I am saying is, I think it is going to take more time than we had earlier thought that it might take. And then we would want to look at, are we going to have a second-degree amendment or second-degree amendments on the Murray amendment? That would certainly change the mix once again.

We need to make sure we have enough time on both sides for people to speak on Lieberman and Gregg once we have seen those. Everybody is working in good faith, and it is a little complicated. We could have objections on either side about what might be offered as second-degree amendments. We have some people on both sides who are now saying they want to offer noneducation, nonrelevant amendments, and we have been trying to stay on the education issue. It has been a very healthy debate, and everybody has stayed in close touch. We would like to continue that.

I have to work with some people on our side who want to offer some amendments sort of out of line. I think people not even on the committee who want to offer amendments at this point would be pushing the envelope. We ought to at least give the chairman and ranking member and people with education amendments a chance to make their pitch.

So rather than take up a lot of time, I would like to talk with the Senator from Nevada about the amendments and the time that might be needed. We will try to get something worked out and come to the floor soon to get something agreed to. In the meantime, continue with the debate and we won't be losing time—valuable time, as a matter of fact.

Mr. REID. If the leader will yield, the purpose of this was to try to move a number of amendments along. From what the leader has said, it is going to be very difficult today to go beyond the Murray amendment. We will certainly try to cooperate, but it may be difficult.

Mr. LOTT. It may be difficult, but we can see what might be able to be done.

Mr. REID. The one thing I would like to do is make sure that the—we have had Senators over here waiting literally all morning to speak for a short period of time. I know Senator ABRAHAM wants to speak on his amendment and that of Senator KENNEDY. I would like to propound a unanimous consent agreement that Senator DORGAN be recognized for a half hour, that 10 minutes of that time be allotted to Senators SCHUMER and MOYNIHAN to speak about the death of the New York Cardinal, and that Senator FEINGOLD be allowed to speak for 12 minutes.

Mr. DURBIN. I would like to ask the majority leader if he would yield for a question.

Mr. LOTT. Yes.

Mr. DURBIN. I am relatively new to the Senate. The House rule used to say committee members could offer only germane amendments. Do I understand the majority leader is suggesting that as a standard in the Senate?

Mr. LOTT. No, I didn't suggest that. I am saying that members of the committee have education amendments and would like to have them offered. We have some members on both sides of the aisle now who are saying, ''I want my amendment to be next,'' and I am not inclined to be impressed with that suggestion. We need to go forward with the way we have been trying to proceed and get our work done. But, no; the way it works around here is, if you can horn your way into a debate that is underway, then that is the way it is.

Mr. DURBIN. I thank the majority leader.

Mr. REID. Mr. President, how about my request?

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President, just to facilitate the flow here, let me make sure we have some sort of a sharing of time, alternating back and forth. The Senator's proposal was 30 minutes for Senator DURBIN, 10 minutes for Senators SCHUMER and MOYNIHAN, and 12 minutes for Senator FEINGOLD.

The PRESIDING OFFICER. Will the Senator repeat the unanimous consent request.

Mr. REID. What I proposed is that Senator DORGAN be recognized for 30 minutes, with 10 minutes of his time being allotted to the Senators from New York, and that 12 minutes be allotted to Senator FEINGOLD. They have been here literally all morning.

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the block of time for those speakers, an equal amount of time be allocated to Senator ABRAHAM and to myself, or my designee. I know the Senators from New York are going to talk about the Cardinal's death.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

Mr. SESSIONS. Mr. President, I would like to speak after Senator ABRAHAM.

Mr. LOTT. Mr. President, I amend my request that Senator ABRAHAM be recognized first, and then Senator SESSIONS, and any remaining time will be used by myself or my designee.

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM. Reserving the right to object, although I would like to speak on the amendment, as well as the second degree, because of a ceremony taking place in the Capitol rotunda now, of which I am to be a part, I may not be in a position to immediately follow the final speaker. I suggest that perhaps we might slightly modify the Senator's proposed unanimous consent agreement to allow for the fact that I may be unable to be here right at that time.

Mr. LOTT. Mr. President, we will make it simple. I ask unanimous consent that when this block of time is completed, as outlined by Senator REID, there be an equal amount of time on this side for me or my designee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I yield to the two Senators from New York to use their 10 minutes of time now to speak about the death of Cardinal O'Connor.

The PRESIDING OFFICER. The Senator from New York, Mr. SCHUMER, is recognized.

TRIBUTE TO JOHN CARDINAL O'CONNOR

Mr. SCHUMER. Mr. President, I will use 5 minutes and then yield to my senior colleague from New York for 5 minutes.

It is with a heavy heart that I rise today to honor the memory of His Eminence, John Cardinal O'Connor. As you know, His Eminence was a man of immense honor and conviction, a man who dedicated his entire life in service to our Nation and the betterment of humanity. He was completely loyal to Catholic doctrine but was able to reach out to New Yorkers of all races, religions, and ethnic and economic backgrounds. His loss is New York's loss, America's loss, and humankind's loss.

Today, all New Yorkers mourn this profound loss. And while today will be one filled with great sorrow, I believe that during this period of grief, many will find moments of joyous reflection in thinking about the innumerable ways this servant of God was able to touch the lives of millions.

Earlier this year, I rose alongside a number of my colleagues in the Senate and called upon this body to support legislation to honor the enormous contributions made by the Cardinal to religion, humanity, and service to America, by bestowing upon him the Congressional Gold Medal.

The measure passed unanimously, and I had the honor to personally present His Eminence with a framed copy of that legislation, and although he was weakened, you could see a man of peace. He believed he had accomplished much of his life's goal and was proud of what he had done, although in his own modest way. It is my prayer that all of us, when our time comes, may feel just that way.

The Cardinal cared about the poor, the sick, and the elderly. He would be giving a speech on Catholic doctrine at the cathedral one hour and the next hour would quietly slip off and minister to an AIDS victim in a hospice. He was a man of great intelligence and of great passion. He was a man who believed and didn't flinch from those beliefs but at the same time had a unique ability to reach out to others who might not believe what he did. He served, of course, as a military chaplain and at the same time was a voice for the poor. He cared about working people and spoke up for the union movement repeatedly.

He loved all of God's children, and he will be forever cherished and remembered by people of the Jewish community for bringing Jews and Catholics closer together. I truly believe that much of the Vatican's rapprochement with the Jewish community worldwide started with His Eminence Cardinal O'Connor. He served as an international ambassador, traveling the world over, to: Israel, Jordan, Haiti, Bosnia-Herzegovina, and Russia, as a messenger of peace, humanity, and freedom. Wherever war, oppression, and poverty have threatened to weaken the human spirit, he has been there—a tireless servant of the Roman Catholic Church and as an American citizen.

John Cardinal O'Connor was an institution in New York, a beacon of hope and inspiration who, from our cherished St. Patrick's Cathedral championed the simplest of causes—the betterment of humanity. He was a man that I respected a great deal because of his unwavering commitment to his convictions, even when we disagreed.

So, last night, Mr. President, New York, America, and the entire world lost one of our greatest treasures. This morning, the earthly world is a bit poorer for the passing of this great man and the heavenly world a bit richer. I thank you and my colleagues for allowing me to express, on behalf of all New Yorkers, the profound sense of sorrow we feel today with the loss of Cardinal O'Connor.

I yield the remainder of my time to the senior Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, on February 22, my beloved colleague, the junior Senator from New York, introduced legislation 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.

Congress finds that His Eminence, John Cardinal O'Connor, was a man of deep compassion, great intellect, and tireless devotion to spiritual guidance and humanitarianism.

I think it is a special note that the Cardinal joined the Navy Chaplain's Corps in June of 1952 during the Korean conflict. He served with elements of both the Navy and the Marine Corps and saw combat action in Vietnam.

He later served as chaplain of the United States Naval Academy and was appointed Chief of Chaplains of the Navy with the grade of rear admiral, from which position he retired 4 years later.

In May 1979, he was ordained a bishop by Pope John Paul II. He then served as Victor General of Military Ordnance—now the Archdiocese for Military Services—until 1984.

This son of a working-class laborer, a union man from Pennsylvania, found himself, on the one extreme, in the jungles of Vietnam saying mass in foxholes and asking himself, as he saw the deaths on all sides of all the combatants, why?

He came back with that same courage to the Archdiocese of New York. There are 2.37 million of us, and we have been rancorous from the first, and continue so. He quickly adapted to that environment and adopted some of those characteristics.

But he was a wonderful priest. As my friend, Senator SCHUMER, said, he was a healer and a man who reached out to others.

He is in his heaven now. As we mourn his passing, we celebrate his life.

Mr. President, I yield the floor.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this has been an interesting and certainly a thoughtful debate about education. This is exactly the topic we ought to be discussing in the Senate. We have a lot of folks in this country who care about the state of education and the condition of America's schools. They say America's schools are failing its children. What shall we do about that?

Before us is the reauthorization of the Elementary and Secondary Education Act. We debate this law every 6 years, and at that time we talk about what kind of policies we believe will work for America's schools and what kind of policies will give us the kind of education system we can have pride in. Are our children walking through classroom doors that give them the best opportunity for a good education?

Let me also say that I am a little tired—not only in Congress but in politics and in discussions generally—of the notion in this country of blaming America's teachers first.

I visit a lot of classrooms. I see a lot of teachers and a lot of students. In most cases, the teachers I see in America's classrooms are extraordinary men and women who do a wonderful job with our children in America's schools. They have a very tough job. Their students come to schools all over this country with problems that affect how well they will learn. There are children who are hungry, without a caring parent, who are regularly faced with violence, guns, behavior issues. All sorts of issues come to school with children. We have to respond to those and deal with those issues. But this notion of somehow blaming America's teachers is wrong.

Let me talk for a moment about who has new ideas. I was listening a while ago to a speech that I thought was interesting. But the notion was that only the majority party had new ideas, and somehow the Democratic caucus in the Senate was offering proposals that are just the same old thing.

The majority party offers, as its version of how to fix our education system, to provide block grants. Is there anything new about block grants? Block grants aren't new. In fact, this is the oldest idea in politics, and it is an idea that doesn't work.

We have very serious problems with our schools that we need to help solve. A lot of schools are in radical disrepair.

I was at a school Monday in North Dakota. It is a school whose student population is almost exclusively Native American. These young Indian children are attending a school that is not in good repair. They know it. I know it. The teachers know it. The school board knows it. This is a school that doesn't have much of a tax base because it is on an Indian reservation. It is a public school district, but does not have much of a tax base.

This is a school that doesn't even have an athletic field. Is there a place for these children to go out and run? Is there a place for them to play football or to practice soccer? No. This is a school without an athletic field.

As we were going through the classrooms in this school, the principal said to me: Senator, is there any chance you could help us try to get an athletic field for these kids? They have too much energy. They have so much energy and want the opportunity to go out on an athletic field to play football, or play soccer, or perhaps run track. But we don't have the money.

Again, this is a school without a tax base so they don't have the money.

As I was touring the school, the teacher said: Now, children, are there any questions you would like to ask the Senator?

One little kid in the third grade raised his hand real high, and he said: Yes. Mr. Senator, I would like to know how many bathrooms there are in the White House.

I thought: Gosh, that is a funny question. How many bathrooms are there in the White House?

One little kid on the other side of the room said: I think there are 18.

Another little boy said: I think there are 46.

I said: You are both probably right. It is probably between 18 and 46.

Do you know in that school, with 150 kids, they have only two bathrooms, a boy's bathroom and a girl's bathroom? I guess he was thinking it would be a luxury to have a lot of bathrooms.

That is the sort of question that comes from a third grader. But it relates to the condition of the school. The third grader knows that he is not walking into the same kind of school that other kids are. This school needs repair.

One of the new ideas we proposed—that has been opposed, incidentally, by the majority party—is to provide the opportunity to repair, renovate, and rebuild America's schools that are in disrepair all around this country. But there is not much interest in that. Instead, the response is, let's send them block grants, and then pray that someone will use it for the right thing.

We have some experience with block grants. In fact, title I started out as a block grant a long time ago. However, Congress quickly learned that the funding was not helping the poor children who were intended to be the beneficiaries.

Let me give just a couple of examples of what title I was used for: They bought three tubas in one school. Another one used it for band uniforms. Another bought 18 portable swimming pools. That is block grants.

Of course, these block grants won't go directly to the schools. The block grant funds will go to the Governors. Then the school districts are going to have to go begging to the States asking: Can we get some of that Federal money you have back there in block grants?

We think maybe a new idea would be to say, let's renovate, remodel, and rebuild those schools that are in disrepair around this country, and let's help the local governments that do not have the resources to accomplish that task. We think a new idea might be to say, let's help those schools that are radically overcrowded, with kids sitting with an inch between their desks in a classroom, with 35 students taught by 1 teacher. We know better teaching goes on in the classroom when you have 1 teacher and 15 students or 1 teacher and 20 students, so let's decide to help schools reduce the size of their classes.

When someone says there are no new ideas, it is just that they have not heard them. We have talked about them. They have not heard them. They have not been willing to vote for them.

There are a lot of things we can do to improve education. I agree that we cannot throw money at problems, but I also believe we cannot withhold the resources necessary to fix this country's schools. We cannot send kids to inferior schools and ask why we didn't get a good student out of that school. We

cannot send kids into crowded classrooms and wonder why test scores are not higher.

As I said before, some of the most wonderful, dedicated people I have met are the teachers in classrooms, spending their days with our children. We can and should make some changes on the question of the teacher certification process. We ought to have alternative certification programs for people who later in life want to go back into a classroom and teach kids. They shouldn't have to go through a teacher's college or a curriculum that is long and difficult.

Let me give an example. There was a rather wonderful major league outfielder who played ball for the Baltimore Orioles who was going to teach physical education at a school in New York. Wouldn't you want your kid being taught how to hit by a major league outfielder? But he didn't have the proper teacher certificate so he wasn't kept in the school system.

What if Bill Gates decided he wanted to come into your school and teach a class on computers? He doesn't have the certification. What if Michael Jordan was willing to teach your child to play basketball in a physical education program? Do you think Michael Jordan and Bill Gates are not qualified? Of course they are.

We can find mechanisms by which we provide alternative certification for professionals and others who want to go into the classroom to help in this country. We can and should do that.

But to those people who spend all of their time beating up on America's schools, I wonder how they think we got to where we are in this world with our education system? How on Earth did we do that? Is there a place in the world anyone wants to trade places with? I don't think so. Do we want to trade our education system for the one in Haiti, Zambia, or Bangladesh? I don't think so. How about Germany? How about France or Italy? Do we want to trade it? I don't think so.

This country has invested a substantial amount of money in something called universal education. We did it because we don't believe in segregating kids and deciding some kids have talent to go here and other kids have the talent to go there. We decided all kids ought to have the opportunity to make the most of their education.

I have two children in school this morning. They are both the most wonderful children in the whole world. I love them to death. I want them to have the best education possible. I don't know what they will be when they grow up. My son, when he was 10 years old and we were going over an English lesson together, that he didn't need to study English because he was going to be a miner. I said: A miner? He said: I'm going to mine gold and I don't need to read and spell. I said: When mining gold, you have to be able to read and sign contracts. Over time, he changed his occupation choice, and he has had several other choices since then. We spend time every night with our children doing homework because we believe education is a priority for them. I want them to go through a classroom door I am proud of. I want them to go into a school I am proud of. I want them to have teachers I am proud of.

Dating back to my great-grandmother who homesteaded on the prairies of North Dakota and raised children who raised children who raised me, this education system has been a wonderful boon to most Americans, including our family. My father had to quit school in the sixth grade because his mother died and his father was in an institution for tuberculosis. In sixth grade, he quit school in order to go to work to help his uncles raise his sisters. The proudest day of his life, it seems to me, is one day when, without ever having given us a hint, he told us at the supper table that he had, at age 55, just passed the GED test. Then he gave us a big smile. He didn't even tell us he was taking it. This meant a lot to him.

Education has enormous value. Every American family who cares about its kids understands that. This debate is not about two sides, one of which has new ideas and the other which has no ideas. It is a discussion about a range of approaches with respect to the education system and how we make it better.

I don't think our public school system is awful. I disagree with those who do. Go to school. I have been to schools that are awful schools, but do you know why? Because of all the other influences from which those kids come. I have been to schools with metal detectors at the front door. Shortly after I visited one of those schools, a kid was shot at the water fountain because another kid bumped him. The student who shot him got a gun through the metal detector, even though a security guard was sitting there.

That school has a crowd control problem as much as it has education problems. It is not because they are bad people running the school. It is because that school inherits all of the other problems of its surroundings. I think we need to understand that and help change it.

We can do better in education. I am not suggesting everything is great. We can do better in education. But I know my kids do more homework than I did. I graduated from a tiny high school class of nine in Regent, North Dakota. I am enormously proud of the education I received in that school. Are the kids there getting a better education today than I did? Yes, of course they are—more homework, more opportunities, bigger libraries, the Internet. They have access to any library in the world through the Internet.

As we look at what we do to improve our schools, I think the most important thing is to improve those crumbling facilities, reduce class size, and then require accountability. I am all for accountability.

There is a provision in Senator DASCHLE's substitute, which I will also offer as a separate amendment, to provide parents with a school report card. I get a report card about how my son and daughter are performing. I want a report card for the public school they attend, a report card that every parent and every taxpayer in this country should get, comparing their school to other schools in their district, in their state, and in other States. How is that school doing? Is it passing or failing based on a series of criteria—student performance, graduation and retention rates, professional certification of teachers, average class size, school safety, parental involvement—which is critically important—student dropout rates and student access to technology. How is that school doing? We deserve a school report card as parents and as taxpayers.

That ultimately will provide the accountability we should get. Yes, we ought to hold our education system accountable. We will have an opportunity to vote on school report cards as part of the Bingaman amendment, and if the Bingaman amendment fails, on an amendment I will offer separately.

The secret to education is not such a secret. Successful education comes from teachers who know how to teach, students who want to learn, and parents who are involved in their child's education. When all three of these elements are present, education works and works well.

Evaluate this country—where it has been, where it is now, and where it is going—and ask yourself if we have accomplished things through our education system of which we are proud? You bet we have. We have spliced genes, we have invented plastic silicone and radar, built rockets, and developed vaccines to prevent polio and small pox. Have we done something significant, all of it coming from our education system? You bet your life we have. Can we improve it? Sure. But we will improve it with new ideas—not tired old ideas called block grants.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

AIDS AS A SECURITY ISSUE

Mr. FEINGOLD. Mr. President, I rise today to express my deep disappointment in the failure of the conferees to the African Growth and Opportunity Act to accept the Feinstein-Feingold amendment regarding HIV/AIDS drugs in Africa. When the Senate was debating that legislation last year, Senator FEINSTEIN and I offered our amendment, which was accepted by the bill's managers, Senators ROTH and MOYNIHAN, to address a critically important issue—an issue relating to Africa's devastating AIDS crisis; an issue that has cast a dark shadow on U.S.-African relations in the past.

Our amendment was simple. It prohibited the United States Government

or any agent of the United States Government from pressuring African countries to revoke or change laws aimed at increasing access to HIV/AIDS drugs, so long as the laws in question adhere to existing international regulations governing trade. Quite simply, our amendment told the executive branch to stop twisting arms of African countries that are using legal means to improve access to HIV/AIDS pharmaceuticals for their people.

The Agreement on Trade Related Aspects of Intellectual Property Rights, or TRIPS, allows for compulsory licensing in cases of national emergency. Approximately 13 million African lives have been lost since the onset of the crisis. According to the Rockefeller Foundation's recent report, ''on statistics alone, young people from the most affected countries in Africa are more likely than not to perish of AIDS.'' Consider that: more likely than not to perish. If these do not constitute emergency conditions, then I don't know what does.

This was a very modest amendment to begin with, but the final version of the amendment discussed by the conferees was a true compromise. It was not as strong as I would have liked it to be. But it did push our policy closer to the right thing. I want to take this opportunity to thank Senator FEINSTEIN, Senator MOYNIHAN, Senator ROTH, and their staffs for working so hard on this amendment. Senator FEINSTEIN was a tireless advocate on this issue, and I have no doubt that she will continue to fight, as will I, for the right thing when it comes to access to HIV/AIDS pharmaceuticals. And Senator ROTH, in particular, made it a priority to hammer out this issue, and I thank him for that.

But despite these efforts, despite the concessions that Senator FEINSTEIN and I made, despite the fact that this is the right thing to do, the Feinstein-Feingold amendment was stripped in conference. The opposition to our amendment is baffling. How do the conferees who killed this provision justify pressuring these countries, where in some cases life expectancies have dropped by more than 15 years, not to use all legal means at their disposal to care for their citizens? Without broader access to these drugs in Africa, more people will suffer, more people will die—that is a simple fact.

As I said on this floor not long ago, I cannot imagine that ordinary Americans are urging their representatives to oppose the Feinstein-Feingold amendment. I cannot imagine that anyone would try to prevail upon my colleagues to oppose this measure—except perhaps for pharmaceutical companies. The pharmaceutical industry does not fear losing customers in Africa, because they know that Africans simply cannot afford their prices. But they do fear that taking this modest step in this time of crisis could somehow, in some ill-defined scenario in the future, cut into their bottom line. This is the same pharmaceutical and medical supplies industry that gave more than $4 million in PAC money contributions and more than $6.5 million in soft money contributions in 1997 and 1998.

How could this irresponsible and callous decision to strip the Feinstein-Feingold amendment from the conference have been made? I have some idea. Some may have bowed to the pressure of the pharmaceutical industry. And some members just don't get it.

In particular, some of the public comments about this issue made over the weekend by a leading Member of this body demonstrated such a misunderstanding of the problem that they cannot go unanswered.

Over the weekend, some troubling remarks were made about the administration's recognition that HIV/AIDS, an infectious disease that currently affects 34 million people worldwide, is a security issue.

First, a leader of this body disputed the fact that AIDS is a security issue. He is wrong. Anyone who believes that a dramatic drop in population, a massive reversal in economic growth, a societal disruption of unprecedented proportions, an entire generation of orphans growing up on the streets—anyone who believes that those things are not destabilizing is terribly misguided. Anyone who does not understand that the U.S. will be profoundly affected by the terrible consequences of AIDS in the developing world had better think again.

But it didn't stop there. It went further. It was suggested that the administration is using the issue cynically to appeal to ''certain groups'' who were not identified.

Is it pandering to ''certain groups'' to stand up and say that a disease that infects more than 15,000 young people each day is an issue of grave concern? Is it political posturing to get serious about the massive destabilization that can occur when the most productive segment of a society is wiped out by disease? Is it only some mysterious narrow constituency that is concerned about the prospect of millions of orphans growing up on the streets, without any guidance or education? After witnessing the shocking violence that resulted, in large part, from the masterful manipulation of disenfranchised youth in West Africa over the last decade, I think we all have to take this threat seriously, and acknowledge that the threat is fueled each day by the withering scourge of AIDS that today is galloping through so much of the developing world.

Let me just paint a portrait of the region most affected by AIDS—sub-Saharan Africa. As the ranking member of the Subcommittee on Africa, I have always felt very strongly about the issue of AIDS in Africa. I have raised it in meetings with African heads of state. I applauded the U.N. Security Council's decision to address the crisis earlier this year. I support the administration's call to increase the resources directed at the crisis, and I am glad that the U.S. is finally getting serious about this threat.

Thirteen million Africans have been killed by AIDS since the onset of the crisis, and according to World Bank President James Wolfensohn, the disease has left 10 million orphaned African children in its wake.

In Botswana, Namibia, Zambia, and Zimbabwe, 25 percent of the people between the ages of 15 and 19 are HIV positive.

By 2010, sub-Saharan Africa will have 71 million fewer people than it would have had if there had been no AIDS epidemic. That is why we must acknowledge that the AIDS epidemic is becoming a crucial part of the context for all that happens in Africa and for all of our policy decisions about Africa.

Until this week this Senate has been moving in the right direction on these issues. I have been pleased to work with many of my colleagues in a bipartisan effort to raise the profile of the epidemic and to work toward a comprehensive package aimed at addressing this crisis. It disturbs me a great deal to think that Members of this body have somehow failed to hear us, or perhaps refused to listen.

This is not a partisan issue. It is deadly serious. I plead with all of my colleagues to look again at the AIDS epidemic in Africa and to consider its global implications.

Those implications are fast becoming strategic and economic realities that will kill millions and drag down all of our efforts on international development and the promotion of freedom and stability around the world. We need to get our heads out of the sand right now, resist the impulse to gain partisan advantage, and join together to seek solutions to the AIDS crisis before we reap global disaster.

U.S. policy on access to HIV/AIDS drugs will come up again in this body. All of the complex issues relating to this crisis—prevention strategies, care for orphans, mother to child transmission—none of these issues is going away. And while this Congress fails to do the right thing, while some fail to grasp the magnitude of the epidemic and its consequences, AIDS will continue to take its terrible toll on families and communities, on economies, and on stability around the world.

I yield the floor.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER (Mr. GRAMS). Who yields time?

The Senator from Georgia.

Mr. COVERDELL. Mr. President, as I understand it, our leader, or his designee, has balancing time to that which is used on the other side. I believe Senator SESSIONS' name was even evoked, that he would utilize some portion of that. How much time does the leader have?

The PRESIDING OFFICER. The leader has 32 minutes.

Mr. COVERDELL. Mr. President, I yield from the leader's time to the Senator from Alabama 15 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 minutes.

Mr. SESSIONS. Mr. President, I am excited and pleased about the direction this Senate is attempting to go in reforming Federal involvement and participation in education today.

I have been traveling my State since January. I have been in 15 different schools. I have been impressed with what the teachers and principals are trying to do. There are a lot of good things happening in a lot of schools all over America. But I hear more and more frustration from those people who are dealing with our children in our classrooms, who know our children's names, who are answerable to our people in our communities to run education. They are very frustrated that what we are doing in Washington complicates their lives, makes them more difficult, and frustrates their ability to actually teach children.

I know some of my friends on the other side of the aisle so frequently use the word ''accountability.'' They say ''we need accountability—accountability.'' I have been listening to that. Not too long ago it finally dawned on me—I have been in this body for just over 3 years, on the Education Committee just over 1 year—what they define as accountability. They define accountability as a Federal program that mandates precisely how the money is spent.

That is not accountability. Accountability is, when money is coming from the Federal Government, the State government, the city government, and the county government: Is learning occurring? Are children learning? We need to determine in America if children are learning. In some schools they are and in other schools they are not, or there is so little learning as to be, in effect, a waste of our money. To pour more money, even with targeted rules from the Federal Government, into a school system in Alabama, Texas, Pennsylvania, or New York is not the way to improve learning. That is not accountability.

We need to ask ourselves, after 35 years of this basic Elementary and Secondary Education Act—and it is a primary Federal act; there are some 700 programs for education. ESEA is the biggest. We have been growing it for 35 years. It is now up to 1,000 pages of rules and regulations and paperwork that fall on our teachers and principals.

I have been talking intensely to those people. They do not believe it is necessary. They believe many of the things we are doing complicate their lives, make it more difficult for them to teach, and frustrate them. In fact, we are, as many people know, losing a lot of good teachers. Discipline problems, paperwork problems, lack of appreciation for the work they are doing, no difference between a great teacher who works at night, does his homework, meets with students after school, prepares carefully written tests—there is no difference in what they get paid from a teacher who has no interest in their work, just comes to class, presides over it, does not do a lesson plan, gives weak or almost insignificant tests, and does not worry about whether the children are learning or not.

I was in Selma, AL, last Friday, visiting the Selma City School System. Selma has 45,000 people. They created a sixth grade school. They call it the Discovery School. The teachers and principals got together and developed a program on how to improve learning for the city of Selma. All the sixth grades were there. Every student has to be involved in an artistic endeavor. I saw their ballet performance. I saw their tap dance performance. They have music, art, and other forms of artistic endeavor. They believe, as national statistics show, that music and art can enhance learning in other courses. That is their decision, and they have teachers who are committed to it and excited about it. They were very proud of the performance of those kids.

I went into a class called sports math. Sports is big in Alabama and in a lot of States. Kids are interested in sports. When one talks about batting average, that includes people's weight, height—all these factors. This is a good way to take children's natural interest in an event such as sports and convert that to a learning process of math. It is an extra class they can do.

I met a teacher who had gone to Russia with our NASA program. She taught a special class on space, and they were excited about that.

They had some great teachers there. I met the mother of Doc Robinson. Doc Robinson—of course, sports fans might know him—is the senior graduating guard from Auburn University, one of the top teams in the country this year. He will probably go in the first, second, or third round of the NBA draft. His mother teaches in Selma. She is a wonderful lady and excited about education in that school.

What is it that makes us think we can develop some plan for teaching sixth graders in Selma, AL, better than those people? That is a question we need to ask ourselves. What is it that makes us think we can mandate more effectively than they can? They care about their children. They are their own children. Doc Robinson graduated from that Selma school system, just as other children did.

That is an important factor for us to consider. I know there has been a lot of thought about how we are going to handle other issues people think are important. One of the issues that has been talked about a lot is class size. They say class size is the most important thing. Numbers do not show that to be the most important thing. They do not show that. There is a lot of debate about that. Maybe it is extremely important under certain circumstances. It may not be so important in other circumstances.

Maybe the Selma school system would rather create this new Discovery School and work on funding it for the next 2 or 3 years, get it straightened out, and then add a new teacher to reduce class size the third year down the road. I am not prepared to say what it is.

Why do we not think we ought to trust the people who elected us to run the school system? They elected the school system. There is a lot that has been said about this.

There has been a study by Michigan Professor Linda Lim who did comparative studies of U.S. and Asian schools and found that class sizes of 50—and we are down around 20 or fewer now—50 plus in places such as Taiwan have not kept those schools from performing better than ours. The basics of Professor Lim's findings are that nothing—not spending per student, not class size, not computer access—makes the critical difference in the end. Rather, motivation is what matters. We need parental involvement, plus teachers who want to teach and are skilled and children who are prepared to learn. They must all work together to achieve results.

We talk a lot in our State about improving textbooks. I think we ought to improve textbooks. I am very concerned about the quality of our textbooks. A year or so ago, Senator ROBERT BYRD delivered one of the most impressive speeches I ever heard on education. He called the modern textbooks ''touchy-feely twaddle.''

Regardless, what difference does it make if we have a $500 textbook for every child in the classroom and those students will not read it? That is what I ask students when I talk with them. Alabama has a tough graduation exam. If a student does not meet this exam, they will not get their diploma. It is considered to be the toughest exam in America. The children are worried about it. A substantial number may not pass.

When I talked with these students, they expressed their concerns to me, to which I enjoyed listening. I asked them: Do you come to school in the morning, and do you get a good night's rest? Do you pay attention in class? Do you do the homework your teacher assigns? Do you read your lesson at night? Oh, you don't? Do you know students who do not do that? And they all agreed that they do. I said: Why do you think you should get a diploma from high school if you do not at least put in your part?

What we are finding, and what a lot of experts believe, is that a teacher who can motivate a child is more important than whether he is teaching 18 people or 25 people. That is a key factor.

There is a study by the University of Rochester economist Eric Hanushek. He studied 277 separate published studies on the effect of teacher-pupil ratios and class-size averages on student achievement.

We ought to get a pretty good result from this. They published this all over America. He found this: That only 15 percent of those studies suggested there is a statistically significant improvement in achievement as a result of smaller classes; 72 percent of the studies found no effect at all. That is surprising to me. I would not have thought that. But that is what he found. And he found that 13 percent found reducing class size had a negative impact on achieving. That was reported in the Education Week, a journal of professional educators.

The Department of Education, under President Clinton, reports that although American students lag behind other students in international testing, American classrooms have an average size of 23 students. That is very few students compared with the averages of 49 in South Korea, 44 in Taiwan, and 36 in Japan.

I am not saying we ought to increase our class sizes. I think having a small class size is fine. But for this Congress to mandate to professional educators, Governors, State superintendents, county superintendents, and principals all over America that we are going to give you money only for reducing class size is not wise. I am telling you, America, that is not a good thing for us to require, to mandate. In a particular community, that may not be the most important thing. There are some real numbers that question that policy.

Washington, DC, this city of which we are a part, has an average class size below the national average. Yet it ranks near the bottom in academic achievement. Furthermore, we should not forget that class size in American schools dropped from 30 in 1961 to 23 in 1998 without any improvement in standardized test scores.

So I would suggest maybe having superior teachers and motivating schools are the things we need to be looking for. That is not going to come from some Senator in Washington or the President of the United States but from actual teachers in classrooms who know our children's names, who care about them as human beings.

Indeed, in 1988, the U.S. Department of Education concluded that reducing class size would be expensive and probably ''a waste of money and effort.'' I do not know if it is a waste of effort. I just say this. It may not be the most important part of our budget dollar.

We are trying to do that in Alabama. We are working hard to reduce class sizes. We are actually getting down within this national goal range already. But it does come at great cost.

What if you have 18 classrooms in a school, and they are averaging 25 students per classroom, and you want to bring it down to 20 students per class or 18 students per class? How many more classrooms do you have to build? How many more teachers do you have to hire? How much more air-conditioning and structure and upkeep is required? I am just saying, we do not know enough to mandate that. That is all.

I know the polling numbers look good. You go out and ask the American people: What would you like to do about schools? You give them a bunch of choices, one being: Reduce class size. They say: Yes, I would like to reduce class size.

Before I looked at these numbers, I would have thought there would be a much greater correlation between smaller class size and learning in a classroom than there apparently is shown by all the statistical data.

I am just saying, we do not need to be reacting to polling data. We do not need to run a poll and ask what is the No. 1 idea somebody might have to improve education, and then do only that, after looking at the numbers and finding out that might not be the best approach.

Of course, teacher quality is something about which Senator MACK and others have been talking. How can we nurture that? I taught 1 year in a sixth grade class in the public schools of Alabama. My wife taught a number of years. Our kids have gone through schools in the State and had a good experience. My two daughters graduated from a major public high school in the city of Mobile. We have been to the PTA meetings at Murphy High School. We named our dog Murphy. We loved our high school and participated in it. My daughters were editors of The Annual. They also attended other schools in the city. We were involved in that.

We want to see the quality of education improve, but it is not always what somebody might say in response to a polling question.

The PRESIDING OFFICER. The Senator's 15 minutes has expired.

Mr. SESSIONS. I ask unanimous consent to speak for 2 additional minutes.

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

Mr. SESSIONS. Mr. President, with regard to the quality of teachers, that is where we need to focus. Senator MACK has offered this amendment as a breakthrough to try to have some merit pay. I am telling you, I have taught. My wife has taught. We have been active in schools. Everybody who knows anything about education, who has had children in school, knows that some teachers give so much more and are so much more valuable than others who have maybe lost their enthusiasm or just do not have the capability. That is quite clear.

To say to those exceptional teachers, who are being sought by high-tech computer companies and chemical firms, that we cannot pay them any more money, that they have to receive the exact same pay as somebody who does not perform as well, is not good policy, not if we care about learning.

But if we care about bureaucracy, if we care about the educational establishment in Washington—if we care about that —if that is who is jerking our chain, then we do not give more pay to people who do better, then we do not give more pay to people who give their heart and soul to it, as I know they do.

I have been a member of a supper club in the city of Mobile for a long time, over 25 years. Three of those people are full-time career teachers. I know how hard they work. I know how concerned they are for their children. Some teachers are just not that way.

So why is that proposal so threatening? It would not be mandated. It would allow a certain amount of this money to be used for special merit pay. What is wrong with allowing a school system to do that? I think that is an important matter. I am delighted that amendment has been offered. It will be adopted and become law. We need to do that.

According to a Fordham Foundation study called ''Better Teachers: Better Schools,'' we know that if students have teachers who have college degrees and have been specifically certified to teach math, those students score significantly higher on standardized tests than if the teacher did not have those credentials.

Why shouldn't we pay more? Do you know what we do for the military? We are finding we need pilots, so we give them special bonuses to reenlist. We find we need special skills in certain computer areas, so we are allowing the military to pay more money for that.

How are we going to keep math teachers who are in such demand in the private sector today, if they are exceptionally well trained and capable? How can we deny them any additional pay when we need them so desperately in the schools?

I think we ought to look at that and improve on that.

The Fordham study also points out that approaches focusing on inputs, courses taken, time requirements met, time spent, and activities engaged in, rather than on outputs, student achievement, how they are learning, and what their scores are on tests, are counterproductive.

Do you see what that is saying? That is saying we should not put our money just on going through the motions of education. We should not invest our money in that. What we need to do is identify the kind of education in which learning occurs, where students are improving in their knowledge and support that—output, not input, issues.

So if our bill were to pass and become Federal law, we would begin to focus on the outputs of academic achievement by poor students because ESEA is primarily focused on the poor, low-income schools and low-income students instead of focusing on inputs.

The Teacher Empowerment Act—and Senator GREGG will speak about that—

is so important in that regard. I will mention one more point, and I see the Senator from Oklahoma is prepared to speak.

Let me mention this. I have been in, as I said, 15 schools, and I am familiar with public schools in this country. I will tell you, one of the most significant problems we face is the ability of teachers to discipline children. They have been denied that by lawyers—Federal rules and regulations—and it is disrupting the classrooms and making it difficult to teach.

I have a stack of probably 40 letters here, some of which would break your heart, from teachers who tell me stories. I intend to read some of them before the debate is over, perhaps a lot of them. I want people to hear what is happening in schools in America today. You may say it is the teacher's fault. What we will find out is that a lot of the reasons they can't maintain discipline in school is because of Federal law, what we do here under the Disability Act. We were supposed to fund 40 percent of the cost of that when the law was mandated; we were supposed to pay 40 percent. The truth is that the Federal Government now is paying 11 percent of the cost. Yet it is a full mandate on our schools in America.

Schools have met the challenge. They are doing what we tell them to do, at a great cost. We had the superintendent of a school system in Vermont testify at an education hearing that 20 percent of his school system costs—20 percent at least—was focused on disability students. We have gone beyond what we meant by that.

Originally, our goal was to make sure that children who were deaf, blind, or in a wheelchair would be allowed to participate fully, mainstreaming them in the classrooms in America. I certainly support that.

What has happened now is under the Federal regulation, children declared disabled are not allowed to be disciplined, and the children are learning this; they know it. It is really a problem, which these letters will show.

Unfortunately, it has now been twisted beyond its original intent. Teachers and principals are faced with regulations and laws that must be utilized before a disruptive or even violent child may be removed from a classroom—even for a short period. We should not continue these kinds of rules and regulations that keep schools from dealing with disruptive, aggressive, violent, gun-toting students.

I have continually received complaints about the problem in every school I go to. They say it is the No. 1 problem with the Federal Government. My friend, David Whetstone, in Baldwin County—and I have known Dave for a long time from when I was a former U.S. Attorney and State attorney general. He came to Washington personally to talk to me about this story. We discussed a case which received national attention in both Time Magazine and on ''60 Minutes,'' in which a student was described as the ''meanest kid in Alabama.''

My friend, Dave Whetstone, told me of the circumstances in which this violent, disruptive young man was kept in the classroom under these Federal laws. I want to tell you what happened to this young man and see if you don't understand why teachers and principals are concerned about what we do here.

The school had to assign an aide to this young man because he was declared emotionally conflicting. That is a disability, apparently. He had to stay with him all day long throughout the school day. The aide would get on the schoolbus with him in the morning, sit with him in class all day, and go home on the schoolbus at the end of the day because of his disruptive behavior. The aide had to be paid by the school board, of course, and the taxpayers of the community. Can you imagine what it was like being a teacher in that situation? The student used curse words in class on a regular basis and to the principal on a regular basis and was continuously disruptive. But our Federal law said, basically, he had to stay in the classroom.

Eventually, the young man was going home one afternoon on the schoolbus and reportedly attacked the bus driver. When the aide tried to restrain him, he attacked the aide.

My friend, the prosecutor, brought a creative legal action against the student to try to stop it. He was shocked to find out that was a law in the public schools of America. He found that there were at least six other students in that one school system with the same type problems.

I have received letters from experienced educators all over the State of Alabama expressing their concern about this Federal regulation.

Let me mention a few other experiences. None of these come from the same school. This is a quote from a letter:

> We have a student who is classified emotionally conflicted, learning disabled, and who has Attention Deficit Disorder. While this student has been enrolled, students, teachers and staff have been verbally threatened with physical harm. Fits of anger, fighting, and outbursts of verbal abuse have been commonplace. Parents and students have expressed concern over the safety of their children due to the behavior of the young man. Teachers have also become extremely apprehensive toward the presence of the student due to his explosive behavior. His misbehavior has escalated to the point that the instructional process of the entire school has been jeopardized.

Another one:

> I have taught for 25 years. I plan to continue teaching, but the problems with discipline are getting out of hand. We are not allowed to discipline certain students. Any student labeled as ''special needs'' must be accommodated, not disciplined. A student recently brought a gun to my school. He made threats to students and teachers, which he claimed were jokes. I was one of the teachers.
>
> The teacher was threatened with a gun.
>
> This student has been disruptive and belligerent since I first encountered him in the ninth grade. Now he is a senior. After bringing a gun to school, he was given another ''second chance.'' He should have been expelled. What was his handicap? He has had problems with mathematics. While this may be an extreme situation, it is not isolated. Teachers are told to handle discipline in the classroom. The Government has taken most of the teachers' rights away, our hands are tied.

Talk to teachers. Many special education teachers have told me that the discipline proceedings are going to drive them out of the profession. I believe it will be a tragedy if we lose proven, dedicated teachers because of shortcomings of a Federal law that is not fulfilling its purpose.

That is not the purpose of the Disabilities Act—to keep violent, disruptive kids in the classroom when they are disrupting the teacher's ability to teach and learning isn't occurring. This is not restricted to any State; it is all over the country. That is why in the past, Senators ASHCROFT, FRIST, GORTON, and others have worked hard to end this problem. We must continue to do so.

Mr. President, I know others would like to speak at this time. There is so much that we need to talk about. I would like to, and will, share in a few minutes, perhaps, a letter from a young teacher in an elementary school class who talks about the day she walked out of that classroom, walked through the parking lot, got in her car, never to return—because of this kind of stuff. It is happening. We need to put an end to it, and we can do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me address something that the Senator from Alabama was talking about. He gave so many good, concrete examples of the discipline problem we have in our public school system. It is a very real thing. I appreciate him bringing this up and the fact that we know why we are having this, with all the mandates and requirements.

I want to tell you a story. You talk about the discipline problems. I want to give a concrete example of how one ended up in doing a great disservice to the children of Oklahoma and other places.

I have kind of a unique situation at home. I have a wife and two daughters, all three of whom teach or have taught. My wife taught back in the fifties, when we were first married. As our four children were growing up, I remember so well the youngest one—I call her the runt of my litter—Katie, always wanted to be a schoolteacher just like her mom, and her mom's discipline was accelerated math.

So Katie was in school. She got her degree and got her master's in math education. She is really an accomplished teacher, because she loves the kids. She was active in Young Life because she liked to be around troubled

kids and help them with their problems. When someone is a dedicated person like that, that means they are a much better educator.

To make a very long story short, little Katie had wanted to teach the same thing her mother did. When she finally got all of her degrees, she came to the school where her mother taught and where Katie and her brothers and sisters all went to school. After she got the job, it wasn't only that she got a job in the same school as her mother, but she taught the same course in the same school in the same classroom that her mother had taught in 30 years before. She was rejoicing. It had just been a few years before that that she had gone through that school.

She taught there for 4 years, and she came to me one day literally in tears. She said, ''Daddy, I feel like a traitor because I have to leave to go to another school district.'' I said, ''Why? This is where your mother taught. This is where you went to school. Our whole family went to school there. It is a tradition.'' She said, ''I teach math, and the kids are so disruptive and not listening. There is no discipline. When you send them to the principal's office, the principal says, 'Our hands are tied. We can't do anything about it.''' So it continues. Consequently, these kids are not getting an education.

This is in the fourth week of the beginning of the school term. She said, ''I told the kids, 'If you do not get the basics right now at the beginning of the school term, you are going to fail the class.' They all shrugged their shoulders in unison, and said, 'We don't care.'" And the parents didn't care. There is no way that the school was going to discipline those children.

Katie quit. She went to a private school. She is now involved in teaching and is an accomplished teacher. The public school system lost. I am a prejudiced daddy. I admit that. But they lost one who is considered by the parents and fellow teachers and certainly students as one of the best math teachers that taught, including my wife, in that school. It is all for one reason: There is no discipline.

That is what local emphasis is all about. I think we can untie the hands of the local school districts and let them do it. On the bill we are considering today, I would like to go further with vouchers in getting into more choice. But this is certainly a good personal first step.

I would like to mention one other thing before the Senator from Alabama leaves the room because I want to make one comment about a program that works and one that we are going to try to change and get fully implemented. That is called impact aid.

I know the Senator from Alabama is interested in this because Alabama would qualify for $12 million of impact aid. Last year they got $2.4 million. They are at 20 percent of where they should be.

Impact aid is a Federal program that really works. By and large, it is not something that is giving something to somebody. It says to go the Federal Government, you have come in here with your military installations, with your Indian reservations, or any other Federal type of program, and because of that those lands on which you are working are off the tax rolls. So there is no property tax coming in. Yet while you are doing that you have brought in with you a large number of children. Those children have to be educated in our educational system. Yet there is no funding there to offset the cost of not being able to collect revenues from those lands that are on various installations. This as one of the rare programs we can talk about that is not just something good for students, but it is an obligation that we have to these students. Oklahoma, I might add, is in a very similar situation.

What we are proposing in a letter that we encourage people to sign, and which the Senator from Alabama has already signed, is that we need to phase in full funding for impact aid. Over a 4-year period of time, we start with 6 percent. Then we move on up until we have 100 percent.

This is a program that I think of as a moral responsibility to keep our word with local school districts because when we don't do that the amount of money they have to spend to educate that child is taken away from other programs such as computers and teacher-pupil ratios. This is something I think is an obligation and something that we should strive for. Hopefully, we can get the language in here.

I don't care if it ends up being an entitlement, as much as I hate to say that. This is a responsibility that we have.

Mr. SESSIONS. Mr. President, as the Senator knows and as I understand, the Government said it desires to fully fund this. It is not meeting the commitment that it made. Is that correct?

Mr. INHOFE. That is correct.

Mr. SESSIONS. In terms of the overall education budget, it is small in cost. But for those schools impacted, it is a very big deal for them.

I thank the Senator for his leadership. I think this is an important issue.

Mr. INHOFE. It is a big deal, because in my State of Oklahoma there our five major military installations. I hear from people all the time in Lawton, OK, and Fort Sill. Of course, we have a very large number of children who are being educated in the public school system, but there is no money coming from the tax base. This is a Government installation.

The local districts sometimes have ideas that are better than those ideas emanating from Washington. I will share one personal experience. I can remember many years ago when I was in the State legislature; I made it a practice to always come back to Tulsa from where we met when the kids had some kind of a function, a school play or something. I remember coming in one time and seeing my oldest son, Jimmy. At that time he was in the fourth grade. He was beaming. He said, ''Dad, guess what?'' He said, ''You know I am in the fourth grade.'' I said, ''Yes. I know that, son.'' He said, ''Guess what. In reading I am in the fifth grade.'' I said, ''How in the world did that work?'' He said, ''It is a brand new, something that has never been tried before. But they are taking me at the level where I am because I am better than the rest of the fourth graders. So I am in the fifth grade.''

I thought back to when I was in grade school. I went to a little country schoolhouse where they had a wood-burning stove in the middle of the room. There were eight rows of seats and eight grades. I was in the first row because I was in the first grade. My brother was in the second row because he was in the second grade. My sister was in the eighth row because she was in the eighth grade. We had one school teacher. I think back now and wonder if he was really the giant that I remember.

When you needed discipline, as the Senator from Alabama was talking about—at that time they had a great big board. If you messed up, you were disciplined the right way. Anyway, when they would teach the classes, they would line you up. I would go with the first graders. In spelling, for example, when you missed a spelling word, you had to go up there and get a swat on the rear with this great big paddle. I have to tell you that I was a very good speller. I was in the third row. That taught me a lesson.

So I thought about that program that Jimmy talked about. This probably happened 30 years before then. It was a brandnew and innovative program. Programs that emanate from the Federal Government are not always the right ones.

We need to unshackle the hands of the teachers, the parents, and the local school districts to give them greater flexibility and greater opportunity to do a better job of teaching our children.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, from our side we have had a good discussion of the Abraham amendment. We had a brief discussion, but I think a good exchange, on the second-degree amendment with regard to the best way to provide incentives that will have a direct result in enhancing academic achievement and accomplishment for students. We are under the strong impression, based upon the best experience and the record to date, that is the best way to go.

Of course, as we all know, the 93 cents out of every dollar spent locally is within the domain of the State. If the Governors want to go ahead with a program outlined by the Senator from Michigan, they will still be able to do it. While the legislation represents a small percentage of the dollars that will be expended, at least on our side, we feel very strongly we want included in the legislation, programs that are tried, true, and tested and have had a sound record of performance. That is expressed by our second-degree amendment.

We are prepared to move toward the consideration of the Murray amendment that dealt with the class size. I think it is appropriate following this discussion on teachers. As I mentioned earlier today, of the $2 billion from S. 2, the Republican teacher proposal, $1.3 billion of that comes from the class size program which they effectively eliminated. Mr. President, $300 million is from the Eisenhower math and science program which is in existence now, which I think is a pretty good program. They are ending that program. They are only adding some $300 million to do all of the things they talked about in terms of enhancement of academic achievement for teachers and teacher support. This is in contrast to the amount we are proposing on the Democrat side, $3.75 billion, that we have outlined in the debate and discussion yesterday.

We hoped we would be able to go ahead with the Murray class amendment. We are prepared after that to move to the Lieberman proposal. There aren't any real surprises in the Lieberman proposal. Senator LIEBERMAN and others have outlined that in considerable detail. The language has been passed over to the other side. We wanted to go on giving the Senate the option to be able to consider the alternatives in S. 2 just on the teacher programs, both the recruitment and mentoring, and the academic enhancement and achievement for teachers. We wanted also to have a good debate on the proposal of Senator HARKIN on modernization of our schools. We wanted to debate the afterschool programs. We wanted to debate the excellent proposal of Senator MIKULSKI on the digital divide. We wanted to debate our strong accountability proposal of Senator BINGAMAN.

There are no real mysteries about where we are. I imagine we will get an opportunity to talk about safety and security in schools. There is very little surprise about the programs and our amendments.

We understand we want to go back and forth, but we are quite prepared to move ahead. We have been virtually free of any quorum calls since this legislation was laid down. That is rare. On Monday, we had seven speakers from our side, seven speakers from the other side. We went until almost quarter to 7, starting debate at 1 o'clock, and free from any quorum calls. That was true Tuesday evening and yesterday as well and has been true up until now. We are getting close to 2 o'clock. We are not in tomorrow. On this side we are prepared to get into debates and discussions on these items. They are at the heart of education reform. They have been demonstrably effective in helping and assisting the schoolchildren of this country.

I listened to my colleagues before 1 o'clock talking about all of the challenges we are facing educating children in underserved areas—all of which is true. What I didn't hear is how they believe they felt their bill would solve it. That is the question. Everyone can come to the floor and talk about the challenges we are facing with children in underserved areas. We all understand that. But when I hear time after time, speech after speech, we have a problem out there and we have to do something about it, I think it is beginning to sound empty.

Generally speaking, we identify a problem and we try to identify the solution to the problem. That is not being done here. The reason it is not being done is because the Republican proposal is basically a blank check, a block grant to the Governors.

When we find out we don't have well-qualified teachers, what is the answer? Blank check to the Governor. We have trouble and difficulty in overcrowded classrooms and we have dilapidated schools. What is the answer? Blank check to the Governor. We have new technologies that are coming down the pipe, and we want to make sure we will have a balance, that we are not going to get into a digital divide using technologies that will separate the haves and the have-nots in our schools. What is their answer? Give it to the Governor.

We have tried that before and we have not gotten very satisfactory answers. We have not gotten satisfactory answers in the time from 1965 from 1970 when we had block grants. We found how the money was diverted for football uniforms and band uniforms and swimming pools, for a wide range of different kinds of activities that were distant and remote and unrelated to children who had very important needs.

We had the other side, with all due respect, that took the position, as we started off in the 1990s, that the best answer in solving these problems is to close down the Department of Education. That was their position: We do not want any Federal participation. We do not want any partnership. Close it down. That was their position in the early 1990s. That, and the rescission of funding that had been appropriated and signed into law by the President of the United States during that time.

I, for one, as I have said a number of times on the floor, I think most parents would agree, that at every single meeting the President of the United States has with his Cabinet, there is going to be someone there who is going to say to the President: What about education for the children of this country? When they are going to be meeting at the Cabinet table and deciding priorities in the expenditure of our $1.8 trillion, you want someone there who says: What about education, Mr. President?

The Republicans do not want that voice in the room because they do not want any Federal participation on that. That has been their historic position.

Now we have the time to have this debate. As others reminded us, we do not do it every year. We do it every 5 or every 6 years. We are having this debate now, just after the turn of the century. What is their answer? Instead of no more Department of Education, instead of cutting back even more in terms of the education budget, they say let's give it all to the States. Let's give it all to the States and let them make a judgment about it, virtually free from much accountability. All States have to do to get the money is to have an application and general outline of what the State intends to do to enhance educational quality. Then there is a long list of things that can be included in that effort. But also included are the words ''for any educational purpose.'' Who decides that? The Governor decides that.

This is their ''Uses of Funds Under the Agreement.''—Funds that may be available to a State under this part shall be used for educational purposes.

Every Governor can just make a decision that this is for educational purposes and then they are not accountable until after 5 years. Then there has to be a finding by the Secretary of Education that they have not made substantial progress in the area of education.

So their position is: Blank check, block grant, give it to the States, let the Governors do whatever they do. That in spite of the extraordinary record of the efforts of serious Governors, Republicans and Democrats alike, in the period of the 1980s and the 1990s, who said what we have a responsibility for is for the underserved schools in our States. There were eloquent calls for action by the Governors themselves. The National Governors' Conference, time in and time out, we found were asking for it, going back to 1986.

Governors Alexander and Clinton and Keene and Riley, urging they give greater focus and attention to underperforming schools and districts, and that States take over the academically bankrupt districts. Those were speeches being made in 1986. I am glad to hear they are being made by our Republican friends now.

Then, in 1987, 9 States had authority to take over, annex educationally deficient schools—only 9 out of 50. The call went out again in 1990, and again in 1998. The National Governors' Association policy: Support the State focus on schools, reiterating the position first

taken in 1988 in the National Governors' policy:

The States should have the responsibility for enforcing accountability and including clear penalties in cases of sustained failure to improve student performance.

Now we find there are 20 States that provide assistance to low-performing schools; 18 States apply some type of schoolwide sanction out of those 20. Now we have 20 States. It will take another 50 years, if we were going to get all the States to do what 20 States are doing now. But that is not good enough. Our Republican friends say give the money to the States, in spite of the facts. You have the record about what the deficiency has been at the gubernatorial level.

There are some notable exceptions, Republicans and Democrats alike. We are glad to recognize it. We pointed some of those out during the debate. But that has been the record. They have not measured up, done the job; they have not taken that responsibility.

We are not prepared, with the scarce resources here, to try to turn that over to the Governors one more time and expect they are going to do the job. No. We are going to insist that there will be incentives and disincentives for performance. That is what we do.

As I mentioned, whether you are talking about dedicating resources to turning around schools—in our particular program we have the resources to be able to do that. We make sure we are going to allocate scarce funds that each year are going to be set aside that can be utilized and will be effective in turning around failing schools. The schools are going to have to show annual gains for student performance.

We are to the point where we are going to insist there will be a report card that is given to every parent in this country about how their child's school is doing, every year. I think parents would like to know how their child's school is doing. We are guaranteeing that.

We asked our good friends on the other side how their bill is going to solve the issue of accountability. They cannot do it. We have been challenging them since the beginning of the debate. They cannot do it. We can. We are glad to go through these various provisions we have outlined about the assurance of real accountability of failing schools. If they fail, there are real consequences. After a period of time they are closed down. There is a whole new leadership for those schools if they are going to be reopened. Otherwise there is support for the children to go to other schools.

We also have a strong commitment to try to reach out to those children who are so often left out and left behind. We are talking about the homeless children. We have over a million homeless children in this country. We have over 700,000 children who are migrant children, who travel through this Nation at the various harvest times. There is a similar number of immigrant children who eventually are going to be American citizens. It is in our interest that they get educated. It is in our interest that they get educated, not cast aside.

Now, what does this Republican bill do? What it does is eliminate all those kinds of protections which have been out there now, guaranteeing those needy students are going to have their interests addressed. It sends the money back to the States, which prior to 1987 had not given those populations their attention.

I see the majority leader on the floor. If he wishes to address the Senate, I will be glad to withhold.

Mr. LOTT. I will be glad to wait until the Senator completes his remarks. I was going to try to bring the Chamber up to date on our hope of how to proceed. Senator DASCHLE is here.

Mr. KENNEDY. I will withhold.

Mr. LOTT. We are not ready to do that at this moment because we have to be sure everybody accedes, and so I will be glad to withhold.

Mr. KENNEDY. At any time the majority leader wants to propound the consent request, I will be glad to yield.

I wanted to read the 1987 report. In March of 1987, the Center for Law and Education sent a questionnaire regarding State practices and policies for homeless students to the chief State offices in the 50 States and the District of Columbia, and received 23 responses. The majority of the respondents, however, had no statewide data, so out of the 50, you got 23, and out of the 23, the majority had no statewide data on the number of homeless children within their jurisdiction, or whether these children were able to obtain an education.

The majority of States had no uniform plan for ensuring homeless students received an education—the poorest of the poor. Can those who want to give this money directly to the States tell us about programs that had been developed by the States prior to 1987? I have searched. I have looked. I cannot find them. Why? Because they were not a priority because they did not vote. Children do not vote, and the parents did not vote. We know the reasons, and that has been true with migrant and immigrant students as well.

As for the homeless children, we made marginal increases in the enhancement of those programs annually during the appropriations process, but we maintain our commitment. I wish we could be out here in a bipartisan way trying to find ways to strengthen these programs, to help those kids, to find out how we can be more effective. But oh, no, do my colleagues know what we are going to do? We are going to take those three programs, which is millions of dollars, and instead of continuing to target the homeless and neediest children, we are going to send that money to the Governors, to the State capitals to let them decide whether they want to be bothered by this.

The record is very clear: They have not historically, and there is little indication that they will today. If one looks over what is being allocated at the State level versus what the Federal Government is doing with programs in these areas, one will find they are begrudging support for these programs. There are certain exceptions, and we are always glad for that.

We enable students in failing schools to transfer to higher-quality schools. We say you cannot use more than 10 percent of the title I money for transportation. We let the local communities make the judgment of what they will do. Under the Republican bill, there is absolutely no cap. They can use the whole title I program for transportation.

On accountability, we find there continues to be a deficiency.

I will take a couple of minutes to go through the merit pay issue again and our particular proposal. Since we knew this was coming up, we tried to find out what different States have done and what has been successful.

We were reminded by the Senator from Georgia about a merit pay program that Secretary Riley instituted. It cost the State of South Carolina $100 million, and it was abandoned. I am sure my friend from Georgia does not realize it was abandoned. Probably those last words or last couple of sentences were missing in his presentation. They have switched to more of a school-based program.

In looking over the use of merit pay incentives for teachers across the country, one of the most successful has been in Dallas, TX. In 1991–1992, they implemented one of the most sophisticated accountability systems in the Nation. The centerpiece of it was that all staff in schools which increased student achievement received monetary awards. A 1996 study found when the scores were evaluated against the comparable school districts, the Dallas program had a very positive impact on test results. That is our amendment—schoolwide, with regard to that aspect.

In North Carolina, a State in which great progress has been made in education—I do not know why, but when we find out that some things work, as in the State of North Carolina, we do not try to share that with other parts of the country. We have tried to do that in this legislation.

North Carolina, in 1997, implemented its incentive program for whole school merit programs, and the legislature recently budgeted $75 million for the awards. More schools met their performance goals than expected. The second year required $125 million rather than scale back the level of the award. The legislature increased the budget to increase this successful program. It is working. We have no problem with our friend from Michigan on this type of merit pay program, but let's get it correct.

Mr. DODD. Mr. President, will my colleague yield?

Mr. KENNEDY. Yes.

Mr. DODD. First, I commend Senator KENNEDY for his comments. The alternative of rewarding schools as opposed to individual teachers is a very sound way of approaching this—the team environment, the team effort.

I find it somewhat ironic that the authors of S. 2 want to have the Federal Government stop dictating to the States and communities how the 7 cents on the dollar the Federal government provides for education is going to be used, yet in this amendment they have offered, they ask that this body to decide what certification or merit pay will be provided for teachers across the country. What works best is a decision that ought to be left to the States or the local communities. For the Senate to go on record to decide what will work best in the 50 States is in direct contradiction to the arguments I hear being made in support of the underlying bill, and that is: We do not know what we are doing here; we ought to leave this up to the local governments. Now we are going to decide, apparently, that teachers ought to get a pay increase rather than leaving that decision to the local level. It seems they have it backwards. Those decisions are best left at the local level.

As the Senator from Massachusetts has accurately pointed out, in State after State where it has been tried—it is not as if it has not been tried—it has not worked very well.

Instead of disregarding what is occurring at the local level, why not give them the chance in this area to decide what works best instead of trying to micromanage the pay or compensation of teachers based on some test that, as the Senator from Massachusetts said, would pit one against the other.

As he pointed out, there was an effort in Fairfax County, VA, to try this scheme. Maybe the Senator from Massachusetts can tell me again what was the experience in Fairfax, VA. They tried merit pay as a way to improve student performance, and what were the results of that experiment?

Mr. KENNEDY. The Senator is quite correct. They dropped that after a very short period of time because it was so ineffective in the outcomes for the students.

Mr. DODD. When they dealt with teacher merit pay for the whole school in New Haven—I gather it was New Haven, California, not New Haven, Connecticut——

Mr. KENNEDY. That is correct.

Mr. DODD. What was the experience there? Did the entire school benefit?

Mr. KENNEDY. There was a dramatic outcome in one of the poorest communities in California where they had schoolwide summer programs and they took all of the teachers—500 teachers—and gave bonuses to the whole school as the academic achievement went up. They also supported teachers if they wanted to obtain professional development or work towards advanced degrees. Finally, they gave encouragement for recertification, which is a very rigorous program of examination by senior teachers and review of the skills and talents of these teachers. But most of all, they gave support for the classes and the schools that were increasing academic achievement. It went from one of the poorest schools, in terms of academic achievement, to one of the best in California in a period of 7 years.

Mr. DODD. Lastly, I ask my colleague, does he know of any example, in his tenure in the Senate, where we have ever required merit pay for physicians, attorneys, architects, or any other profession you can think of? Has the Senate of the United States ever gone on record and said that as a condition of receiving Federal support, such as for health care plans or for legal issues, that we, as a matter of Federal policy, would require, in those professions, that they be required to be certified midcareer?

Mr. KENNEDY. Quickly, my answer would be no. Secondly, I think that—perhaps the Senator would agree with me—if we are going to give some extra pay, perhaps those teachers who are working in these combat conditions in underserved areas, whether they are rural or urban areas, might seem to be ones who could be deserving of it. That could be a decision that is made by the State.

But what I want to mention to the Senator, is that the States can do what the Senator from Michigan is proposing today, out of their 93 cents.

Mr. DODD. Correct.

Mr. KENNEDY. I have challenged the proponents of this to give us one State that is doing an effective merit pay for individual teachers program. We have not heard one. It would be nice if they said, oh, we have 15 States doing it and these are the results of it in academic achievement. They cannot give us one example.

Mr. DODD. If my colleague would yield, we have a number of former Governors here, some of whom support this amendment. I wonder if when they were Governors they supported this.

I see the majority leader on the floor. The minority leader and I certainly yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I thank the Senator from Connecticut for allowing us to proceed with what I think is a fair agreement on how to proceed for the remainder of the afternoon.

We have had good debate this week on both sides of the aisle. There is a difference of opinion. When we get our unanimous consent agreement, or when we get it propounded and hopefully get an agreement, I do want to comment on some of the things I have heard over the past hour during debate and on the pending Abraham-Mack amendment.

But I think, first, it is important we get an understanding and agreement on how to proceed. Basically, the consent we would like to propound would be that the pending second-degree amendment be laid aside, and that Senator MURRAY be recognized to offer her amendment relative to class size, with no second-degree amendments in order, that we would ask consent for the votes to occur at 5 p.m. on the pending amendments, and the time between now and that hour be equally divided, and the votes would occur on or in relation to the amendments in the order they would be offered or have been offered. That sequence, of course, is the Kennedy second-degree amendment, the Abraham-Mack amendment, as amended, if amended, and then the Murray amendment.

Then we would ask consent that the next amendments in the sequence be basically in the following order: Lieberman, as an alternative; Gregg, with regard to Teachers' Bill of Rights; and McCain, regarding sports gambling.

We will see if we can get an agreement on that. If we cannot, then we will modify it in a way we hope we can get an agreement.

That is basically how we would like to proceed this afternoon. I think it is a fair way to proceed. We will be able to have another 2½ hours, hopefully, of good debate. Then we can have some votes.

Then we will have things lined up for debate on Monday. I hope that we can get in several hours of debate on the amendments that would be pending at that point—the Lieberman amendment, the Gregg Teachers' Bill of Rights, and other education-related issues about which Senators may want to talk. Then we would move toward votes on Tuesday and/or Wednesday and Thursday, if necessary. That is basically the outline of how we would like to proceed.

As soon as I hear further from Senator DASCHLE, we will propound that UC.

Mr. President, I ask unanimous consent, then, that the pending second-degree amendment be laid aside and that Senator MURRAY be recognized to offer her amendment relative to class size, and no second-degree amendments be in order. I further ask consent that votes occur at 5 p.m., with the time between now and then to be equally divided, and that the votes occur on or in relation to the amendments in the order in which they were offered, with no second-degree amendments in order.

The voting sequence is as follows: Kennedy, second-degree amendment; Abraham amendment, as amended, if amended; and then the Murray amendment.

I further ask consent that following these votes, the next amendments in the sequence be the following, in the following order, with no second-degree amendments in order prior to a vote on or in relation to the amendments. They are as follows: The Lieberman amendment, which is an alternative; the

Gregg amendment, dealing with Teachers' Bill of Rights; and the McCain sports-related gambling issue.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. LOTT. Mr. President, Senator MCCAIN and I have discussed this matter. I understand he will be here momentarily. But I indicated to him that there might be an objection. We have now heard an objection. Therefore, I modify my consent to reflect the next two amendments be limited to the Lieberman and Gregg amendments as outlined above.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like to ask the Senator from Missouri to withhold his objection, and in order for one other Senator to arrive, 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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. 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. LOTT. Mr. President, I would like to say again, if I didn't say it sufficiently a moment ago, that I appreciate Senator MCCAIN's cooperation in agreeing for us to proceed even without an amendment he had hoped to get in the next sequence. But there was objection to that. He has agreed for us to proceed without an objection.

The same thing is true with Senator ASHCROFT. He has had a chance to review the situation. And our colleagues on both sides of the aisle have had an opportunity to look at the substance of the amendment. There are a number of Senators who have amendments they want to have considered. We hope as we go forward they will be in the lineup at some point.

For now, we are just trying to get the rest of the afternoon agreed to and debate amendments that we will also be debating on Monday. Then we will take it from there.

Mr. President, let me propound the unanimous consent request again and see if we can get it cleared at this point.

I ask unanimous consent that the pending second-degree amendment be laid aside, that Senator MURRAY be recognized to offer her amendment relative to class size, and that no second-degree amendments be in order.

I further ask unanimous consent that votes occur at 5 p.m. with the time between now and then to be equally divided, and the votes occur on or in relation to the amendments in the order in which they were offered, with no second-degree amendments in order.

The voting sequence is as follows:

Kennedy second-degree amendment;

Abraham amendment, as amended, if amended;

Then the Murray amendment.

I further ask unanimous consent that following those votes the next amendments in the sequence be the following, in the following order, with no second-degree amendments in order prior to a vote on or in relation to the amendments and the second-degree amendments must be relevant to the first degree they propose to amend. They are as follows:

Lieberman, which is an alternative;

Gregg, Teachers' Bill of Rights.

I believe that would be the request.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not, provided it is all right with the distinguished Senator from Washington State, would the leader be willing to amend that so I would be allowed to proceed for 5 minutes just prior to the distinguished Senator from Washington State on an entirely unrelated matter not requiring a vote or an amendment?

Mr. LOTT. I am not sure exactly when that would come.

Mr. President, we always try to accommodate Senators on both sides. But let me just say I would like to amend the request beyond what we have already asked to the effect that I be recognized to speak for 5 minutes to be followed by 5 minutes by Senator LEAHY. I had been waiting to try to respond to some of the things that had been said on the debate before we reached this point. If I could just get 5 minutes followed by Senator LEAHY, then we would go on with the regular order, if that is all right with Senator DASCHLE.

Mr. DASCHLE. Mr. President, I will not ask for time. As the majority leader has indicated, this does not in any way reflect what we have attempted to do beyond this agreement. We have some amendments on either side. Senator DODD has a very important after-school amendment that will come shortly after this lineup.

We also have Senator BINGAMAN, dealing with accountability; Senator HARKIN on construction; Senator MIKULSKI on digital divide; and Senator DODD's amendment will likely come up after this agreement. I know there are Senators on the other side who will be in the mix as well. No one should think this limits their ability to be heard and to offer their amendments.

I appreciate very much the cooperation of everybody.

I will not object.

Mr. REID. Mr. President, reserving the right to object, I want to say I objected to the McCain amendment not because of the content of his amendment, per se. He wants to bring up the NCAA college amendment at some subsequent time. That is his privilege. That is part of the Senate business.

One of the things I have tried to do, following the direction of the minority leader in consultation with the majority leader, is to keep this debate on this education bill on education. We worked very hard on our side to keep other matters off this bill—Patients' Bill of Rights, prescription drugs, minimum wage, and all kinds of other things. I don't want Senator MCCAIN or anyone supporting Senator MCCAIN's amendment to think I am doing this simply because it deals with the NCAA. It is because we are trying to move this education bill along. At some subsequent time on this bill or at some other time, if he offers that, I will be prepared to do whatever is necessary to put my views forward. But I just want the RECORD to reflect that it is not because of the content of this amendment. It is just an attempt to move education matters along with this bill.

I withdraw any objection I have.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

Mr. LOTT. Thank you, Mr. President. I thank Senator DASCHLE, Senator REID, Senator KENNEDY, Senator JEFFORDS, Senator ASHCROFT, and Senator MCCAIN for their cooperation.

Mr. REID. Will the leader yield for a second? I want to make sure the RECORD reflects that I withdraw my objection as to this unanimous consent and not the other ones propounded regarding Senator MCCAIN.

Mr. LOTT. Mr. President, along the lines of what Senator REID just said, both sides have been working to try to keep our amendments and our debate on the underlying bill, the Elementary and Secondary Education Act. This is a very important bill. Of course, its title is Educational Opportunities Act.

There is a lot that needs to be said. There is a lot that needs to be done to make sure our education and elementary and secondary schools are improved, that it is quality education, that it is safe and drug free.

We don't have to be out looking for amendments involving China, agriculture, or higher education, guns, prescription drugs, tax cuts, or anything of that nature, all of which may be or may not be meritorious. We have plenty to do and plenty we need to think about to improve, hopefully, elementary and secondary education.

I agree to an extent with what Senator REID was saying. I appreciate his cooperation and that of Senator MCCAIN, who agreed to go along with this request.

Let me respond in the broader sense to some of the things that have been said on this bill this afternoon. I have listened to the discussion by Senators. I think it is very important to note once and for all that this is education opportunity—not for 1965, not for 1985 or 1987, because I have heard that date used in some of the debate earlier, and

not even for 1995. This is about education in the new millennium. This is about how we improve the quality of education and how we improve the learning of our children for the remainder of this century.

We know there are many indicators that show our children's education is not safe, that it is not drug free, that it is not improving in many areas. In fact, many test scores are static or declining.

We have to do something different. We are not debating 1956, we are not debating what happened in 1985, and we certainly are not debating what happened in the early 1990s.

It has been alleged that all Republicans want to do is eliminate the Department of Education. Let me just make the RECORD clear why there are many of my colleagues who do not agree with me on this.

I am the son of a schoolteacher. I worked for a university, and I am not for, nor have I ever been for, eliminating that Department. I stood in the House of Representatives and voted for its creation. The majority leader and the Republican leader in the Senate certainly do not have that position. Let's not talk about the past. It is prolog. There have been good efforts. Some of them helped. Some of them didn't work.

It is time we think a little differently. Education is in this box because there are certain groups in this country that say this is the way it is going to be, this is the way it has been, failed or succeeded, and it is going to stay.

I don't agree with that. We have to start using some innovative concepts. We have to have more flexibility. We must have more accountability. We must have results. It has to be child centered, as we have been saying.

Some people say we must have mandates from Washington, DC; We know best in Washington, DC, in the Senate and the bureaucrats at the Department of Education, many well-intentioned and good people.

I don't accept that. I have faith in the parents at the local level. I have faith in the teachers and the administrators, yes, in the State governments. So it happens that more Governors right now are Republican than Democrat, but in the past the reverse has been true and test scores were not any better then. We have to try to find some solutions.

By the way, many of the good solutions in America for creating jobs, improving education, charter schools, improving health care, are happening in the States because we have given them a little more flexibility from the Washington level. My own State of Mississippi, poor though it is, just voted 2 weeks ago, and the Governor signed into law, a 5-year teacher pay increase to bring Mississippi up to the southeastern average. That is monumental legislation. It is a big financial commitment from a small, poor State. But they are doing the job. They are trying to make some progress with teacher pay raises. I know certainly they deserve it.

It is time for a change in education. We have to do better. Our scores as parents and leaders are not what they should be for improving education. If you want the status quo, go ahead and vote for title I, title II, all the programs as they are. Leave them as they are. I don't believe they are working the way they can; we don't give enough discretion as to how best to use them at the local level. If our districts and States are using them for pools, Heaven forbid, we should make sure that does not happen.

We have thoughtful ideas and I think this Abraham-Mack amendment is a good amendment. First of all, this amendment is optional. Shouldn't we encourage good teachers? Shouldn't we have merit pay for the really good teachers? Shouldn't we encourage them? The alternative is, if the overall school does good and improves, give all teachers a pay raise. That means that the worst of the worst get the pay raise along with everybody else, in spite of the job that he or she has done. That is not the solution.

It is not a mandate. Again, it is a choice for the States and the local education agencies to pursue quality teaching, a very important component in learning. It is optional.

Let me reframe the debate a little bit. I think there is fundamental disagreement. However, I think the American people agree with the approach we are taking, an approach of more flexibility, more choice at the State and local levels, accountability, encouraging quality teachers so that they won't leave teaching as my mother did after 19 years. She didn't get rewarded when she did a good job or spent extra time. She couldn't make a decent wage in that job.

I believe we have a good package. I commend the work. Let's continue to have debate on the amendments. I certainly hope the Kennedy amendment is defeated and the Abraham-Mack amendment is passed.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). WHO YIELDS TIME? THE SENATOR FROM WASHINGTON.

Mrs. MURRAY. Mr. President, for my clarification, I understand my amendment is in order and the time between now and 5 o'clock is equally divided, is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 3122

(Purpose: To provide for class reduction programs)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3122.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mrs. MURRAY. Mr. President, classrooms across America are less crowded today than they were a year ago, because this Congress made a commitment to hiring new teachers to reduce classroom overcrowding.

The progress has been overwhelming. Today, 1.7 million students are in less crowded classrooms—where they can learn the basics in a disciplined environment.

That is the type of progress we should continue. Unfortunately, this Republican bill abandons our commitment to helping students learn in less crowded classrooms.

At a time when we should be ensuring that every student can benefit from an uncrowded classroom, this Republican bill makes no guarantee that smaller classes will become a reality.

That is why I am on the floor today—to make sure that no student is stuck in an overcrowded classroom in grades 1–3.

I am offering an amendment which would authorize the class size reduction program in the Elementary and Secondary Education Act.

As a former teacher, I can tell you, it really makes a difference if you have 18 kids in a classroom instead of 35—parents know it, teachers know it, and students know it. By working together over the past 2 years, we have been able to bring real results to students.

With the first year of class size reduction funding, we have been able to hire 29,000 teachers across the country. Approximately 1.7 million students across the country are learning in classrooms that are less crowded than they were the year before. The average class size has been reduced by more than five students in the grades where these funds have been concentrated.

Forty-two percent of the teachers hired are teaching first grade. In these schools, the average class size fell from approximately 23 to 17 students, 23 percent of the teachers are in 2nd grade, and 24 percent are in third grade. In both of these grades, the average class size, where these funds were used, dropped from 23 to 18 students. In addition, districts are using approximately 8 percent of this money to support professional development so we can have teachers of the highest quality.

Let me take a moment to share a list of some of the benefits of class size reduction. Class size reduction produces better student achievement, something every Senator has been out here to say they support. It brings about fewer discipline problems. When there are fewer kids in your classroom you can maintain discipline; there is more individual attention, better parent-teacher communication—an essential to a

child's education—and dramatic results for poor and minority students.

Those are some of the ways smaller classes help students reach their potential. Those are the results we should be giving all students in the early grades. But today, there are still too many students in overcrowded classrooms.

Today, the average classroom in grades 1–3 has 22 students in it, students who are fighting for the time and attention of just one teacher, students who might not get their questions answered because their classmates are creating disruptions, students who aren't learning the basics.

Those students would be helped dramatically if we gave them a less crowded classroom with a fully-qualified, caring teacher.

Go out into your local school districts and talk to any teachers, and I believe they will tell you classes are overcrowded. It is not easy for local school districts to hire teachers on their own.

Believe me—I served on a local school board. This is one area where the Federal partnership really makes a dramatic difference for students.

I understand, as a former school board member, the pressure the school boards and others involved with the budget face in allocating scarce resources.

The pressure on how to spend these funds are immense, and in most district budgets, there is not money to reduce class size.

The Federal funds for the purpose of reducing class size are incredibly important for supplementing district budget to address the class size.

Let me share an example of how one of the districts in my State is using these funds. The Tacoma School District in Washington State received a class size reduction grant of a little over $1 million, and the district started a program called ''Great Start.'' That's one of the best things about this program. School districts can use this money to meet the unique challenges their students face. We know that not every school district is the same. We know that some schools need more help hiring teachers, and others need more help training teachers. That is why this program that we created 2 years ago is flexible.

So the educators in Tacoma decided they would focus the money on first grade. And, they decided that—in addition to reducing over-crowded classrooms—they were going to make sure that those new teachers had the best strategies for helping students. They set clear goals. For example, they set the goal that every student be able to read and write by the spring of their first grade year. They hired an additional 20 fully-qualified new teachers. And the difference has been dramatic.

Today, as a result of this program, those classrooms have an average of just 16 students. Those students are now better able to learn the basics with fewer discipline problems.

I am proud to say I have visited schools in Tacoma. I have seen the great strides those dedicated educators are making. But do not take my word for it. Listen to what one of the teachers wrote to me.

I received this letter from Rachel Lovejoy, a first grade teacher at Whittier Elementary School in Tacoma.

She writes:

> I knew first graders could make great gains, and this year they are.

Rachel is the type of teacher who goes out and visits every child's home in August before the school year begins. She meets their family and learns about that student's unique needs and challenges.

As Rachel told me:

> With 16 families, I can fit the visits into my room preparation with greater ease. What a great start to building that family atmosphere in my class.

Rachel tells me that because she has fewer students in each class she is better able to keep track of how each student is progressing.

Rachel also says there are fewer discipline problems in her classroom today:

> It is much easier to build a familial, caring community in the classroom with fewer children.

Rachel knows what makes a difference in the classroom, and she has a message for all of us about reducing class size:

> The research is there. Accept no excuses. Gives us lower class size and training, and let us do what we do best . . . teach.

That is what we should be doing and that is what the amendment I am offering today does. It shows teachers like Rachel that we will stand with them and help them create effective classrooms.

I was fortunate to receive a letter from Lori Wegner—the parent of one of the students in Rachel Lovejoy's classroom. She writes:

> With 16 children, Rachel is able to interact with each child on an individual basis throughout each day. Rachel is able to go above and beyond the basic requirements for testing the students' achievements and focus on each child's development in a way that is appropriate to the individual child.

Lori closes her letter to me by saying:

> Please give our teachers the opportunity to facilitate the development of each individual student to their fullest potential during these critical years of learning.

Not only do the parents and teachers in my community tell me it works, but national research proves smaller class size helps students learn the basics in a disciplined environment.

A study conducted in Tennessee in 1989, known as the STAR Study, compared the performance of students in grades K–3 in small and regular-sized classes. This important study found that students in small classes—those with 13 to 17 students—significantly outperformed other students in math and reading. The STAR study found that students benefitted from smaller classes at all grade levels and across all geographic areas.

The study found that students in small classes have better high school graduation rates, higher grade point averages, and they are more inclined to pursue higher education.

I repeat, students who are in smaller class sizes in first, second, and third grade have higher graduation rates, higher grade point averages, and are more inclined to go on to higher education. Isn't that what all of us want?

According to research conducted by Princeton University economist, Dr. Alan Kruger, students who attended small classes were more likely to take ACT or SAT college entrance exams, and that was particularly true for African American students.

According to Dr. Kruger:

> Attendance in small classes appears to have cut the black-white gap in the probability of taking a college-entrance exam by more than half.

Three other researchers at two different institutions of higher education found that STAR students who attended small classes in grades K–3 were between 6 and 13 months ahead of their regular class peers in math, reading, and science in each of grades 4, 6, and 8.

In yet another part of the country, a different class-size reduction study reached similar conclusions. The Wisconsin SAGE Study—Student Achievement Guarantee in Education—findings from 1996 thru 1999 consistently proved that smaller classes result in significantly greater student achievement.

Class-size reduction programs in the SAGE study resulted in increased attention to individual students. This produced three main benefits:

No. 1, fewer discipline problems and more instruction,

No. 2, more knowledge of students, and No. 3, more teacher enthusiasm for teaching.

The Wisconsin study also found that in smaller classes, teachers were able to identify the learning problems of individual students more quickly.

As one teacher participant in the SAGE class-size reduction study said:

> If a child is having problems, you can see it right away. You can take care of it then. It works a lot better for the children.

Parents of children in smaller classes notice the difference as well. The mother of a child who moved from a class of 23 students to a class of 15 students discovered that—she wrote this to me:

> The smaller class makes it possible for the teacher to get to know the kids a lot faster, so they can assess their strengths and weaknesses right away and start working from those points right away.

Discipline problems were also greatly reduced in smaller classes. One teacher said:

> In a class of thirty students, you're always redirecting, redirecting—spending most of your time redirecting and disciplining kids where you're not getting as much instructional time in.

Those are not my words, they are hers.

By contrast, another teacher said:

Having 15 [students], I'm so close to them. Generally, I don't have to say a thing; I just look at them and they shape up and get back to work . . . So I don't spend a lot of time with discipline anymore.

The empirical support for smaller class size is compelling. Smaller classes in SAGE schools produced high levels of classroom efficiency; a positive classroom atmosphere; expansive learning opportunities; and enthusiasm and achievement among both students and teachers. The SAGE study concluded that the main effect of smaller class size was greater student success in school.

Today we have the opportunity to authorize the class-size reduction program in this bill and ensure we do not abandon our school districts in their efforts to reduce class size, which have been so successful.

It is our opportunity to make a commitment to improving America's public schools.

I am offering this class-size reduction amendment to give Members of the Senate the opportunity to show parents, teachers and students that we understand that it's important to reduce the class size.

My class size amendment will continue the progress we have made over the past 2 years in dedicating funding to class-size reduction. It will bring us to a total of more than 43,000 fully qualified teachers nationwide.

Here are the specifics of my amendment:

This amendment would use $1.75 billion to reduce class size, particularly in the early grades, grades 1 through 3, using fully qualified teachers to improve educational achievement for regular and special needs children.

It targets the money where it is needed within states.

Within States, 99 percent of the funds will be disbursed directly to local school districts on a formula which is 80 percent need-based, and 20 percent enrollment-based.

Small school districts that alone may not generate enough Federal funding to pay for a starting teacher's salary may combine funds with other dollars to pay the salary of a full or part-time teacher or use the funds on professional development related to class size.

This amendment ensures local decision-making.

Each school district board makes all decisions about hiring and training new teachers. They decide what their needs are. They decide how many teachers they want to hire. They decide which classrooms to focus their efforts on. They decide what goals they want those students to reach. It is local decision making.

This amendment promotes teacher quality.

Up to 25 percent of the funds may be used to test new teachers, or to provide professional development to new and current teachers of regular and special needs children.

The program ensures that all teachers are fully qualified.

School districts hire State certified teachers so students learn from fully trained professionals.

This amendment is flexible.

Any school district that has already reduced class size in the early grades to 18 or fewer children may use funds to further reduce class sizes in the early grades; reduce class size in kindergarten or other grades; or carry out activities to improve teacher quality, including professional development.

The flexibility for these funds is seen throughout my State.

In Washington, the North Thurston school district is using all of their funds to hire teachers to reduce class size. At the same time, the Pomeroy school district, which is a rural district in eastern Washington, was able to use 100% of their funds to improve teacher quality through professional development. The Seattle school district even used a portion of their funding to recruit new teachers.

The Class-Size Program is simple and efficient. School districts fill out a one-page form, which is available online. Here is a copy of the one-page form from my State.

This is a copy. We hear from the other side about bureaucracy and paperwork. This is an example of how targeted Federal funding for a program really works. This is a one-page form. School districts fill it out, and they get the money. It is at their request. They do not have to ask for the money, but if they do, they fill out a one-page form and the money is available to them.

Teachers have told me, by the way, they have never seen money move so quickly from Congress to the classroom as they have seen with these class-size reduction funds.

Linda McGeachy in the Vancouver school district, recently commented, ''The language if very clear, applying was very easy, and there funds really work to support classroom teachers.''

Finally, this amendment ensures accountability. In Addition, the language clarifies that the funds are supplementary, and cannot replace current spending on teachers or teacher salaries. Accountability is assured by requiring school districts to send a ''report card'' in understandable language to their local community—including information about how achievement has improved as a result of reducing class size.

Before I close, I just want to make one final point. This class size program was a great idea when we passed it 2 years ago, and I was especially pleased that we had the support of so many of my colleagues from the other side of the aisle.

In fact, I have a press release from the Republican Policy Committee which was put out on October 20, 1998. It listed class size as one of the accomplishments the Republican Party had at that time. It says, ''Teacher quality initiative cleared by the President,'' and it lists class-size reduction funding as one of the major accomplishments during the 105th Congress. So this was a bipartisan proposal.

Throughout the last 2 years, we have worked together to make sure the language works for everyone involved.

We have seen the results come in. Mr. President, 1.7 million students have benefited from this policy. That really is why I find it so surprising that in this underlying Republican bill we back away from that commitment that 2 years ago we were touting as the way to go and as an accomplishment for both sides.

I am offering this amendment today to give both the Democrats and the Republicans an opportunity to show that they care about the students in America's classrooms and to keep that commitment we made 2 years ago.

Parents, teachers, and students across America want students to be in classes that are not crowded. Working together over the past 2 years, we have been able to help 1.7 million students learn the basics with fewer discipline problems. The results are in. Smaller classes are making a positive difference. The research proves it. Parents, teachers, and students have seen the results. We should be committed to continuing that effort and not abandoning it in the underlying bill.

That is why I am offering this amendment today, to make sure we continue the progress in reducing class size. Our children deserve the best. America deserves the best. This amendment gives it to them. I urge my colleagues to support it.

Mr. President, I reserve the remainder of my time.

Mr. WELLSTONE. Mr. President, I think my colleague from Ohio is going to go next.

I am only going to take 5 minutes. I ask unanimous consent that I follow the Senator from Ohio.

Mrs. MURRAY. I am happy to yield the time to the Senator from Minnesota after the Senator from Ohio speaks.

Mr. WELLSTONE. I ask the Senator from Ohio, how long does he intend to speak? However long is fine with me.

Mr. VOINOVICH. I am sorry, I can't hear the Senator.

Mr. WELLSTONE. I ask my colleague how long he may be speaking on the floor. It is fine with me however much time he uses.

Mr. VOINOVICH. I think I will probably be finished in 10 minutes.

Mr. WELLSTONE. I thank my colleague.

Mr. JEFFORDS. Mr. President, I am not sure what happened in that last colloquy.

The PRESIDING OFFICER. Simply, the Senator from Washington said she would yield to the Senator from Minnesota after the comments by the Senator from Ohio.

Mr. JEFFORDS. However, that time would be from the minority's time? I believe we are allocated time.

The PRESIDING OFFICER. That is correct.

Mr. JEFFORDS. Half the time to one side, half the time to the other side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, in the last couple of days I have had an opportunity to preside over the Senate. I feel compelled to make some overall comments about what I have heard and the difference between the Republican approach and the Democratic approach on this education reauthorization bill.

First of all, I think it is important everyone understand that the Federal Government only provides about 7 percent of the money for education in the United States of America. Sometimes when I listen to my colleagues, I think they think they are members of the ''School Board of America'' and do not understand that the overwhelming majority of contributions for education come from State and local government.

I have also listened to Senators depicting the Republican approach as a ''revolution'' that will change the way the Federal Government is going to be dealing with our schools. In fact, it was depicted by one Member of the Senate as giving ''a blank check to the States to conduct business as usual.''

I want to let you know that the States are not conducting ''business as usual.'' As the former chairman of the National Governors' Association, I worked with my colleagues—Democrats and Republicans—to reform education in this country. I think it would be wonderful if the Members of the Senate would really become familiar with what is going on throughout this country as State and local government change the way they deliver education and recognize the improvements that have been made.

The Republican approach that has been titled as ''revolutionary'' is the Straight A's Program. So that everyone understands, it basically says: Straight A's, of which I am a cosponsor, builds on Ed-Flex and allows up to 15 States to enter into a 5-year agreement with the Secretary of Education where the State can consolidate their formula grant programs, including title I, and use them for the educational priorities set by the State. In return for this flexibility, States will be held accountable for academic results. States that reduce the achievement gap will receive additional funds.

In effect, this is a waiver, given by the Department of Education, to 15 States that want it, for 5 years, to use education money differently from what is provided in the current categorical programs.

Now, another issue is title I portability. It applies to 10 States plus 20 school districts. The States and districts will apply if their education communities desire it. No district will be required by the Federal Government to have this portability. In other words, these are voluntary programs where States would come to the Department of Education and say: We would like to use this money differently from how it is now allocated under the categorical titles.

This is not what I would refer to as ''revolutionary.'' This sounds to me like the waiver program we had many years ago where the States could go to the Department of Health and Human Services and say: We want a waiver to do welfare a little differently in our State.

What I am hearing on the floor of the Senate is ''block grants are awful.'' I will tell you something. As a former mayor, I fought for the CDBG Program, Community Development Block Grant Program, which is one of the most successful block grants in the United States of America.

I hear some of my colleagues on the other side of the aisle say some of the same things I heard when I was Governor and I was down here with six or seven other Governors to reform the welfare system. I heard ''it's going to be a race to the bottom. The Governors do not care. The local government doesn't care. We in Washington, we in the Senate, care more about the people than the Governors and the local government officials.''

I would like to remind this body that on October 4, 1998, the President of the United States said:

> This great new experiment that we launched 2 years ago has already shown remarkable signs of success. Two years ago, we said welfare reform would spark a race to independence, not a race to the bottom. And this prediction is coming true.

Many Members of this Senate said it would be a race to the bottom, that this was not the right thing to do.

Again, on December 4, 1999, the President said:

> Seven years ago, I asked the American people to join me in ending welfare as we know it. In 1996, with bipartisan support, we passed a landmark welfare reform bill. Today, I am pleased to announce we have cut the rolls by more than half. Fewer Americans are on welfare today than at any other time since 1969. We are moving more than a million people a year from the welfare rolls to payrolls, 1.3 million in 1998.

He goes on to say what a great program it is.

How did it come about? It came about because we gave the people closest to the problem the opportunity to use money in a different way. We ended the entitlement, and we had a block grant for the States and said: You use the money the best way you can to make a difference in the lives of our welfare recipients.

That is fundamentally what we are asking for in our approach to education reform. We want to try something different.

We have had Title I for years and in the title I schools, we are not getting the job done. That is one of the reasons we passed Ed-Flex early this year. We want to build on that, give the schools the flexibility to use those dollars in the way they can make the most difference for our boys and girls.

I have heard: ''Build new schools, hire more teachers.'' We are building more schools. We are providing more teachers on the local level. I heard about ''a digital divide.'' In almost every State in the Union, the States have put fiber optics out to the schools, and put computers in the schools that the States have paid for. In my State, we have wired classrooms for voice, video, and data.

Parents ought to know how their child's school is doing. Most States have report cards now, so people can compare their kids' performance in their school versus another school down the block.

Let's take the National Board of Professional Teaching Standards. We are talking about rewarding teachers. I am a former member of the National Board of Professional Teaching Standards. In our State, people who apply and receive their certificate from the National Board of Professional Teaching Standards receive another $3,000 a year from the State of Ohio to recognize their extra professional competence. In the State of North Carolina, Governor Jim Hunt gives them $5,000.

We've talked about all kinds of new things Members of this Senate would like to see happening at the local level. I am saying most of it is happening on the local level. We talk about building new schools. Let me say that once you get started with building new schools, it is a never ending process.

The American public ought to understand that the backdrop of what we are doing here is shown on this chart. We are paying 13 percent of each federal dollar on interest; we are paying 16 percent on national defense; nondiscretionary is 18 percent; mandatory spending is 53 percent.

We have some real problems in this country. We have to take care of Social Security and Medicare. We have a problem with readiness in our Defense Department. And we have people saying: Let's get into new programs. Let's get into areas that are not the responsibility of the Federal Government. I am saying that the States have more of a capacity to deal with it. I went through the numbers. The National Governors' Association says there isn't one State in debt like we are—not one. Most of them have surpluses. If you talk about capacity to get the job done, they have more capacity to get it done than we have.

It is hard for me to believe that when you are in debt this much, when you are paying out 13 cents in interest on every dollar, you are saying we are going to get involved in some programs that fundamentally are the State's responsibility, and where the States have

more capacity to deal with the problems. So what I am saying today is that we must change our approach to education. All we are saying is give the States an opportunity to apply for a waiver, to use the money differently than what is in the categorical programs. They can use it for teachers. In my State, we have reduced class size in urban districts down to 15 students per class, and we have done a lot of the things in the states that we are talking about here. Let's just fund IDEA and make the money available so States can do that on their own.

We need to understand we have a role to play in education, but fundamentally it is a State and local responsibility. Our job is to become a better partner to the State and local governments, give them the flexibility to get the job done and then hold them accountable. That is what this is all about. I think that should be the debate. I hope that maybe by the time we get through with this bill, we can come together on a bipartisan basis and do something so we walk out of here and say to the American people that we have done something this year in education.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield 7 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will try to respond to the comments of my colleague from Ohio because I like it better when we go back and forth. He is a Senator I certainly respect.

I have two points. I want to get back to Senator MURRAY's point. On the whole general question of the Federal role, let me say to my colleague from Ohio that it is absolutely true that much of K through 12 is at the State level, no question about it. But going back to the history of the Elementary and Secondary Education Act—and I have said this three or four times—there is a reason why we have certain streams of money and targeting of programs, especially toward the most vulnerable children, because whereas the Senator from Ohio—and I have no doubt about the Senator's commitment to children, but the fact is, in too many parts of the country the verdict was very harsh at the State and local level. We decided, look, as a national community—and we reflected that—we are going to make sure we make a commitment to the poorest and most vulnerable children. I don't want to see us abandon that commitment. That is what this debate is about.

On welfare, with all due respect to the President—and my colleagues quoted the President—we have reduced the rolls by half. Anybody can do that. You just tell people they are off. The question is whether or not we met the goal of the bill, which was to move families from welfare to economic self-sufficiency. Guess what. Just about every single study I know of—and maybe you know of another one—has pointed out that in the vast majority of cases these mothers barely make above minimum wage, and many families have no health care coverage.

Families U.S.A. pointed out that we have 675,000 citizens who don't receive any health care coverage any longer because of the welfare reform bill. We had a study from Harvard-Berkeley that in all too many cases—they looked at a million children —because of this welfare bill, children were getting dangerous to inadequate, at best, child care. These are small children. Guess what. We have not made sure that there is good child care. We haven't made sure these families have health care coverage, and the States are sitting on $7 billion. Some States are supplanting that and using it to replace existing State programs and using that money for tax cuts. So we have some reasons to be concerned about how poor children will fare without some kind of Federal Government national commitment to them. That is my first point.

My second point has to do with this amendment. I thank Senator MURRAY from Washington for introducing this amendment. She pointed it out—and I will say it again—that across the country this year—and we did this in a bipartisan way—1.7 million first through third graders now attend classes with an average of 18 students because we were able to provide funding for 29,000 new teachers; 519 of them are in my State of Minnesota.

Now, the President's request for 2001 will bring Minnesota over $23 million more. I will say this again. I can give many examples. I will forget all the statistics. My daughter, Marcia, is a Spanish teacher. Hey, I am a Jewish father, so I think she is the greatest teacher in the country; and she is a darn good teacher from what I hear. She told me what it was like when she had 40 students. She teaches at the high school level.

Every time I am in a school, which is every 2 weeks in Minnesota, I talk to the students about education. They always talk about good teachers and about respecting teachers. They think teachers are disrespected. We talked about that this morning. They also talk about smaller class sizes. I tell you, it makes all the sense in the world. Talk to people in our States. They know it. With a smaller class size, they know that a teacher can give students the individual attention they need.

When you ask students: Who are the teachers you like, they say: They are not just the teachers who teach us the formal material; they are the teachers who get to know us; they are the teachers who relate to us; they are the teachers who we can come and talk to; they are the teachers who can give us special help; they are the teachers who can give us special attention; they are the teachers who know something about what we hope for in our lives.

Do you want to know something? There are a lot of young people who cry out for that kind of teacher and cry out for that kind of education. Do you want to know something else? One of the best ways we can get there is through smaller class sizes.

Yes, we have said through this amendment, as Democrats who represent people in our States, but I think it should be a bipartisan amendment. We believe it should be a decisive priority for the Senate to say that we are going to make a commitment—most of the funding is at the State level, but with the money we have and what we do to support school districts and to support principals and parents and teachers and students, let's make the best use of the money, and that is exactly what this amendment does.

I think this is a great amendment. I think it should receive 99 to 100 votes. Before it is all over, for all I know, it will.

I yield the floor.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I have listened with great interest to the debate over the days and the hours of this week. It has been particularly interesting to me to listen to my colleagues on the other side of the aisle who have, in glowing terms, defended the status quo and have spoken in very rosy descriptions of the status of American education.

I will not recite once again all the very gloomy statistics and the very real statistics and the very undeniable reality of where we stand in American education and how we compare internationally with our competing young people around the world.

I believe one statement from the Vice President of the United States, AL GORE. His plans for education basically say enough about the status of American education. Vice President Gore, in unveiling his education plans, said:

> I am proposing a major national investment to bring revolutionary improvements to our schools. I am proposing a national revolution in education.

Now, the question I ask is, If you have to propose a ''revolution'' in education, does that not imply that there is a problem? If the status quo is as good as the Democratic side has said during the debate this week, then why is it necessary to say we are going to have a revolution in education?

The reality is that it is not good. The picture is not good, and that ''a nation in crisis,'' as it was called a few years ago, is still the truth when you look at American education, and a defense of the status quo is not satisfactory. The American people deserve more and deserve better.

Now, what we have from time to time are fads in education. We have the fad of the day or the fad of the year. That is what we are facing right now with the whole idea of class size reduction. Let me clarify. I think class size reduction is a wonderful thing. I think if teachers have fewer papers to grade and smaller classes, they have a lot of

advantages. My sister is a fourth grade teacher. I know she would love fewer students at times in that classroom. But I want to challenge the basic premise of what the Senator from Washington laid out before us in this amendment. I don't question her sentiment, her goals, her objectives, or her sincerity. But I think the research that is out there is far less conclusive than what we have been led to believe.

Class-size reduction is not the magic elixir that its proponents would like us to believe. The fact is pupil-teacher ratios have been shrinking for half a century in this country.

In 1955, pupil-teacher ratios in public elementary and secondary schools were: Elementary, 30.2; secondary, 20.9 to 1 respectively.

In 1998, they were 18.9 in elementary, and 14.6 in secondary.

That is a dramatic drop in the size of classes in this country.

Yet the fact is test scores went down for many years, and have leveled over to some extent. But they have leveled off at an absolutely unacceptable level.

Eric Hanushek of the University of Rochester has been one of the outstanding scholars in looking at the effects of class-size reduction. He concluded—and I think we should conclude that:

> A wave of enthusiasm for reducing class size is sweeping across the country. This move appears misguided. Existing evidence indicates that achievement for the typical student will be unaffected by instituting the types of class size reductions that have been recently proposed or undertaken. The most noticeable feature of policies to reduce overall class sizes will be a dramatic increase in the costs of schooling, an increase unaccompanied by achievement gains.

That is the sad reality.

Between 1950 and 1995, pupil-teacher ratios fell by a dramatic 35 percent.

We are trying to cure a problem with this amendment. That is being cured already in the States.

We have seen a dramatic 35-percent decrease. While we don't have all of the information for the last 50 years that we would like to have on student achievement, we have enough to conclude that the performance has been at best stagnant.

According to the National Assessment of Education Progress, our 17-year-olds are performing roughly the same in 1996 as they did in 1970. While we have seen this dramatic drop in class size, we continue to see a stagnant student performance.

The article ''The Elixir of Class Size'' concludes:

> There's no credible evidence that across-the-board reductions in class size boost pupil achievement. On this central point, the conventional wisdom is simply wrong.

Look at the Asian nations today that trounce us on international assessments. Those Asian countries have, on average, vastly larger classes with many times 40 and 50 youngsters per teacher. Yet in every evaluation, they are leading us on international comparisons of scores.

If lowering class size were the elixir that its proponents claim, we would be seeing a dramatic increase. We would be seeing an improvement in these academic scores.

If this were health care, and if this were a new tonic being brought before the Food and Drug Administration, I assure you additional experiments would be warranted; additional experiments would be required. But no scientist would say that efficacy has been proven. It simply has not.

There is a simple reason why smaller classes rarely learn more than big classes. Their teachers don't really do anything much different. The same lessons, textbooks, and instructional methods are typically employed, whether the class size is in the teens or whether the class size is 25. It is just that the teacher has fewer papers to grade and fewer parents with whom to confer, but getting any real achievement bounce from class shrinking hinges on teachers who know their stuff and use proven methods of instruction.

Of course, knowledgeable and highly effective teachers would also fare well with classes of 30 or 35. Jaime Escalante, renowned worldwide as the ''best teacher in America,'' packs his classroom every year with 30-plus ''disadvantaged'' teenagers and consistently produces scholars who pass the tough advanced placement calculus exam. But such teaching is not the norm in U.S. schools, and adding more teachers to the rolls won't cause it to be.

Much of the current enthusiasm for reduction in class size is supported by references to the experimental program in the State of Tennessee that Senator MURRAY made reference to in her comments. The common reference to this program, Project STAR, is an assertion that the positive results there justify a variety of overall reductions in class size.

By the way, this report is cited so frequently because there are so few studies on the academic impacts of smaller classes.

The study is conceptually simple, even if some questions about its actual implementation remain. Students in the STAR experiment were randomly assigned to small classes of 13 to 17 students, or large classes of 21 to 25 students with or without aides. They were kept in these small or large classes from kindergarten through third grade. Their achievement was measured at the end of each year.

If smaller classes were valuable in each grade, the achievement gap would widen. But that was not the fact in the STAR study. In fact, the gap remains essentially unchanged through the sixth grade.

While there may be some evidence that in kindergarten the smaller class sizes improved academic performance, as you go through grades 2, 3, 4, 5, or 6, the gap between the advantaged and disadvantaged students did not narrow. It remained the same.

Apart from all of that, I think we should be concerned about the Murray amendment because of the unintended consequences. I know what Senator MURRAY wants to accomplish. She wants to see improved schooling. She wants to see improved academic performance. She believes smaller classes will inevitably result in that, and that her amendment will achieve that.

So often is the case as we pass amendments for legislation in the Senate that they end up being consequences that we never imagined.

I want to share with you four of them which I believe will occur if the Murray amendment is adopted.

Teachers will leave the worst schools in the State to fill the newly created affluent slots.

That is what happened in many States where they have implemented these kind of programs.

There will be the unintended consequence of exacerbating the problem of less-qualified teachers being hired.

In California, Governor Wilson shrank California's primary classes. What happened was the veteran teachers fled the inner-city schools in droves lured by the higher paid, cushier working conditions of suburban systems that suddenly had openings. This exodus forced city schools to hire less qualified teachers, threatening the one ingredient that researchers agree is the most important to good education—teacher quality. In fact, in California they sacrificed teacher quality in hiring more teachers, and the schools that were hurt the most were those with disadvantaged students.

The West Education Policy Brief is the regional education lab for Arizona, California, Nevada, and Utah. This is what they said about class-size reduction. This is funded by the U.S. Department of Education.

> A fundamental condition for the success of the Class Size Reduction is good teaching. Class size reduction can exacerbate teaching shortages and lead to the hiring of unqualified teachers. In California, for example, since the implementation of the state's class size reduction program, the percentage of teachers without full credentials has jumped from 1% to over 12%, while the proportion of teachers with three or fewer years of experience rose by 9% and the proportion of teachers who had the least education, a bachelor's or no degree, increased by nearly 6% statewide.

Those are unintended consequence.

A second unintended consequence is driving us, if we adopt such an amendment, toward nationalizing education.

I didn't want to interrupt Senator MURRAY when she was making her presentation. But what I wanted to ask is, What does she anticipate happening when this authorization expires?

I am not sure whether it is 5 years or 7 years. Originally it was a 7-year proposal. At some point the authorization ended. Does the Senator anticipate the Federal Government will reauthorize and make this a permanent entitlement that the Federal Government will be funding teachers at the local level?

Or does Senator MURRAY anticipate that the States, the local governments, and the local school districts will be required to pick up the tab for the teachers hired during this 7-year authorization? It is one or the other. We will continue to fund them or they have to pick up the tab.

We had an experiment in the COPS Program, which has done a lot of good, by the way. When we funded the 100,000 policemen on the street, we funded it from Washington, DC. The State police and local law enforcement were calling me saying the money had run out on the COPS Program, the Government had to fund it again. We can't pay for the policemen we hired under the COPS Program.

My friends, that is exactly what will happen on the Federal teaching program. When the authorization ends, when the spending ends, somebody has to pick up the tab or we will exacerbate the condition we have now in the schools. I think this is an unintended consequence and a very serious consequence.

I have a serious problem with the idea of handing this over to the U.S. Department of Education. I see Senator KENNEDY on the floor. I am not among those who want to eliminate the Department of Education. I believe we are going to talk about accountability, making certain the Department of Education is accountable.

The most recent 1999 audit of the Department of Education showed the following: The Department's financial stewardship remains in the bottom quarter of all major Federal agencies. The Department sent duplicate payments to 52 schools in 1999 at a cost of more than $6.5 million. None of the material weaknesses cited in the 1998 audit had been corrected in the 1999 audit. Yet we want to turn over to the Department of Education the hiring of thousands of teachers? That ought to be done and funded at the local level.

A 1,150-student district in East Helena, MT, hired 2 teachers with the $33,000 Federal grant. The educators make about $16,000. The superintendent said: We have tremendous fear about whether this is going to be funded on an annual basis. But we have learned if you don't take advantage of whatever is available at the time, somebody else gets those dollars.

That is the attitude we are promoting. I don't blame that superintendent for wondering what will happen. Will the Federal Government pick this up as an entitlement or will they have to pick up the tab? What will be the long-term and the unintended consequences of such a program?

Bringing 100,000 teachers onto direct Federal support creates another permanent program of virtual entitlement. We are going to create a permanent entitlement if we go down this route.

The third unintended consequence in passing this amendment is moving education away from flexibility toward rigidity. I know Senator MURRAY insisted this preserves flexibility at the local level and local decisionmaking. We heard a lot of anecdotes in Senator MURRAY's presentation, and I will relate an anecdote heard this week.

An anonymous principal—I don't want to get her in trouble with the Department of Education or title I police, but she encouraged me to share this—is working on her Ph.D. She is very bright. She made a grant application with the Department of Education. Her title I supervisor suggested it be changed, and the title I supervisor wrote the application to apply for the classroom reduction program. And, as Senator MURRAY suggested, it was quickly approved. So much for local flexibility.

The title I supervisor said: You must take this teacher you have hired and move that teacher from one class to another class to another class to another class—90 minutes in each classroom with about 24 students in each classroom. The teacher who was hired would go into the classroom for 90 minutes. They would divide the class of 24 into 2 classes of 12. The new hire was supposed to keep separate grade books, separate grade reports. Every 90 minutes, they moved on to the next class.

The principal said to the title I supervisor: That is not what I need. We have 24 students, which is not a problem for us. Our teachers would prefer to do remediation: Rather than postponing remediation until summer school, have that teacher they hired do the remediation at the point of time the problem developed. The title I supervisor said: You can't do that. We will audit you. You will be turned in and lose your funding and lose that teacher.

That is not flexibility. That is the typical kind of prescriptive rigidity you expect from any kind of Federal education program. That is the unintended consequence. We move exactly away from what we intend to do with this legislation, which is to provide greater flexibility.

The fourth unintended consequence is to increase the inequality between rich and poor school districts. I will return to the example of California. A one-size-fits-all allotment per student, from the WestEd Policy Brief of January 2000 and a rigid 20:1 ratio cap on class size led to uneven implementation. Early evaluation findings support the concern that the very students who stand to benefit from class size reduction, poor and minority students, are least likely to have the opportunity to do so.

Schools serving high concentrations of low-income, minority English language students learned more slowly due to lack of facilities. They get the teacher and there is no place to put the teacher. Teachers are going into poor school districts with poor facilities. They have the classroom reduction personnel. They hire the teacher and they have no place for the teacher. The schools that need the help the most are those least likely to benefit. That is the WestEd Policy Brief conclusion funded by the U.S. Department of Education.

Let me reiterate. It will increase the number of less qualified teachers in the classroom. It will drive us toward a national control of education by creating a permanent entity. It will move education away from flexibility, which ought to be exactly the direction we are moving. It will increase the inequities between the wealthy and the poor school district.

Our bill allows true classroom reduction by providing flexibility and allowing funds to flow between programs. In so doing, the school can do what is most needed, whether it is classroom reduction, buying computers, hiring tutors, finishing that building if they need to, or whatever that local need is. If there is an elixir, that is a far better elixir than the illusionary classroom reduction magic potion.

I yield the floor.

Mrs. MURRAY. Mr. President, the example that was given was entertaining to listen to, but this amendment we are offering is incredibly flexible. It appears the example he is using is reflective of local ineptness, not Federal inflexibility in this amendment.

I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to support Senator MURRAY's amendment and commend her.

I begin by talking about this issue of status quo that has been bandied about. Let me suggest what the status quo is in America. The status quo is that Governors and mayors and school committees fundamentally decide educational policy in this country. In fact, the Senator from Arkansas gave a good example of how a Governor really screwed it up. He decided he wanted smaller class size, but he didn't understand or recognize that you also had control for the quality of the teachers, so the result is in poor districts there are lots of unqualified teachers.

Is that an example of a Federal program run amok? No, it is an example of a Governor who got it wrong. What is the Republican proposal? Let's give Governors, including Governor Wilson, carte blanche to do what they will with educational policy. I can't think of any example that more closely undercuts this Straight A approach to education than the example of what was done in California.

It is much different than what Senator MURRAY is advocating. One of the reasons why there were problems in California, I suspect, is they did not have the extra resources necessary to ensure both smaller class size and teacher quality. That is why this program is adding Federal dollars to State resources and local resources, so we control both size of the class and the quality of teachers.

I also think it is interesting to note when talking about the collapse and

decline of American education, people point to international experiences. Frankly, most international systems are nationally based educational programs. Japan is one which has strong national standards which do not give money away to the head of the prefecture or the head of the province. They have national curricula. They have national teacher certification. So if you are going to have a comparison between why we are failing vis-a-vis other nations, recognize the approach the Republicans are proposing is diametrically opposed to what is done in most of the leading industrialized nations of the world. They are not talking about national anything. They are talking about vesting in every little State, every little community, the authority.

Sometimes, frankly, I guess this has been a useful debate. The Senator from Arkansas recognizes that Governors really mess it up sometimes. So I do not think we have to take that approach.

I think we can rely, not only on statistics and studies—and the Tennessee example has not been refuted—but just common sense. Ask any teacher. Ask any parent. Would you prefer to teach 30 children or 18? I suspect anyone in the Senate with children of school age, when asked whether they would prefer to have their child in a class of 30 or a class of 18, would say, unhesitatingly, 18. That is common sense.

That is what we are about here and that is what this amendment is doing. For the last 2 years we have actually embarked on this program. We are providing assistance and it is flexible, not in the abstract but in the particular. The Providence, RI, Superintendent of Schools wanted to engage in this approach, using extra resources to augment her teaching staff and reduce class size. She received from the Department of Education a waiver which allowed these resources to fund literacy coaches to co-teach in elementary schools 50 percent of the time and to deliver school-based professional development for the balance of the time. It was a flexible approach meeting local needs under the context of the existing legislation. So these theoretical concerns about a lack of flexibility are disproved when you actually look at what systems are doing and what they can do.

All of this goes to the real, fundamental issue. Are we going to continue our commitment to lower class size supported both by common sense and by the statistical reviews done already, particularly in Tennessee, or are we going to embark on a carte blanche check to Governors?

We have a good example in the previous discussion about a Governor who really got it badly wrong. It illustrates the status quo. The status quo is that Governors and local communities control the quality of teachers. They control fundamental policies. They get it wrong sometimes. Yet the whole Republican approach is give them more resources, give them a list of things they can do, as the menu in a Chinese restaurant, and then that is it.

There is also before us now an amendment by Senators ABRAHAM and MACK which would add to this list and diffuse even further our focus on disadvantaged children; programs and policies we know, based upon listening to teachers and parents and looking at research, could work to improve performance of schools. They want to add to the list merit pay and tenure reform and others, which I presume is their approach to professional development. But that is not going to directly improve the quality of teaching in the United States.

We know from research, from listening to witnesses at our hearings, that professional development today, in the States, is generally recognized by teachers as inadequate. They feel unprepared to deal with these issues. Is that a Federal problem? No. That is because of State policies, local policies. But we can help. In fact, if you look at most professional development across the United States, it is ad hoc, one-shot lectures or seminars or sessions. In fact, in 1998, participation in professional development programs in the United States typically lasted from only 1 to 8 hours during the course of a school year. That is absolutely insufficient.

We know from research and analysis that good professional development has to be in the school, embedded in the program. It has to be content based. It has to give teachers facility and mastery of the topic and the ability to relate with their children. That is not done with 1 to 8 hours. It is done constantly, persistently throughout the school year. That is what is done by an amendment that Senator KENNEDY and myself will be offering later. It provides support for that type of professional development which we know works, which will deepen teachers' knowledge of content, which will allow teachers to work collaboratively.

That is another failing in our system of professional development. Teachers come in in the morning; they rush from class to class. They might see the other teachers in the lunchroom for 20 minutes. They rush from class to class, go back in, and then they have to go home and take care of their families just as the rest of us. We need more collaboration. That is not in this bill, not even a hint of it.

We have to also provide the kind of opportunities for mentoring and review and coaching which we know work—not just rhetorically but actually give resources to the States if they want to do it, and to local communities if they want to do it. That is the approach I think will work. That is the approach that was a large part of the legislation I submitted, the Professional Development Reform Act.

I hope we can go ahead and not only support Senator MURRAY's well-thought-out, well-crafted proposal to reduce class size, but also to reject the Mack-Abraham approach and support, later in our debate, after deliberation, Senator KENNEDY's approach and my approach, which is for professional development that has been proven by practitioners to work to the benefit of children. I hope we can do that.

I think we have seen, perhaps inadvertently, what could go wrong. Talk about unintended consequences. I add, these are probably predictable consequences. There will be Governors who did what Governor Wilson did because of political pressures and other pressures: Embark on a program—maybe it is class size or maybe something else—that results in poor policy, poor results, and poor education for children.

Why do we assume, as the Republicans do, that it is all right to put those forces in train, in motion, by giving them money without accountability? I suspect what we have to do, and what we should do, is concentrate on those areas where we know we make a difference—particularly supporting disadvantaged children—and also supporting those efforts that have a basis in research and a basis in common sense: Lowering class size, improving the quality of professional development in teaching in America so you do not have the situation that they had in California. Smaller class size, perhaps, but poor teaching.

If we support the Democratic approach, we would help have both, smaller class size and better teachers, which I believe will result in better education.

I commend Senator MURRAY for her efforts. I hope in the course of this debate we can support the approach for professional development that Senator KENNEDY and I are promoting and in such a way make a real contribution to educational policy in the United States.

I yield back to Senator MURRAY such time as I have not consumed.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield 15 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Washington has brought forward her amendment on class size on a number of occasions, and it has been well debated already. My colleagues on both sides of the aisle have expressed their view on it. But I do think there are still some points that need to be made.

Of course, the fundamental problem is one of philosophy. The essential theme of the proposal is that Washington knows best. It is a top-down proposal, a straitjacket to the local school districts and to the States. It is a demand. If you, the States, want to have education dollars coming to you from Washington, then you, the States, must do exactly as we tell you here in Washington. Flexibility or ideas which

This, of course, is different than the philosophy which we have proposed in our bill. Our bill, relative to teachers, says: Yes, if the local community feels it needs more teachers to reduce class size, it can hire teachers with the money to do that. But if the local community feels it needs to educate its teachers to do a better job, it can use the money to do that also. Or if it feels it has some teachers who are uniquely capable and need to be kept in the school system because there is a private sector demand for them that maybe will attract them out of the school system as a result of higher compensation in the private sector, then they can use the money to pay bonuses to assist keeping the teachers in the school system.

It is an attempt to say to that local school district: Here is the money you can have available to you from the Federal Government to assist you with making classrooms work better relative to the teachers' involvement in the classroom. You make the decision—you, the local school district—as to whether you need a smaller student-teacher ratio, whether you need better teachers, better trained teachers, or whether you need to keep your best teachers in your school system. We in Washington do not know the answer to that question. That is the opposite view.

I note, however, the problem we confront as a society is not necessarily that our classroom ratios are fundamentally out of skew. As some of my fellow colleagues have said, maybe it polls well to say, ''Class size, class size, class size, that's what improves education.'' But study after study has shown us that is not necessarily the case. Class size is not necessarily the driver of a quality education. In fact, if you look at it in historical perspective—people who look back on the old days as education working better in this country say in the 1960s or 1950s, you will see the class size ratio was really rather dramatically worse than it is today. In 1960, the class size ratio was 26 to 1 average in the nation. Today, for most States it is around 18 to 1.

Or if you look at our fellow competitors in the international community such as Japan or Germany or China or Singapore, where their students are performing much better than our students in the area of math and science, those class size ratios are in the 50-to-1 regime.

It is not necessarily the number of students in the classroom relative to the number of teachers. In fact, the study by the gentleman from Rochester which has been recited a number of times, Mr. Eric Hanushek, an economist at the University of Rochester, who looked at almost 300 different studies of the effect of class size on the academic achievement of students concluded it really was not class size that affected the students' achievement. It was—and this should not come as too big a surprise—it was the quality of the teacher.

If one looks around the country today, one will notice, especially in our low-income school districts, that teaching quality is in question because many of the teachers are teaching out of their discipline. For example, we know that in the area of math, almost a third of our secondary teachers did not major in math and yet they are teaching math. They did not even minor in math.

In the area of English, almost a fourth of our teachers did not major or minor in English, reading education, literature, speech, or journalism.

The same statistics hold true for science and languages, in many instances. The fact is that our teachers have not been trained in the subjects which they are teaching. If a local school district knows that, then they are going to try to improve the teacher's ability to teach that subject. They do not think there has to be more teachers in the classroom; they think the teacher in the classroom has to know the subject better in the discipline they are teaching.

Our bill gives that option to the local school district. It says they can improve the teacher's ability in that area of activity the teacher is teaching. That makes much more sense.

We also know that a poor teacher teaching in a class does tremendous damage to students. In fact, arguably, a poor teacher in a class can do more damage to students than a good teacher in a class does good. Bill Saunders, who headed the Tennessee study, determined that 3 years of high-quality teaching versus 3 years of poor-quality teaching can mean the difference between a student being enrolled in remedial classes versus a student making it in honor classes.

We know from a Dallas study that a low-quality teacher actually stunts the academic performance of the students in that classroom.

So it is the quality of the teacher we should be stressing, as well as the ratio of teacher to student. The only thing that is stressed in the President's proposal, as brought forward by the Senator from Washington, is teacher-student ratio. There is no emphasis on quality at the level that gives the schools the flexibility they need to address quality.

In fact, the whole program is a little skewed because, even relative to school districts, the program is designed not to reflect class size; it is designed more to reflect the level of income of the school system as to whether or not they qualify for the funds. There is a problem there.

We also know in our high schools, where 40 percent of the students qualify for free lunches, that 40 percent of the classes are taught by unqualified math teachers. That is even a higher statistic than we see here.

It means essentially that when one is in a low-income school district—and this chart shows that—they have even a higher likelihood of getting an unqualified teacher or at least a teacher who is not experienced or has not been trained in the area they are teaching.

The green bar reflects school districts where more than 49 percent of the kids receive free lunches, and in those school districts 40 percent of the teachers do not have math as their primary area of qualification. Yet they are teaching math. Thirty-one percent of the teachers in English fall into that category; 20 percent of the science teachers fall into that category.

We know from looking at what has been happening in the educational community, therefore, if we are concerned about low-income kids, we should not be so focused on class size as we should be on getting somebody teaching the math who actually understands math.

Today, unfortunately, that is not the case. In the low-income high schools across this country, many of the teachers simply do not have the math background they need.

What are we suggesting in our bill? Rather than saying to that high school, you must put the money into hiring a new teacher, we are suggesting the teachers they have maybe are not trained well enough in math, and if that is their decision, they can send them out to get better training or bring in people to help them get better training in that area.

We also know putting in place a compulsory class size ratio can create significant negative, unintended consequences because that is exactly what happened in California. When California went down this route, they ended up getting a large number of unqualified teachers and teacher assistants teaching students. This was especially true in the rural and low-income school districts in California.

As a result, we saw in California that they may have gotten better ratios, but they got poorer teachers. The only advantage to a poor teacher teaching a smaller class size is that fewer kids are subjected to that teacher. That is the only advantage of a reduced class size if a school has a poor teacher. It makes much more sense to follow the proposal we put forward, which is to give flexibility to the States as they address this issue.

Another point that needs to be made is that almost 42 States today meet the ratios which the President is requesting, an 18-to-1 ratio. Forty-two States already have that ratio as an average across their school districts. Of course, the President's proposal, as brought forward by the Senator from Washington, will not allow an average to get out from underneath the requirements in their bill. Every school district must have an 18-to-1 ratio before they can get out from underneath using the money for the purposes of hiring a teacher to reduce the class size ratio.

Even though the State, as a whole, may have reached 18 to 1, it does not

Even though the State, as a whole, may have reached 18 to 1, it does not matter. The fact is that most States in this country have reached the 18-to-1 ratio and, therefore, they probably have other things they would rather do with this money to assist the teachers they already have in place. Those other things include giving the teachers more opportunity to be better at the job they are doing, which should be our goal.

In addition to allowing teachers to be better at the job they are doing, our bill allows the school districts to do other things with this money. This chart reflects that. Under current law, which this amendment is essentially an attempt to expand, we have $1.6 billion committed to basically two purposes: professional development for math and science teachers. That is the Eisenhower grant which is not actually involved in this amendment. Class size is this amendment.

Under our bill, we take the Eisenhower grant and class size and we end up with $2 billion. We allow it to be used for a variety of areas where local school systems are in need of improving their educational and professional development for science, for math, for history, for English, and for reading; technology training for teachers; teacher mentoring, which is something that has worked very well, getting a high-quality teacher into a community of teachers and having that teacher pass on his or her knowledge; alternative certification, teacher recruitment, which is also critical in our society today, getting quality teachers into the profession; teacher retention, as I mentioned is important because of competition today; hiring special education teachers; or class size reduction.

If the local school district comes to the conclusion that it needs more teachers to reduce the ratio of teachers to students, then there is absolutely no limitation in our bill on them. They can do exactly that.

They can take all the money they receive under the TEA Act, Teacher Empowerment Act—which the amendment of the Senator from Washington would basically replace—they can take all the money, and they can use it for the purpose of reducing the student-teacher ratio.

If they decide, as many school districts will—because you saw the statistics. It is not necessarily ratio relationships which develop quality teaching; it is more likely to be a quality teacher who delivers quality teaching. So many school districts are going to choose to make their teachers better. We are going to give them that opportunity, that flexibility to do that.

Regrettably, the amendment of the Senator from Washington, which is essentially a restatement of the President's proposal, does not do that. I ask, How can there be resistance to a proposal which says, essentially: All right, school districts, if you want to reduce class size, you can use the money to do that. That is your choice. But, if, on the other hand, you have some other concerns that you, the principal, that you, the parent, that you, the teacher, that you, the community, believe is important to make that school work better relative to the teachers' ability to deliver a better education to the kids, then, in certain limited areas, you can pursue those opportunities. You can train teachers. You can make them better. You can keep teachers who are of high quality.

How can you resist an idea which gives those options to the State? The only way you can resist that idea is if you do not have any confidence in the local schools and the people who are running those local schools.

We have heard it again and again from the other side of the aisle that they do not trust the Governors—the Senator from Rhode Island essentially said that—that they do not trust the local school districts, that they do not trust the local teaching community, and that they do not trust the parents in those communities. Why? Because, according to the other side of the aisle, those folks failed with 93 percent of the money, and we in Washington had better tell them how to use the 7 percent we send them and manage the life of the local school district for them because they certainly cannot do it themselves, because there is some bureaucrat down here in downtown Washington, sitting in a building on the third floor in a room you cannot find, and I cannot find, who knows a heck of a lot better how to run Johnny Jones' educational opportunities up in New Hampshire than his parents in Epping, NH, his teacher, his principal, the school board in Epping, NH, or the Governor of New Hampshire.

It is an attitude of complete arrogance, an attitude that says, we know so much more about education in Washington than the people who have dedicated their lives to this issue and more than the Governors, who, by the way, have the primary responsibility for education. They are not going to turn to the African trade bill tomorrow. They are going to be turning to education tomorrow. They work on it every day, not just one week out of every year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I ask for an additional minute.

Mr. JEFFORDS. I yield the Senator an additional 2 minutes.

Mr. GREGG. I thank the Senator for his generosity.

They say they know so much more than the Governors, the boards of education, the principals, the superintendents, the teachers, and, most importantly, the parents. They say they can run the school systems from here in Washington.

As I have said before, it is as if the folks on that side of the aisle want a string. They want to run a string out to every school system in America, every classroom in America, from the desks on the other side of the aisle. They want to have hundreds of thousands of strings running out, and they are going to pull the strings and tell America how to run their classrooms.

It is an attitude which I cannot accept. It is an attitude which we have tried to avoid in this bill, by giving flexibility—subject to achievement, subject to accountability—to the local school districts.

Mr. President, I yield the floor and yield back my time to the Senator from Vermont.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Democratic side has 22 minutes; the Republican side has 14 minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank Senator MURRAY for yielding me this time on the debate of this most important issue, of whether or not our kids are going to learn in a better environment by reducing class size, or whether we are going to go into some opposite direction.

I must say this debate on class size sort of reminds me of the movie ''Ground Hog Day.'' We keep having this debate over and over and over again, even though we know what the reality is.

We have already had 2 years of funding, and 1 year of the money has gone out. All you have to do is go out and ask the teachers. Just go out to your schools, where they have used the money for class size reduction, and simply ask them: Do you like it? Is it working? That is all you have to do. It is very simple. If you do that, you will find that teachers and principals and superintendents like this. They want our assistance to reduce class sizes.

What we did is we set a goal of no more than 18 students in grades 1 through 3. We have already provided funding for the first 2 years. Are we going to stop now and turn the clock back? That is what the Republicans want to do.

I must say that I listened to the remarks made by the Senator from Arkansas, Mr. HUTCHINSON, when he was talking about this issue. Quite frankly, the more I listened to him, the more I came to realize his argument is not against what we are doing, his argument is against local control because, obviously, it was either the principal or the superintendent who made the decision to float a teacher from class to class to class at 90-minute periods of time. That is certainly not in our legislation. They have the flexibility to do that.

I have visited many schools in my State and have talked about reducing class sizes. The teachers, parents, and students are thrilled with the results they are seeing after just 1 year. But instead of my talking about it, let me read what some of my constituents had to say.

I visited Starry Elementary School in Marion, IA. I spoke with Reggie Long, a first grade teacher for 30 years. She told me she appreciated the smaller classes. She said:

It's nice because I can give individual attention to the kids. We just give them so much academically now. If you don't give them individual help, they can't succeed and we can't succeed as teachers.

The superintendent of this school district said:

The key to effective teaching is getting to know the students and parents.

William Jacobson said that it is easier when teachers have fewer students in their classes.

Last year, Angie Borgmeyer, a teacher in Indianola had 27 students in her second grade class. This year she has 21. She said 27 was too many. She said:

It's very difficult with that many students. When you're trying to teach them to read and give them basic arithmetic, you need to be able to do it in a small group and give them individual attention.

So this program is simple. It is eminently flexible. It is very popular. It is time to stop playing politics with it. We heard about there being problems with applying for it, and the burdensome paperwork.

I have here in my hand an application from the Des Moines Independent Community School District, for an application they sent in for class size reduction. It has 1 page, 2 pages, a signature page and a letter. That is burdensome? For that they got $854,693.56 to reduce class sizes.

In closing, I will share some comments from students. I thought this was illustrative. I visited the McKinley Elementary School in Des Moines and Mrs. Kloppenborg's second grade class. These kids already know what is going on. I thought I would bring these. I will leave them on my desk. These are pretty pictures. Last year there were 34 students in each second grade classroom. This year, they have about 23. So this is what the second grade kids were saying about how they felt about their new class size. I am going to read just some of the letters they wrote. They drew these wonderful pictures.

This one by Alicia says:

I can spend more time with the teacher.

Leydy says:

I can learn more about reading in a small group.

Daniel says:

We learn more and get better grades.

He has a great picture. There is a kid in a desk saying, ''Hi, Senator HARKIN.'' I guess that is me saying hi because I have a necktie on. There is a kid in front of the teacher's desk and he is kneeling—it looks like with a report card. If I could, I would tell him it didn't work for me in the old days, and it is not going to work for him today, either.

Here is another one, but there is no name on this. It says:

I can make friends.

Another one says:

We have more space to do things like reading.

It is a nice picture of the bookshelves with all the books on there.

This one by Jessica says:

I can learn more because the teacher can help me.

This next one says:

I can learn more because I get more help.

He drew a picture of his hand on here.

If you look at all these, every kid they draw is smiling. Every kid is smiling. So, you see, these kids—and I visited this class—they know it. They can sense it. They feel it. They have more space and more time with the teacher. They get more individual help, and the kids love it.

When I was there, a few parents came over to the school. What they said to me was amazing. ''The difference between my child this year and last year is incredible,'' they said. ''They are getting more work done and learning better and they are happier; they come home happier.''

So, for the life of me, I can't understand what the argument is on the other side against our involvement in sending money out, no strings attached, with a lot of flexibility for teacher training. We have districts in Iowa that got the waiver because they already had class size reduction; they had reduced classes down to about 20, close to 18. They applied and got a waiver for teacher training. That is precisely what the Murray amendment does.

So it seems to me all of the arguments on the other side just boils down to politics. For some reason—perhaps because this was started under a Democratic administration, or perhaps because the amendments were offered by a Democrat—they are opposed to it. That should not be the way it is around here. It should be judged on the merits. We know from experience in the field that the merits justify this amendment to reduce class size and make sure our kids get the attention and education they need.

I commend Senator MURRAY, especially, for her long and stalwart support in class size reduction. I must say, Mr. President, around here a lot of times we defer to those who are experts. A lot of times when we have medical issue that come up, we defer to BILL FRIST because he is a doctor. I say to my friends, let's defer to a teacher. Senator PATTY MURRAY is a teacher. She was a teacher before she came here. Quite frankly, I think she knows a lot about what we need in public education. So I commend Senator MURRAY for her leadership on this issue.

The PRESIDING OFFICER (Mr. COVERDELL). Who yields time?

Mr. KENNEDY. How much time remains on the Murray amendment for the proponents?

The PRESIDING OFFICER. Eleven minutes remain under the control of the Senator from Washington.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Fourteen minutes remain under the control of the majority.

Mr. JEFFORDS. I yield 7 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, here we go again. Fourteen pages of the statute set out precise and detailed requirements to be imposed on 17,000 school districts around the country, the bottom line of which is that we know what they need better than any of them do. Fourteen pages of statute that, if the precedent has any value, will turn into 114 pages of regulations from the U.S. Department of Education, all under the mantra of smaller class sizes.

Well, in spite of conflicting views on the precise impact of smaller class sizes in various parts of the country, one may even start by admitting that in many cases this is a good idea. But this amendment says not only is it a good idea, it is the only idea; it is the only way to spend a very considerable amount of money in every single school district around the country, no matter what its own priorities. No matter what its own parents, teachers, superintendents, and elected school board members think, we are telling you right here—100 of us in this national school board—this is what you need.

Will it naturally put any more money into the schools? I doubt it. It is a large authorization, but we have already passed the budget resolution, and we pretty much know how much money there is going to be available for education. So, essentially, if it is passed and if it is appropriated for, it will come out of other educational priorities.

Let's just take one. Thirty years ago, and again 3 or 4 years ago, we passed 150 pages of a law for special education. Most of the Members who are voting today were Members of the Senate then. We promised we would pay 40 percent of those costs. Due primarily to efforts on this side of the aisle, we have gone from 8 percent to 11 percent. In another 30 or 40 years, we might get to the promise that we made with respect to education for the disabled. But that was a priority of 3 years ago. What we need now are another bunch of new programs which have one thing, one feature alone, in common. They say school board members, superintendents, principals, teachers, and parents all across the United States are not the best judges of what they need to provide a better education for our children.

The Senator from Arkansas, who is on the floor, has pointed it out, and the Senator from New Hampshire has pointed out that the bill before us, which will end up supplying as much money as the other bills will, certainly allows any school district with a primary goal of more teachers to use

much more money for hiring new teachers. It differs in the fact that it doesn't mandate that as the No. 1 priority for every school district. Maybe most will want to hire new teachers, and some will want to keep their best teachers in place by paying them more money. Some may want to use the money for physical infrastructure. Some may want to use it for specialized teachers and specialized courses that are not allowed under this amendment. Some may want to train their teachers better. Some may wish for more computers. But the most difficult virtue to practice in this body is the practice of letting go, saying we don't know it all; we can't set the absolute priorities for every school district in the United States.

Let's stick with what we have on the table at the present time. Let's stick with the bill that dramatically says the present system of more and more statutes and more and more requirements has not been a striking success over the last 35 years. Let's try, at least in a few places in this country, to let our schools' own people, our professional educators, those who care most, those who know our children, make the decisions that will affect their lives and their education.

Mr. BIDEN. Mr. President, I rise today in support of the amendment being offered by the Senator from Washington. A recent study by the University of Wisconsin-Milwaukee confirms what common sense should have been telling us all along—our children learn better when they are taught in smaller classes.

With enrollment at the nation's schools continuing to increase, and many of those currently in the teaching profession nearing retirement age, the fact of the matter is simple—we need more teachers. Under Senator MURRAY's leadership, we in the Senate began the class size reduction initiative a little over two years ago with the goal of hiring 100,000 teachers over a seven-year period and reducing class sizes in the early grades to a nationwide average of 18 students. Yet here we are today, faced with a bill which abandons this goal.

In 1998, my home state of Delaware recognized the need for more teachers and smaller class sizes. In July of that year, our governor, Tom Carper, signed legislation requiring all school districts in the state of Delaware to cap class sizes in kindergarten through third grades at no more than 22 students. That same legislation included a provision which increased state funding to help pay for one teacher for every 18 students. And with the help of the federal funding provided under the class size reduction initiative, Delaware was able to hire over 100 new teachers in 1999.

These teachers are in the classroom today. That means roughly 1,800 children are likely to get far more out of the hours they spend in school, and that they will move into the higher grades far better prepared. For these children in Delaware, and all the other children who are in smaller classrooms because of this initiative, this is literally a once-in-a-lifetime opportunity to get started on the right path. Yet this bill, without the Murray amendment, makes no promise of small classrooms.

We can fund all the education programs we want, but without enough quality teachers in every classroom to teach our children the basic skills necessary to succeed, these programs means nothing. We need to continue to promote smaller classrooms in grade school by continuing to help schools hire up to 100,000 additional qualified teachers to reduce class sizes.

The more individual contact our children have with their teachers, the more they are able to learn, and the better they perform on tests. Those are the facts. At a time when we are just beginning to make progress, now is not the time to abandon our children's future.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator be good enough to yield 8 minutes?

Mrs. MURRAY. I would be happy to yield 8 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 7 minutes of that 8 minutes at the present time.

Mr. President, just to review very quickly, there has been some suggestion about the fact that in so many different underserved communities teachers are unqualified. We recognize that. That is why we have a very vigorous program in terms of recruitment and training and enhanced professional development. Everyone ought to know that in the Murray amendment there are requirements to carry out effective approaches to reduce that through the use of fully qualified teachers who are certified or licensed within the States. The comments about the Murray amendment earlier about qualifications and being unqualified just are not relevant to this debate and discussion.

I will not take the time to review the obvious, but studies have been done. The Tennessee study of some 7,000 children in 80 different schools says it all. It was done recently. In grade 4, students who attended small classes K through 3 were 6 to 9 months ahead of the regular class students in math, reading, and science. By grade 8 these advantages grew to over 1 year.

In Wisconsin, a similar study called the Sage Study had similar kinds of results. Their report had the analysis that suggests the teachers in Sage classrooms have greater knowledge of each of their students, spend less time managing their classes, and have more time for individualized instruction, utilizing a primary teacher incentive approach. It is unquestioned. It is unchallenged.

We have been waiting to hear from the other side a challenge of the basic and fundamental results of the smaller class size with good teachers. That is out there.

We are strongly committed. Senator MURRAY, who has been fighting this fight for the past year, is committed to make sure we are going to have that availability to school districts across the country.

That is No. 1.

No. 2, I can understand the anguish that our Republican friends are having about teacher quality, and also about the expenditures. Under the Republican bill, there is $2 billion. They effectively wipe out the current class size. That is 30,000 teachers they take out of K through 6th grades. They take them out. Those are lost. They get pink slips in a program that is supposedly providing quality teachers. These are quality teachers. They get the pink slips because they are using $1.3 billion of the President's program. They wipe out the $350 million in current Eisenhower math and science. They only have $300 million new money.

I can understand their frustration as compared to our program which is $3.75 billion.

Finally, I would like to remind our Republican friends that when this amendment was first passed here, we had BILL GOODLING on this the first time we had the negotiations. Senator MURRAY was there during the early parts of the negotiation and was our leader.

This is what BILL GOODLING, who is the chairman of the House committee, said the first time we had the smaller class size.

> This is a real victory for the Republican Congress, but more importantly, it is a huge win for local educators and parents who are fed up with Washington's mandate, red tape, and regulation.

GOODLING said:

> We agree with the President's desire to help classroom teachers, but our proposal does not include a big, new, Federal education program. Rather, our proposal will drive dollars directly to the classroom and give local educators options to spend Federal funds to help disadvantaged children.

Interesting.

Here is the Republican Policy Committee, a dictionary of major accomplishments during the 105th Congress. Here is the Republican Policy Committee. They list 14.

Number 9: Teacher quality, initiative—cleared, cleared for the President.

> The omnibus FY99 funding bill provides $1.2 billion in additional education funds—funds controlled 100-percent at the local level—to school districts to recruit, hire, train and test teachers. This provision is a major step toward returning to local school officials the ability to make educational decisions for our children.

Here they are taking credit for the same proposal, the Murray proposal. Three years ago it was the Republican proposal. They are the ones issuing the press releases. They are the ones taking credit for it. All Senator MURRAY is

doing is continuing that program. It is the same program. The President is putting up the money. It is the same program. It was good enough at that time for Mr. GOODLING, and it was good enough for the Republican leadership to take credit.

Here is what former Speaker Newt Gingrich said about it at that time. He called it ''a victory for the American people. There will be more teachers, and that is good for all Americans.''

Here is what DICK ARMEY said.

Well, I think, quite frankly, I'm very proud of what we did and the timeliness of it. We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so that we could let the state and local communities take this money, make these decisions, manage the money, spend the money on teachers as they saw the need, whether it be for special education or for regular teaching, with a freedom of choice and management and control at the local level, we thought this was good for America and food for the schoolchildren.

The same program today, the same program that we are going to be voting on, the same one, endorsed by ARMEY and endorsed by Gingrich and GOODLING.

What is it with our Republican friends that they were so enthusiastic for this program 3 years ago, taking credit for it, putting it on the list of major achievements of the Congress? Now we hear out here: No, no; we can't; Oh, Lord, we cannot have this new program. We can't have it. It has all kinds of problems. Oh, Lord. It has problems. It has problems.

Come on. We have been making an attempt in this area. You ought not be out taking credit for it if that is what you are interested in. And I am sure Senator MURRAY would be glad to offer you cosponsorship on this program and go with you up to the gallery when we have the celebration. I will go with Senator HUTCHINSON, with Senator GORTON, and the rest of our friends.

This is something that is basic and fundamental and successful. We have heard more speeches around here about the problems that we are facing at the local level. This program is tried and tested with good results and excellent outcomes for children. Teachers themselves embrace it. It was endorsed by Republicans 3 years ago. It is the same program. It was good enough for them then; it ought to be good enough for them now because mostly all of it is good for the children of this country.

We hope this amendment will be successful.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President. I thank Senator JEFFORDS.

I say to Senator KENNEDY that I never shared the enthusiasm that some did. But, fortunately, there is a better way for class size reduction. It is in this underlying bill.

Earlier in my remarks, I made a reference to an example in Arkansas in which a class size reduction grant was given. The title I supervisor said to the principal that against her wishes the hired teacher would have to be rotated among classes for 90 minutes in each class, even though the principal thought that was not the best use. She wanted to use that person for a point of time for remediation to help these who needed remediation in their school work.

After I spoke, Senator MURRAY and Senator HARKIN both said that it sounded to them as if my beef was with local control. I simply want to clarify that my beef is not with local control. My beef is title I police. My beef is with a rigid, inflexible Federal program that overrules what is best for the children so as to comply with the prescriptions of the Federal U.S. Department of Education. That is why we have a better way.

I want to clarify for Senator MURRAY and Senator HARKIN. It was not the principal's decision, not the superintendent's decision, not the classroom teacher's decision. It was the decision of the title I supervisor in what she said was compliance with the Class Size Reduction Program. My beef is not with local control. My beef is with the program that has that kind of rigidity built into it.

I thank the chairman for yielding me 2 minutes of the remaining time.

I yield the floor.

Mrs. MURRAY. Mr. President, I yield 15 seconds to Senator HARKIN.

Mr. HARKIN. I want to respond to the Senator from Arkansas. This amendment has nothing to do with title I, but this amendment has to do with class size reduction.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will speak about my amendment and the second-degree amendment to it which I did not address earlier.

The amendment Senator MACK and I have offered today essentially allows title II funds to be used for three purposes not specified in the underlying bill: First, for teacher testing programs, to ensure that teachers teaching our kids have the skills and knowledge about the subject matter they are teaching; second, for merit pay programs that could identify and reward teachers who perform exceptionally; third, tenure reform programs that shift the focus on teacher advancement and promotion to a broader subject of categories beyond mere longevity.

We believe these will make a difference in terms of improving the quality of teaching. As I speak to parents in my State, there is no question they want teachers conversant with the subject matter they are teaching their kids. They want to reward and acknowledge exceptional teachers and make sure the process employed with respect to the schools and their communities is based on ability and merit.

We were criticized during the debate on only one of these, the merit pay proposal. That was the extent of the criticism leveled at this amendment earlier today. There then was a second-degree amendment offered. Interestingly, the second-degree amendment wiped away the two areas that were not subjected to any criticism—the teacher testing and the tenure reform proposals—in their entirety. It then replaced our merit proposal with a different one, one that rewards all teachers in schools that showed an increase in achievement by students.

Interestingly, I find it odd that the two areas that were not criticized earlier were eliminated from the secondary amendment, and I question the approach taken in the second amendment with respect to merit pay programs.

Our approach is a permissive approach we are offering as an option for the possible use of title II funds. No school will be mandated to do this. No school will be forced to do it. Under no circumstance will the Federal Government outline, identify, design, or in any way dictate the types of programs that would be used.

In the second-degree amendment, however, only one type of program of merit pay is proposed, and it has an odd component to it. It says all teachers in any school that shows certain types of improvement, to be a presumably later identified, would benefit from enhanced salaries or bonuses.

That means the worst teacher, in a school that showed overall achievement, would receive some sort of merit award. Meanwhile, the very best teacher who might be producing tremendous increases in achievement among his or her students in another school would not qualify. I see an inconsistency. I also question why the two sections of our amendment that were not criticized or even commented on earlier today have been entirely eliminated by the second-degree amendment.

The choice is simple. Our approach permits districts and State education agencies to use title II funds for programs they would design with respect to teacher testing, merit pay, and tenure reform. I believe that is a wise course to follow if our goal is to increase the quality of the teaching of our children in America today. I sincerely hope our colleagues will choose to follow that course by rejecting the second-degree amendment and supporting the Abraham-Mack proposal.

Mr. KENNEDY. Mr. President, our amendment focuses funds on what works. If the States want to use their 93 cents out of the dollar for purposes that Senator ABRAHAM has mentioned, they can do it. We are focused on what works: School-based merit programs for improving the achievement of all students in a school, incentives and subsidies for helping teachers earn advanced degrees, implementing and

funding vigorous peer review evaluation and recertification programs for teachers, and providing incentives to help the most fully qualified teachers to teach in the lowest achieving schools.

These are the programs that are tried, tested, and that work. That is the second degree to the proposal of the Senator from Michigan. I hope it will be accepted.

Mr. JEFFORDS. How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. JEFFORDS. I yield 1 minute to the Senator from Michigan.

Mr. ABRAHAM. Mr. President, in response, I don't know how anyone can say that a program proven to work is one that rewards the worst teacher in a school that may, in fact, be producing a decrease in the achievement level of their students. I don't think that could possibly be argued to be an effective way to use Federal dollars. Yet that is what would happen under the proposed second-degree amendment.

Our amendment, on the other hand, opens the way for school districts and State education agencies to use these funds in the most effective way they deem possible to improve the quality of teaching. I look forward to the vote on this.

I thank Senator KENNEDY for his debate today.

Mr. JEFFORDS. I yield myself the remaining time.

I back up the statements of the Senator from Michigan. What we are dealing with on the first vote is whether or not to make more flexible the options with respect to the schools. The Abraham-Mack amendment does that. The second-degree is a strike of that and puts one option in and does not add but detracts from what we would have without that amendment.

The Murray amendment, again, restricts the availability of the class size money to one option—class size. In my State and many other States, that is not the problem. The problem is the quality of the teaching. We would rather spend that money to enhance the qualities of the teachers we have rather than to have it available for things we don't need.

I urge a ''no'' vote on the second degree, a ''yes'' vote on the Abraham amendment, and a ''no'' vote on the Murray amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. We are about to have three very important votes. One will be on the class size amendment. First, the Senator from Arkansas mentioned in his remarks the WestEd Policy Briefing and spoke eloquently about the challenges, but he failed to talk about the tremendous benefits that were also in the report, including achievement gains and greater individual attention. The list goes on.

I ask unanimous consent to have the entire study printed in the RECORD.

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

POLICY BRIEF

GREAT HOPES, GREAT CHALLENGES

Numerous states have enacted or are considering measures to reduce class size. Additionally, as part of a seven-year program to ensure an average class size of 18 for grades one through three, the federal government has committed more than $2.5 billion to a national class size reduction (CSR) initiative. These efforts stem from research findings on CSR's achievement benefits, as well as from its enormous popularity with parents, administrators, and teachers.

However, not all efforts have proven equally successful. In designing CSR programs, careful assessment of specific state circumstances should help states adopting or modifying CSR efforts avoid the unintended consequences that some programs have experienced and ensure greatest benefit from what is usually a considerable financial investment.

Benefits

Research in the primary grades shows that as class size shrinks, opportunities grow. Successful implementation of CSR has led to numerous benefits, which appear to last into the high school years, including:

Achievement gains, especially for poor and minority students.

Greater individual attention and teacher knowledge of each student's progress.

Improved identification of special needs, allowing earlier intervention and less need later for remediation.

Fewer classroom discipline disruptions.

Faster and more in-depth coverage of content; more student-centered classroom strategies, such as special-interest learning centers; more enrichment activities.

Greater teacher-parent contact and parent satisfaction.

Reduced classroom stress and greater enjoyment of teaching.

Challenges

Challenges for policy design arise in three major areas:

Teaching supply and teacher quality

A fundamental condition for the success of CSR is good teaching. CSR can exacerbate teaching shortages and lead to the hiring of underqualified teachers. In California, for example, since the implementation of the state's CSR program, the percentage of teachers without full credentials has jumped from 1% to over 12%, while the proportion of teachers with three or fewer years of experience rose by 9% and the proportion of teachers who had the least education, a bachelor's or no degree, increased by nearly 6% statewide.

Facilities

Inadequate facilities can impede schools' ability to implement CSR and/or compromise CSR's benefits. Whole schools or programs may also suffer if, for example, libraries, music rooms, special education rooms, or computer rooms are converted into classrooms, as has happened in some places. Many space-strapped schools have combined two ''smaller'' classes into one large one with two teachers. Wisconsin reports positive results from such team teaching; in Nevada, however, concern exists that team teaching has compromised CSR's success.

Equity

CSR policies can inadvertently worsen inequities. In California, for example, a one-size-fits-all allotment per student and a rigid 20:1 cap on class size led to uneven implementation. Early evaluation findings support the concern that the very students who stand to benefit most from CSR—poor and minority students—are least likely to have full opportunity to do so. Schools serving high concentrations of low-income, minority, and English language learner (ELL) students implemented more slowly due to lack of facilities. These same schools have the hardest time attracting prepared, experienced teachers and, thus, suffered a far greater decline in teacher qualifications than other schools. Finally, for many of these schools, the cost of creating smaller classes exceeded their CSR revenues, and to make up the deficit they diverted resources from other activities.

Recommendations

Crafting a successful CSR program is no simple matter. As knowledge from state and local experience continues to evolve, lessons are emerging that suggest important design elements for policymakers to consider, including:

Targeting

Since research shows that children in the primary grades and, especially, poor and minority children benefit most from smaller classes, it makes sense to direct CSR monies toward these children. Such targeting can also offset some of the difficulties inner-city and poor, rural schools face in attracting well qualified teachers and finding sufficient classroom space.

Teacher support

Schools will need to hire a number of new and, possibly inexperienced teachers to enact CSR policies. If the teachers are unprepared, resources for support, such as mentorship and training programs, will need to be considered. Research, experience, and a policy climate of higher expectations also suggest that novices and veterans alike will need support to learn new teaching strategies that capitalize on the opportunities smaller classes present.

Facility support

CSR initiatives require adequate facilities. If facility issues are not attended to at all levels, expensive investments in smaller classes are likely to be compromised.

Flexibility

CSR policies that allow flexibility in the use of funds help keep the focus on improving learning, teaching, and student achievement. In exchange for accountability, policymakers may consider options that allow schools and districts latitude to tailor decisions to the needs of their own circumstances and students—for example, allowing a class-size average rather than mandating a cap or encouraging creative scheduling.

Program evaluation

CSR programs should build in evaluation and research components, particularly focused on unanswered questions, such as the outcomes of creative approaches to CSR.

Mrs. MURRAY. Mr. President, we came together several years ago in a bipartisan manner, both sides of the Senate, Republican and Democrat, and said we have made a great accomplishment, we have targeted Federal funds to a program that we know will work, reducing class size. Studies show it, from the Educational Testing Service in 1997 to the Star study in 1989, to the Wisconsin State study, to the New York study which I will read to you very quickly. A teacher said:

Now that I have seen the difference a small class makes, I don't want to go back to being a policeman.

will learn the basics—math, reading, and science—that they will go on to college, there will be fewer discipline problems, and we will have accomplished something great.

Senator HARKIN has been out in his State, as many of us have, in the classrooms that are a direct recipient of our class size money. I challenge my colleagues to do the same because when you do, you can then walk away and say: I did something realistic and I can see it in the faces of these kids.

We have the opportunity now to continue that program, and I urge this amendment's adoption.

Mr. JEFFORDS. I yield the remainder of my time.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on the Kennedy substitute.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the Murray amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ABRAHAM. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection?

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered on all three amendments.

VOTE ON AMENDMENT NO. 3118

The PRESIDING OFFICER. The question before the Senate is on agreeing to the Kennedy second-degree amendment, No. 3118. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. BREAUX) would vote ''aye.''

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—43

Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerrey
Bayh	Durbin	Kerry
Biden	Edwards	Landrieu
Bingaman	Feingold	Lautenberg
Boxer	Feinstein	Leahy
Bryan	Graham	Levin
Chafee, L.	Harkin	Lieberman
Cleland	Hollings	Lincoln
Conrad	Inouye	Mikulski
Daschle	Johnson	Moynihan
Murray	Rockefeller	Wellstone
Reed	Sarbanes	Wyden
Reid	Schumer	
Robb	Torricelli	

NAYS—54

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Byrd	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NOT VOTING—3

Breaux	Kohl	Roth

The amendment (No. 3118) was rejected.

Mr. LOTT. Mr. President Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

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

VOTE ON AMENDMENT NO. 3117

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3117. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote ''yea.''

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from Louisiana (Mr. BREAUX) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. BREAUX) would vote ''no.''

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—54

Abraham	Feinstein	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brownback	Grams	Nickles
Burns	Grassley	Roberts
Byrd	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee, L.	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hollings	Smith (OR)
Coverdell	Hutchinson	Specter
Craig	Hutchison	Stevens
Crapo	Inhofe	Thomas
DeWine	Jeffords	Thompson
Domenici	Kyl	Thurmond
Enzi	Lott	Warner

NAYS—42

Akaka	Feingold	Mikulski
Baucus	Graham	Moynihan
Bayh	Harkin	Murray
Biden	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Robb
Bryan	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Landrieu	Schumer
Daschle	Lautenberg	Snowe
Dodd	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—4

Breaux	Kohl	
Bunning	Roth	

The amendment (No. 3117) was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3122

The PRESIDING OFFICER. The question is agreeing to amendment No. 3122. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING), would vote ''no.''

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—44

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—53

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Fitzgerald	McCain	

NOT VOTING—3

Bunning	Kohl	Roth

The amendment (No. 3122) was rejected.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I hope we can continue to work in a bipartisan way and agree to an orderly process. We have had good debate and good amendments. I hope we can continue to do that.

I ask unanimous consent that with respect to the next sequence of amendments in order to S. 2, the offering of the amendment by Senator LIEBERMAN be temporarily postponed and that I be recognized to offer the Lott-Gregg amendment on Monday beginning at 3 p.m. I further ask consent that the Lott-Gregg amendment be temporarily laid aside when the Senate reconvenes on Tuesday in order for Senator LIEBERMAN to offer his amendment. I finally ask unanimous consent that when the Senate conducts the votes with respect to the two first-degree amendments, the votes occur in the original order as outlined in the consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, and I do not intend to object, we will be voting on Tuesday. On our side—and the leader can correct me—there are probably seven substantive amendments. As the leader knows, having talked with all of us, we are willing to enter into time agreements on this so we can move the process forward. We want to try to do that in the early part of the week.

I know the leader has other matters for consideration by the Senate. Tonight we cannot make that request, but I hope both Senator DASCHLE and the majority leader can, at least in the first part of the week, see if we can enter into a time sequence.

We had good discussions and debate today. I believe with the debate we had on the substitute, plus on S. 2, we have covered the ground pretty well. There are some areas we perhaps need to give additional focus. There was no time indicated by the majority leader for disposition of those two amendments. I am trying to find out the intention of the leader so we can at least tell our people when they can expect some followup.

Mr. LOTT. If Senator KENNEDY will yield under his reservation so I may respond, Senator DASCHLE and I have been talking about this and other issues. We do not have votes scheduled on Monday because we have some Senators who have commitments they cannot change. That is the reason we rearranged the order. Plus, we do have some Senators who want to attend the services for Cardinal O'Connor in New York City on Monday.

Next week, we need to take up and consider, if possible, the Africa free trade and CBI enhancement conference report, which the House passed today by an overwhelming vote. We have to figure that into the mix during the day Tuesday, Wednesday, and Thursday.

Having said that, I believe we do have some additional amendments to which we can agree. I hope Monday during the day—I assume the managers will be here—Monday afternoon we can work on those amendments, and Monday morning, if we work toward having the vote or votes, if necessary, by noon on Tuesday, then we will have the next tranche of amendments worked out.

Let me say on Senator DASCHLE's behalf and mine, it is not easy because there are a lot of Senators on both sides who are anxious to participate, so we have to come up with some order. I got into that a little bit today with a couple of my colleagues on this side, and I know the Senator from Massachusetts was doing it on his side. We need to work with those Senators and get the next two, four—whatever we can get—agreed to and look forward to doing some of those Tuesday afternoon, and then we may have to look at moving Tuesday afternoon, perhaps, to the Africa-CBI conference report. We are going to make a good-faith effort on both sides, I am sure, to get the next tranche of amendments and look to have a vote Tuesday morning if at all possible, and I think it will be.

Mr. KENNEDY. I thank the leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, 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.

Mr. LOTT. I yield the floor.

SECTION 5-YEAR 302(a) ALLOCATIONS

Mr. DOMENICI. Mr. President, section 302(a) of the Congressional Budget and Impoundment Control Act of 1974 provides that the statement of managers accompanying a conference report on a concurrent resolution on the budget contain allocations, consistent with the resolution, of total new budget authority and total outlays among each committee of the House and Senate.

Allocations must cover the first year covered by the resolution and the sum of all years covered by the resolution. Unfortunately when we were preparing the statement of managers to accompany the fiscal year 2001 budget resolution, (H. Con. Res. 290, H. Rpt. 106–577) the table indicating the five-year allocation to the committees of the Senate was inadvertently omitted. The table indicating the first year allocation was included as well as both the first and five-year allocation for the House committees.

I have discussed this matter with the ranking member of the Committee on the Budget, Senator LAUTENBERG, and we have agreed that we would insert the appropriate table here in the RECORD and ask unanimous consent that this table serve as the 5-year allocation under section 302 of the Budget Act as if it had been included in the statement of managers at the time the conference report was filed in the House of Representatives. I therefore make that request now of the Presiding Officer.

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

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FOR CONTINUED U.S. ENGAGEMENT IN THE BALKANS

Mr. BIDEN. Mr. President, next week the Appropriations Committee is expected to mark up several bills that will incorporate the Administration's supplemental request for this fiscal year. Included in this request is two point six billion dollars for peacekeeping and reconstruction in Kosovo and the surrounding region.

In that context, I rise to examine the rapidly changing conditions in the Balkans and to argue for continued vigorous American involvement in the region, including meeting the Administration's supplemental request.

Mr. President, since the end of the Cold War few, if any other parts of the world have commanded as much of our attention as the Balkans, particularly the area of the former Yugoslavia. This is no accident. The Balkans were the crucible for the First World War, played a pivotal role in the outcome of the Second World War, and persist as the only remaining major area of instability in Europe.

As every thoughtful political leader in London, Paris, Berlin, Rome, Madrid or other capitals will attest, if the movements in the countries of the Balkans toward political democracy, ethnic and religious coexistence, and free market capitalism do not succeed, the resulting turmoil will endanger the remarkable peace and prosperity laboriously created over the past half-century in the countries of the European Union and in other Western democracies.

Moreover, Mr. President, for Americans warning of this possibility is not merely an academic exercise. In political, security, and economic terms, the United States is a European power. We are tied to the continent through a web of trade, investment, human contacts, and culture to a degree unequaled by relations with any other part of the world. Instability that spread to Western Europe would directly and adversely affect the United States of America in a major way.

In other words, Mr. President, we do not have the luxury of being able to distance ourselves from the Balkans, no matter how emotionally appealing such a policy may appear at times.

As someone who visits Southeastern Europe on a regular basis, I fully understand how frustrating dealing with Balkan issues can be. Much of this stunningly beautiful area, with its jumble of ancient peoples, has seemingly intractable problems. Americans accustomed to quick solutions naturally become frustrated, especially since we have built up a large presence on the ground in several Balkan countries in the last few years and, therefore, know first-hand the complexities involved.

But the very diversity of the Balkans means that even if human history moved in a linear fashion—which it certainly does not—progress toward democracy, human rights, and free markets in Southeastern Europe would necessarily be uneven, moving forward in some countries, stagnating in some, and even regressing in a few.

Mr. President, this is precisely what has been happening; the region is experiencing ''ups and downs.'' Contrary to popular belief, undoubtedly influenced by the proclivity of the mass media to emphasize the negative, there have been several positive developments in the Balkans.

Slovenia, the northernmost country of the Balkans, is the region's success story. It has already established a solid democracy, and its transition to a free-market economy has been so successful that its per capita gross domestic product now exceeds that of a few members of the European Union. Slovenia seems certain to be in the next round of NATO enlargement, and it is one of the strongest candidates for EU membership.

Croatia, which suffered for a decade under the authoritarian rule of Franjo Tudjman, elected a new parliament this past January with a moderate, democratic coalition gaining a solid majority. The winner of the February presidential election, Mr. Mesic, is also a democratic reformer.

Already there has been signs of positive movement from the new regime in Zagreb, both domestically and in foreign policy. For example, the government has begun investigating corruption from the Tudjman era in the banking and communications sectors. In the international realm, the Croatian government has signed an agreement on cooperation with the International War Crimes Tribunal in the Hague. Moreover, the new government has closed down illegal television transmission towers in Bosnia and Herzegovina, which had spread ultra-nationalist programming from Croatia.

In fact, the hard-line obstructionist nationalist Croat leadership in Bosnia and Herzegovina is running scared, knowing that it has lost its patron, the former HDZ regime, in Croatia. It appears that the new government in Zagreb has pledged itself to full Dayton implementation, including a commitment to the integrity of Bosnia and Herzegovina as a state.

It is debatable whether the ''good example'' set by Zagreb will soon influence the situation in Serbia; but it is already clear that the change of government in Zagreb is causing Bosnian Croat leaders to re-think their strategy.

The local elections in Bosnia last month provided mixed results. In the Republika Srpska, Prime Minister Dodik's coalition lost ground, but there is still hope that the new government being formed will accelerate the pace of implementation of the Dayton Accords.

In the Federation, reformist Bosnian Croats did not have sufficient time to organize strong opposition to the entrenched HDZ nationalists. As the withdrawal of subsidies from Zagreb to the Bosnian Croat HDZ takes effect, however, the moderate Bosnian Croats may be able to increase their strength in the upcoming national elections.

The most heartening developments concern the Bosnian Muslims, the largest of the three major communities in the country. The Muslims have demonstrated an accelerating move away from the nationalist SDA party to non-nationalist alternatives, as demonstrated by their electoral victories in several of Bosnia's largest cities.

Mr. President, the southern Balkans also show several positive trends, some of them quite remarkable. At the Helsinki Summit of the European Union in December 1999, Turkey for the first time was granted the status of candidate for membership. To be sure, any realistic analysis of Turkey's chances would make them long-term, but the development in Helsinki is nonetheless a real breakthrough and is being received as such by the majority of Turkey's population.

Moreover, the devastating earthquakes that rocked both Turkey and Greece last summer elicited mutual expressions of popular sympathy from both peoples and have led to a significant warming of relations between these two long-time rivals.

Both Bulgaria and Romania are governed by Western-looking, democratic free-marketeers. The closing of the Danube by the NATO bombing in the air war last year has had an extremely damaging effect on their already shaky economies. Both countries, though, have embarked upon painful, but necessary reforms. The reformers will be sorely tested in upcoming national elections.

Macedonia, perhaps the most fragile country in the region, has survived the trauma of the Kosovo war, with its massive influx of hundreds of thousands of refugees, without the violent destabilization expected by many observers, and certainly intended by Milosevic. A newly elected conservative government includes an ethnic Albanian party, but the raw material for an ethnic conflagration persists.

The ''downs'' in the Balkan picture, which have been getting the lion's share of the publicity, are Serbia proper, Montenegro, and Kosovo.

Certainly the principal negative fact of life in the region is the continuing presence in power in Serbia of Slobodan Milosevic. My colleagues know well my feelings about this man. In 1993, six years before the Hague Tribunal made public its indictment, I called Milosevic a war criminal to his face at a meeting in his office in Belgrade.

Milosevic, quite simply, has been a disaster for the Serbian people. He has destroyed Serbia's economy, eviscerated its body politic, and debased its reputation internationally. It is not easy to start—and lose—four wars in eight years, but Milosevic has managed to do it. He is a man of only one ideological conviction: that he must hold

onto power in Serbia. To retain power he is ready to use any means, including ruining the lives of the people he theoretically represents.

Unfortunately, Milosevic clings to power through a combination of ruthlessness, tactical cunning, and the inability until now of the Serbian opposition to forge a permanent anti-Milosevic coalition that could be compelling for the Serbian electorate. There is some basis for cautious optimism that the political opposition in Serbia may be unifying in its opposition to Milosevic. Last month the opposition was able to bring out to the streets of Belgrade a massive crowd of more than two hundred thousand demonstrators against Milosevic.

The gangland quality of life in contemporary Serbia is demonstrated by the recent public machine-gun slayings of ''Arkan,'' the Yugoslav defense minister, and other ultra-nationalist figures. Most recently independent journalists in Serbia have been given implicit death threats—from no less a personage than Mr. Seselj, the deputy prime minister! These moves, however, bespeak the increasing weakness and fear of the Milosevic regime, not any strength.

I should add that another reason that Milosevic has been able to survive this cold winter is assistance from like-minded dictators. Over the past few months, China made a gift of three hundred million dollars, and Iraq contributed much needed oil. It is also extremely likely that Russia and Belarus have funneled assistance to Milosevic.

The United States Government is actively supporting the creation of a civil society in Serbia through targeted grants to a variety of independent media, citizens' groups, independent trade unions, and towns controlled by the democratic opposition.

Despite Milosevic's malevolent and unscrupulous behavior, I remain convinced that ultimately the pressure from below—and from within his government, party, and armed forces—will result in his fall from power. What is key is that we not lose our patience or our nerve. I will not put a date on Milosevic's fall, but fall he will, and the long-suffering Serbian people will begin to regain their dignity.

Montenegro, the junior partner in the Yugoslav Federation, is governed by a multi-ethnic, democratic coalition led by President Milo Djukanovic. The reformist government of this little republic of less than seven hundred thousand citizens is struggling to avoid being overthrown by Yugoslav President Slobodan Milosevic, who is currently scheming about how to undermine Montenegro's democratically elected government. His tools are the Yugoslav army and shadowy paramilitary forces loyal to him, plus economic pressures applied to its vastly smaller neighbor.

We have seen Milosevic starring in this movie before—- in Slovenia, in Croatia, in Bosnia and Herzegovina, and in Kosovo. Milosevic lost each time, in the process sacrificing hundreds of thousands of lives and causing untold material damage. I can only hope that he has learned his lesson.

Kosovo is another ongoing challenge for American policy and fortitude. Eleven months after the withdrawal of Yugoslav troops, Serbian police, and paramilitaries, the province is still struggling to regain a semblance of normalcy. The task is enormous: by the estimate of the U.N., some eight hundred ten thousand residents who fled during last year's war have returned to a province in which approximately two-thirds of the housing stock was destroyed or damaged beyond repair. Not an appealing base on which to rebuild a traumatized society.

In that context, the herculean efforts of the international civilian and military authorities have had a good measure of success. Despite the understandable headlines detailing revenge killings of Serbs and Roma by ethnic Albanians, and of Kosovar Albanians by other Kosovar Albanians, the fact is that the incidence of homicide has dropped dramatically over the last several months.

The serious upsurge in ethnic violence in the town of Mitrovica earlier this year shows that universal security in the province has yet to be achieved. The response of KFOR to Mitrovica was to send in additional troops, from different sectors. Also a special prosecutor was appointed by the United Nations to handle Mitrovica. Things boiled over there; now the flame has been doused and the lid is back on. We will have to keep an eye on Mitrovica and northern Kosovo.

Similarly, the Presevo Valley in southeastern corner of Serbia proper, which has a strong ethnic Albanian majority population, is a potential flashpoint. Radical elements have been training in the demilitarized zone between Kosovo and Serbia proper, occasionally staging hit-and-run raids on Serbian police. Their motive is clearly to provoke a larger conflict, and then to appeal to KFOR to bail them out. We should not fall for this trap. I am pleased that the Administration has made clear to the radicals that they are on their own, and has enlisted the help of responsible Kosovar Albanians to rein them in.

With respect to security in Kosovo, however, the overall trend is in the right direction. The drop in the murder rate is due largely to the excellent work of the forty-two thousand, five hundred KFOR troops in Kosovo, and increasingly to the more than three thousand, one hundred international police deployed by the U.N. Interim Administration Mission in Kosovo—known as UNMIK. Eventually four thousand, four hundred UNMIK police are to be deployed.

Our government must be sure to make its pledged payments to UNMIK on time and to pressure other donor countries to do the same. Cooperation between UNMIK's chief, Dr. Bernard Kouchner, and KFOR's commander has been superb. If Dr. Kouchner is given all the tools the way KFOR has been, then I believe he will be able to do his job successfully.

Incidentally, Mr. President, KFOR's commanders have been, in order, an Englishman, a German, and now a Spaniard—all under NATO's Supreme Commander in Europe, an American.

While profound mistrust of KFOR and UNMIK exists among much of the Serbian community in Kosovo, a hopeful sign is that observers from the Serb community recently joined the power-sharing system UNMIK has set up with a broad spectrum of Kosovar Albanian leaders.

Much of the Serbs' mistrust—and of widespread unease among the Kosovar Albanians—stems from the fact that although the homicide rate in the province has dropped, other forms of criminality are increasing. Particularly worrisome is the influx of organized crime elements from Albania across the porous, mountainous border into Kosovo.

We must not allow Kosovo to descend into gang-infested semi-anarchy. This is the principal reason that the promised international funding for UNMIK simply must be delivered promptly. I cannot stress this requirement enough. Our government must pressure the Europeans—who have assumed the primary responsibility for KFOR, UNMIK, and the Stability Pact for Southeast Europe—immediately to live up to their pledges.

Because of excellent work by the U.S. Agency for International Development and other national and international organizations, there are high expectations all over Kosovo that this spring and summer there will be reconstruction on a mass scale all over the province. We must be certain that the international funding is delivered in time, so as not to deflate the Kosovars' and the Kosovo Serbs' hopes and damage our credibility and that of our allies and other cooperating nations.

Mr. President, the more I delve into the details of the American and other international efforts to rebuild the Balkans—in Kosovo, in Bosnia and Herzegovina, in Albania, and elsewhere—the more respect I have for our outstanding men and women serving in often difficult and dangerous circumstances in our diplomatic service, our armed forces, and our aid missions. They are bright, they are dedicated, and they are getting tangible results. This is a side of the story that the American public should hear more about.

It is also important that the American public understands that the overwhelming majority of KFOR troops, the overwhelming majority of UNMIK personnel, and the overwhelming majority of development assistance are all being provided by our European allies and other friendly governments. Mr. President, one bright spot of the Kosovo story is that it shows that

burdensharing not only can work, but is working.

In Kosovo, perhaps more than anywhere else in the Balkans, however, even as we analyze serious current problems, we must never lose sight of what the situation would be if we had not acted militarily last year. Milosevic would have gotten away with vile ethnic cleansing on a scale unprecedented in Europe for decades, causing untold human misery, destabilizing Macedonia and Albania, irreparably harming the credibility of NATO, and possibly even fracturing the alliance.

No, the situation in Kosovo is far from good, but it is incalculably better than it would have been, had NATO, under President Clinton's leadership, not intervened.

In early February, at the Munich Conference on Security Policy, the U.S. Congressional delegation had breakfast with Lord Robertson, the Secretary General of NATO. As he so aptly put it, ''no one should expect a Balkan Switzerland to be created in a few short years.'' But that should not blind us, either to the significant progress already achieved, or to the continuing importance to the United States and to the rest of Europe of the struggle for lasting security in the Balkans.

We must keep our eye on the prize and redouble our efforts to rebuild and stabilize Southeastern Europe. So, once again, I urge my colleagues on the Appropriations Committee to fully fund, without conditions, the Administration's supplemental request for peacekeeping and reconstruction in Kosovo. The stakes are simply too high to do otherwise.

I thank the Chair and yield the floor.

PARK SERVICE SNOWMOBILE BAN

Mr. GRAMS. Mr. President, I want to take a few minutes today to talk about the Department of Interior's recent decision to ban snowmobiling in most units of the National Park System.

While the Interior Department's recent decision will not ban snowmobiling in Minnesota's Voyageurs National Park, it will impact snowmobiling in at least two units of the Park System in my home State—Grand Portage National Monument and the St. Croix National Scenic Riverway. In addition, this decision will greatly impact Minnesotans who enjoy snowmobiling, not only in Minnesota, but in many of our National Parks, particularly in the western part of our country.

When I think of snowmobiling in Minnesota, I think of families and friends. I think of people who come together on their free time to enjoy the wonders of Minnesota in a way no other form of transportation allows them. I also think of the fact that in many instances snowmobiles in Minnesota are used for much more than just recreation. For some, they're a mode of transportation when snow blankets our state. For others, snowmobiles provide a mode of search and rescue activity. Whatever the reason, snowmobiles are an extremely important aspect of commerce, travel, recreation, and safety in my home state.

Minnesota, right now, is home to over 280,000 registered snowmobiles and 20,000 miles of snowmobile trails. According to the Minnesota United Snowmobilers Association, an association with over 51,000 individual members, Minnesota's 311 snowmobile riding clubs raised $264,000 for charity in 1998 alone. Snowmobiling creates over 6,600 jobs and $645 million of economic activity in Minnesota. Minnesota is home to two major snowmobile manufacturers—Arctic Cat and Polaris. And yes, I enjoy my own snowmobiles.

People who enjoy snowmobiling come from all walks of life. They are farmers, lawyers, nurses, construction workers, loggers, and miners. They are men, women, and young adults. They are people who enjoy the outdoors, time with their families, and the recreational opportunities our diverse climate offers. These are people who not only enjoy the natural resources through which they ride, but understand the important balance between enjoying and conserving our natural resources.

Just 3 years ago, I took part in a snowmobile ride through a number of cities and trails in northern Minnesota. While our ride didn't take us through a unit of the National Park Service, it did take us through parks, forests, and trails that sustain a diverse amount of plant and animal species. I talked with my fellow riders and I learned a great deal about the work their snowmobile clubs undertake to conserve natural resources, respect the integrity of the land upon which they ride, and educate their members about the need to ride responsibly.

The time I spent with these individuals and the time I have spent on my own snowmobiles have given me a great respect for both the quality and enjoyment of the recreational experience and the need to ride responsibly and safely. They have also given me reason to strongly disagree with the approach the Park Service has chosen in banning snowmobiles from our National Parks.

I was stunned to read of the severity of the Park Service's ban and the rhetoric used by Assistant Secretary Donald J. Barry in announcing the ban. In the announcement, Assistant Secretary Barry said, ''The time has come for the National Park Service to pull in its welcome mat for recreational snowmobiling.'' He went on to say that snowmobiles were, ''machines that are no longer welcome in our national parks.'' These are not the words of someone who is approaching a sensitive issue in a thoughtful way. These are the words of a bureaucrat whose agenda has been handwritten for him by those opposed to snowmobiling.

The last time I checked, Congress is supposed to be setting the agenda of the Federal agencies. The last time I checked, Congress should be determining who is and is not welcome on our Federal lands. And the last time I checked, the American people own our public-lands—not the Clinton administration and certainly not Donald J. Barry.

In light of such brazenness, it's amazing to me that this administration, and some of my colleagues in Congress, question our objections to efforts that would allow the Federal Government to purchase even larger tracts of private land. If we were dealing with Federal land managers who considered the intent of Congress, who worked with local officials, or who listened to the concerns of those most impacted by Federal land-use decisions, we might be more inclined to consider their efforts. But when this administration, time and again, thumbs its nose at Congress and acts repeatedly against the will of local officials and American citizens, it is little wonder the some in Congress might not want to turn over more private land to this administration.

I cannot begin to count the rules, regulations, and executive orders this administration has undertaken without even the most minimal consideration for Congress or local officials. It has happened in state after state, to Democrats and Republicans, and with little or no regard for the rule or the intent of law. I want to quote Interior Secretary Bruce Babbitt from an article in the National Journal, dated May 22, 1999. In the article, Secretary Babbitt was quoted as saying:

> When I got to town, what I didn't know was that we didn't need more legislation. But we looked around and saw we had authority to regulate grazing policies. It took 18 months to draft new grazing regulations. On mining, we have also found that we already had authority over, well, probably two-thirds of the issues in contention. We've switched the rules of the game. We are not trying to do anything legislatively.

That is a remarkable statement by an extremely candid man, and his intent to work around Congress is clearly reflected in this most recent decision. Clearly, Secretary Babbit and his staff felt the rules that they've created allow them to ''pull the welcome mat for recreational users'' to our national parks.

As further evidence of this administration's abuse of Congress—and therefore of the American people—Environmental Protection Agency Administrator Carol Browner was quoted in the same article as saying:

> We completely understand all of the executive tools that are available to us—And boy do we use them.

While Ms. Browner's words strongly imply an intent to work around Congress, at least she did not join Secretary Babbit in coming right out and admitting it.

Mr. President, I for one am getting a little sick and tired of watching this

administration force park users out of their parks, steal land from our States and counties, impose costly new regulations on farmers and businesses without scientific justification, and force Congress to become a spectator on many of the most controversial and important issues before the American people.

It is getting to the point where I am not sure what to tell my constituents. I have been on the phone with snowmobilers in Minnesota and they ask what can be done. I start to explain that because of the filibuster in the Senate and the President's ability to veto, it will be difficult for Congress to take any action. I have found myself saying that a lot lately. Whether it is regulations on Total Maximum Daily Loads, efforts to put 50 million acres of forests in wilderness, or new rules to regulate a worker's house should they choose to work at home, this aAdministration just doesn't respect the legislative process or the role of Congress. Nor does this administration respect the jobs, traditions, cultures, of lifestyles of millions of Americans. If you are an American who has yet to be negatively impacted by the actions of this administration, just wait your turn because you were evidently at the end of the list. Sooner or later, if they get their way in the next few months, they're going to kill your job, render your private property unusable, and ban you from accessing public lands that have been accessible for generations.Regrettably, many of us in Congress are now left with the proposition of telling our constituents that we must wait for a new administration. I have to tell them that this administration is on its way out the door and they're employing a scorched earth exit strategy. And I have to warn them that the situation could get worse if a certain Vice President finds himself residing at 1600 Pennsylvania Avenue next year.

I have to admit, there is nothing pleasurable about telling your constituents to wait until next year. I think it is important to remember that, as Senators, we are the representatives of every one of our constituents. When I have to tell a constituent that Congress has lost its power to act on this matter, I am actually telling that constituent that he or she has lost their power on this matter. When I have to tell a snowmobiler that the administration doesn't care what Congress has to say about snowmobile in national parks, I am really telling him or her that the administration doesn't care what the American people have to say about snowmobiling in national parks. Well, I doubt any of us could've said that any better than Donald J. Barry said it himself.

When forging public policy, those of us in Congress often have to consider the opinions of the state and local officials who are most impacted. If I'm going to support an action on public land, I usually contact the state and local officials who represent the area to see what they have to say. I know that if I don't get their perspective, I might miss a detail that could improve my efforts. I also know that the local officials can tell me if my efforts are necessary or if they're misplaced. They can alert me to areas where I need to forge a broader consensus and of ways in which my efforts might actually hurt the people I represent. I think that is a prudent way to forge public policy and a fair way to deal with state and local officials.

I know, however, that no one from the Park Service ever contacted me to see how I felt about banning snowmobiling in Park Service units in Minnesota. I was never consulted on snowmobiling usage in Minnesota or on any complaints that I might have received from my constituents. While I've not checked with every local official in Minnesota, not one local official has called me to say that the Park Service contacted them. In fact, while I knew the Park Service was considering taking action to curb snowmobile usage in some Parks, I had no idea the Park Service was considering an action so broad, and so extreme, nor did I think they would issue it this quickly.

This quick, overreaching action by the Park Service, I believe, was unwarranted. It did not allow time for federal, state, or local officials to work together on the issue. It didn't bring snowmobile users to the table to discuss the impact of the decision. It didn't allow time for Congress and the Administration to look at all of the available options or to differentiate between parks with heavy snowmobile usage and those with occasional usage. This decision stands as a dramatic example of how not to conduct policy formulation and is an affront to the consideration American citizens deserve from their elected officials.

I hope we take a hard look at this decision and call the administration before Senate Committees for hearings. I have long believed that we can have an impact on these matters by holding strong oversight hearings and by forcing the Administration to account for its actions. We cannot, however, simply stand by and watch as the Administration continues its quest for even greater power at the expense of the deliberative legislative processes envisioned by the founders of our country. Secretary Babbit, Administrator Browner, and Donald J. Barry may believe they're above working with Congress, but only we can make sure they're reminded, in the strongest possible terms, that when they neglect Congress they're neglecting the American people.

I thank the Chair.

CONTINUING SENATE STALL ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I, again, urge the Senate to take the responsible action necessary to fill the 80 judicial vacancies around the country. The Senate has confirmed only seven judges all year. We are in our fifth month and have only confirmed seven judges. We have 80 vacancies. There are six nominations on the Senate Executive Calendar, including Tim Dyk, who has twice been reported by the Judiciary Committee. Mr. Dyk's nomination has been pending over 2 years. Does this all sound familiar? It is because the Senate continues to fail in its responsibility to the American people and the Federal courts to take action on judicial nominations.

The stall has been going on since 1996, with a few brief burst of activity when the editorial writers and public attention has focused attention of these shortcomings. When there is scrutiny, then the majority puts through a few more.

The Judiciary Committee is not doing any better. It has held the equivalent of two hearings all year. In 5 months, it has held the equivalent of just two hearings on judicial nominations. We heard from only two nominees to the courts of appeal and only nine to the district courts. The committee has reported only six nominees all year, just six.

I know the Senate has built in to the schedule a lot of vacation and a number of recesses. Maybe we ought to take a day or two out of one of those vacations and have some hearings and some votes on the confirmations of the scores of judges that are needed.

We have seen the majority announce with great fanfare that the Senate would have more hearings in the Judiciary Committee on Elian Gonzalez this year. The American public responded so loudly and correctly to that proposal for senatorial child abuse that the majority quickly backed off, trying to find some face-saving way to cancel the hearings. Well, without those hearings we had a whole day this week available. Instead of senatorial child abuse, why not have hearings on judges? We could have done that.

The committee markup scheduled for this morning was canceled. We could have used that time for a Judiciary hearing or proceeded and reported a few judicial nominees.

Most afternoons are free around here this year. We could have hearings a few afternoons a week and start to catch up on our responsibilities.

Over the last weekend, the President again called upon us to do our job and complete consideration of these nominations without additional delay. The Chief Justice of the Supreme Court, a Republican, has scolded the Senate in this regard.

I have urged the Senate time and time again to fulfill our responsibilities. I wish we would do this, take a couple days less vacation time, work a few afternoons, and confirm the judges that we need around the country.

A couple of years ago, I compared the Senate pace of confirming judges with

the home run pace of such players as Mark McGwire, Sammy Sosa, and Ken Griffey, Jr. Over the past couple of years when I have used this example of how much better they do hitting home runs than we do at confirming judges, my friend from Utah and I have gone back and forth with regard to this kind of comparison. He has said I should not be comparing the Senate to some of the greatest home run hitters of all time. I understand his reluctance since this Senate certainly has not been a home run hitter as far as confirming judges.

But when I looked at the sports pages today I was struck by how poorly we are doing. Keep in mind, that the Senate has been in session a couple of months longer than the baseball season, that we had a 2-month head start. Nonetheless, as of today, there are 27 baseball players who have hit more home runs than the Senate has confirmed judges. These are not just the stars. The Senate does not fail in comparison to just McGwire and Sosa, but in comparison to—I know these are names you will not all recognize and I see the pages coming to attention and see how many they know—the White Sox' Paul Konerko; the Cubs' Shane Andrews; the Rockies' Todd Helton; the Brewers' Geoff Jenkins; the Angels' Troy Glaus; the Royals' Mike Sweeney. Not legends yet, but fine people and players who have all hit more home runs than the Senate—even with a 2-month head start.

In fact, I may be doing a disservice to these major-leaguers by comparing them to the Senate. Why? Because these ballplayers are acting professionally and doing what they are paid to do. We are not acting professionally. We are not fulfilling our constitutional responsibilities. We are not doing what we are paid to do. We are refusing to vote yes or no on these judges.

The vacancies on the courts of appeals around the country are particularly acute. Vacancies on the courts of appeals are continuing to rob these courts of approximately 12.3 percent of their authorized active strength, as they have for the last several years. The Ninth Circuit continues to be plagued by multiple vacancies. We should be making progress on the nominations of Barry Goode, Judge Johnnie B. Rawlinson and James E. Duffy, Jr., as well as that of Richard Tallman.

I am acutely aware that there is no one on the Ninth Circuit from the State of Hawaii. I know that federal law requires that ''there be at least one circuit judge in regular active service appointed from the residents of each state in that circuit,'' 28 U.S.C. 44(c), and I would like to see us proceed to comply with the law and confirm Mr. Duffy, as well as the other well-qualified nominees to that Court of Appeals without further delay.

The Fifth Circuit continues to labor under a circuit emergency declared last year by its Chief Judge Carolyn Dineen King. We should be moving the nominations of Alston Johnson and Enrique Moreno to that Circuit to help it meet its responsibilities.

Earlier this year I received a copy of a letter from Judge Gilbert Merritt, formerly Chief Judge of the Sixth Circuit, concerning the multiple vacancies plaguing that Circuit. Judge Merritt was disturbed by a report that the Judiciary Committee would not be moving any nominees for the Sixth Circuit this year. We should be moving on the nominations of Kathleen McCree Lewis, Kent Markus, and Helene White. Judge Merritt wrote to us two months ago, stating:

> The Sixth Circuit Court of Appeals now has four vacancies. Twenty-five per cent of the seats on the Sixth Circuit are vacant. The Court is hurting badly and will not be able to keep up with its work load due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our Court. One of the vacancies is five years old and no vote has ever been taken. One is two years old. We have lost many years of judge time because of the vacancies.
>
> By the time the next President is inaugurated, there will be six vacancies on the Court of Appeals. Almost half of the Court will be vacant and will remain so for most of 2001 due to the exigencies of the nomination process. Although the President has nominated candidates, the Senate has refused to take a vote on any of them.
>
> Our Court should not be treated in this fashion. The public's business should not be treated this way. The litigants in the federal courts should not be treated this way. The remaining judges on a court should not be treated this way. The situation in our Court is rapidly deteriorating due to the fact that 25% of the judgeships are vacant. Each active judge of our Court is now participating in deciding more than 550 cases a year—a case load that is excessive by any standard.
>
> In addition, we have almost 200 death penalty cases that will be facing us before the end of next year. I presently have six pending before me right now and many more in the pipeline. Although the death cases are very time consuming (the records often run to 5000 pages), we are under very short deadlines imposed by Congress for acting on these cases. Under present circumstances, we will be unable to meet these deadlines. Unlike the Supreme Court, we have no discretionary jurisdiction and must hear every case.
>
> The Founding Fathers certainly intended that the Senate ''advise'' as to judicial nomination, i.e., consider, debate and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider and vote at all, thereby leaving the courts in limbo, understaffed and unable properly to carry out their responsibilities for years.

Likewise, the Fourth Circuit, the Tenth Circuit and the District of Columbia Circuit continue to have multiple vacancies. Shame on the Senate for perpetuating these crises in so many Courts of Appeals around the country.

By this time in 1992, the Senate had confirmed 25 judges and the Committee had held 6 confirmation hearings for judicial nominees. By this date in 1988, the Senate had confirmed 21 judges and the Committee had held 7 hearings. By this time in 1998, the Senate had confirmed 17 judges and the Committee had held 5 hearings. This year we remain leagues behind any responsible pace.

Unfortunately, the Senate has not built upon the progress we had made filling judicial vacancies following Chief Justice Rehnquist's remarks in his 1997 report on the state of the federal judiciary. Last year, faced with 100 federal judicial vacancies, the Senate confirmed only 34 new judges. This year we will again be facing 100 vacancies. Already we have seen 87 vacancies and have so far responded with the confirmation of only 7 judges.

I have challenged the Judiciary Committee and the full Senate to return to the pace it met in 1998 when we held 13 confirmation hearings and confirmed 65 judges. That approximates the pace in 1992, when a Democratic majority in the Senate acted to confirm 66 judges during President Bush's final year in office.

There is a myth that judges are not traditionally confirmed in Presidential election years. That is not true. Recall that 64 judges were confirmed in 1980, 44 in 1984, 42 in 1988 when a Democratic majority in the Senate confirmed Reagan nominees and, as I have noted, 66 in 1992 when a Democratic majority in the Senate confirmed 66 Bush nominees.

Our federal judiciary cannot afford another unproductive election-year session like 1996 when a Republican majority in the Senate confirmed only 17 judges. These 17 confirmations in 1996 were an anomaly that should not be repeated. Since then we have had years of slower and lower confirmations and heavy backlogs in many federal courts.

Working together the Senate can join with the President to confirm well-qualified, diverse and fair-minded judges to fulfill the needs of the federal courts across the country. I urge the Republican leadership to join us in making the federal administration of justice a top priority for the Senate for the rest of the year.

NATIONAL DAY OF PRAYER

Mr. GRAMS. Mr. President, I rise today in recognition of the National Day of Prayer, Thursday, May 4. Today is a special and exceptional opportunity for all citizens of our country to join together in prayer.

Days of prayer have been a fundamental part of our American heritage since 1775, when the Continental Congress, recognizing the need for guidance as it undertook the enormous challenge of forming a new Nation, designated a time for prayer. President Abraham Lincoln continued this tradition. In 1863, in the midst of the Civil War, he proclaimed a day of ''humiliation, fasting, and prayer.''

The National Day of Prayer has been celebrated formally since its enactment by Congress in 1952. In 1988, President Reagan signed a bill setting the

National Day of Prayer on the first Thursday of every May. Now, each year, the President signs a proclamation encouraging all Americans to pray on this day.

The theme for this year's National Day of Prayer is ''PRAY2K: America's Hope for the New Millennium.'' During the times of both triumph and adversity that surely lie ahead, I know prayer will help America's leaders and citizens to direct our country on the right path for the new millennium.

In the 1st Century A.D., the apostle Paul wrote to the Philippians, telling them, ''Be anxious for nothing, but in everything by prayer and supplication with thanksgiving let your requests be made known to God.''

It is my hope the citizens of my home state of Minnesota, and people across this Nation, will take that advice and present the concerns of the country in prayer not only on May 4, but every day of the year. I know many thousands of students will gather today at the State Capitol in Minnesota, to pray for their leaders and their peers in an event entitled ''Share the Light 2000.'' I applaud their efforts and commend them in their commitment to this important day.

I thank everyone involved in making this day possible year after year and all those who will take part in the National Day of Prayer. May the spirit that fills our hearts this day remain strong always.

Mr. SANTORUM. Mr. President, today we celebrate the National Day of Prayer, set aside as a day to humbly come before God, seeking His guidance for our leaders and His grace upon us as a people. I would like to take this occasion to implore my fellow Americans to remember why it is that prayer is so important for our nation.

Since the earliest days of America's heritage, we have been richly blessed by God. We have been granted liberty, prosperity, and a measure of peace unknown to most nations throughout history. Even during periods of hardship, God has given us strength to endure, and has used our tribulations to mold us into a better nation.

While we daily enjoy God's bountiful provisions, we need only look at our nation's history to realize that His blessing has not been granted to us by accident. America has been blessed as a result of our historic reliance upon Him. From the moment that Christopher Columbus first set foot in the New World until today, Americans have trusted God and sought to follow His direction. Columbus prayed to God for strength and guidance to help his companions endure the difficult voyage to the New World. Our founding fathers looked to God in prayer for wisdom to create a government that would ensure freedom and liberty. Through war and depression, America called out to God for strength and courage. In times of prosperity, we praised God for his many blessings.

God's blessing does not come without expectations, however. God commands us to obey Him and follow His laws. When calling for a day of national humiliation, fasting and prayer in 1863, President Abraham Lincoln admonished our nation in the following statement:

> We have been the recipients of the choicest bounties of Heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown.
>
> But we have forgotten God. We have forgotten the gracious Hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own.
>
> Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us!
>
> It behooves us then to humble ourselves before the offended Power, to confess our national sins and to pray for clemency and forgiveness.

Those words are as true today as they were when spoken by Abraham Lincoln many years ago. God has given us commands to follow so that we might be able to fully enjoy His creation and receive the benefit of His blessing. When our nation has turned our back on God's commands, we have been plagued by such tragedies as slavery, crime, drug abuse, and abortion. If our nation is to continue to be blessed by God, we must renew our commitment to God daily through prayer.

President Ronald Reagan designated the first Thursday in May to celebrate the National Day of Prayer. My challenge is to make every day a day of prayer, so that we might follow God's will and continue to receive His blessing into the 21st century and beyond.

SAFE SCHOOLS AND SENSIBLE GUN LAWS

Mr. LEVIN. Mr. President, the year that has passed since the tragic events at Columbine High School has been a time of soul searching for many Americans. We have had to ask ourselves some troubling questions. How did we let this happen? Why have we failed to pass sensible gun safety measures? Why doesn't the safety of our children count as much in Congress as the lobbying muscle of the National Rifle Association, NRA? Why did it take 15 deaths at Columbine to get us to take notice? Why wasn't a single death of a school child enough to make us realize the danger to which we have exposed our children in schools across the land?

Speeches alone will not turn the tide in the battle over sensible gun laws. But those of us who believe we must do more to close the loopholes in the law which give minors access to guns have to match the single-mindedness of a single issue group like the NRA with our own focused determination.

Just a few weeks ago, knowing that Congress was about to recess after again failing to take action on gun safety legislation, I offered these words:

For the students of Columbine, every day is a struggle, every day takes another act of courage. There is nothing we can do in Congress to change that, but there is something we can do to protect other students from the nightmares, the anger, and the pain, as told by these students. Congress owes it to Columbine and to the American people to try to end school shootings and reduce access to guns among young people. As of the one-year anniversary, Congress has failed to do so.

Over the last year, many Americans have decided to speak out on this issue. They are fed up with the intolerable level of gun violence in this country. They are outraged by the sight of a chain of preschoolers fleeing hand-in-hand from a deranged gunman. And, they are disheartened by the thought of a first grader shooting another first grader.

On Mothers' Day, May 14, they will bring a powerful message to Washington and to 30 communities across the Nation, including Lansing: it is time for Congress to pass commonsense gun legislation. What began 9 months ago, with two mothers and unparalleled dedication, has become the Million Mom March, the first-ever national march for gun safety. As a Dad who supports this march, I plan to walk along side Michigan mothers, future mothers, and all those willing to be ''honorary mothers'' calling for sensible gun laws and safe kids.

In a few weeks, another school year will come to an end, but the push to enact sensible gun legislation will continue during this Congress, and every one thereafter, until we get it done. And, because of the efforts of the Million Mom Marchers and other Americans who are speaking out on this issue, I believe we will prevail.

INCREASING FEDERAL INVESTMENTS IN RESEARCH AND TECHNOLOGY

Mr. LIEBERMAN. Mr. President, I wanted to bring to the attention of my colleagues an important letter dated March 22, 2000 sent to our Senate leadership by forty-seven leaders of our high technology companies, universities and labor organizations who are members of the highly-respected Council on Competitiveness. The letter argues for a significant increase in federal Research and Development funding as key to our economic future. It also points out that much of the current technology talent shortage Congress has been spending so much time on could be alleviated through increased R&D support, since that funding supports our technology education and training system. It is frankly unique in my Senate experience to see a letter signed by such a significant segment of our nation's technology leaders and I hope the Senate will heed its counsel.

This letter comes to us in the context of the recently passed Budget Resolution which calls for a small increase in federal investments in science and technology over last year's levels. I believe that a strong bipartisan majority

of the Senate would agree that more is needed. Past investments in research, made in all scientific disciplines and supporting work performed in universities, industry, and government labs, have been the driving force for creating the technologies that have driven our high tech economic boom, preserved our national security, and created fantastic new advances in medical care. The Senate has recognized this, and last year passed the Federal Research Investment Act (S. 296) unanimously—legislation which had 42 bipartisan cosponsors and which calls for a doubling of funding for civilian science and technology over the next decade.

I note that this year the Administration has submitted an aggressive program for civilian science investments for many key agencies, consistent with both the spirit and text of the Senate's legislation, and with the points made in the letter. In particular, I want to call attention to the Administration's efforts to restore balance to the federal research portfolio by aggressively funding work in the physical sciences and engineering, through programs at the National Science Foundation and Department of Energy. Consistent with the March 22nd message sent to us by our country's technology leadership, I hope the Congressional Appropriations Committees will be able to support critical civilian federal Research and Development programs at least at the levels called for in the FY01 Administration Budget Request. This investment, administered by the National Science Foundation, National Institutes of Health, Department of Energy, National Aeronautics and Space Administration, and other agencies, funds university, government lab, and industrial efforts to develop the technologies that energize our economy and protect our health.

I also hope the Congress will increase funding for the Department of Defense's Science and Technology program—whose products are critical to our security. Defense science and technology has in the past given us the technologies—including stealth, advanced computing, the Global Positioning System, and precision munitions—that have provided our defense technology edge and led to our victories in the Gulf and Kosovo. These investments have been drastically reduced over the years—risking both our national security and our technological leadership in a variety of key physical sciences and engineering disciplines.

On April 5th, I and the other members of the Senate Science and Technology Caucus had the opportunity to learn about an example of excellent federally-funded science—the fantastic new world of nanotechnology—from a group of world renowned academics and industrial researchers. Investments in nanotechnology will help create the systems that will shrink microelectronics down to the scale of atoms and molecules and create entire chemistry labs on a single computer chip, potentially leading to a technology revolution along the lines of those generated by the transistor and the Internet. One of my constituents, Professor Mark Reed of Yale University, is already taking steps to turn federal investments in fundamental nanotechnology research into technologies that will enhance our nation's productivity. He recently announced the creation of a single molecule electronic switch, using a chemical process called ''self-assembly.'' A nano-scale switch is a breakthrough that may lead to huge performance improvements in digital electronics. Professor Reed has just established a new company aiming to move the integrated electronics world into the era of molecular manufacturing, by making the building blocks of computer circuits out of single molecules.

But these kinds of commercial ventures and the resulting gains in productivity and economic growth that result will only occur if the federal government maintains and increases its investments in science and technology. The Internet, the Human Genome Project, the Space Shuttle, miracle drugs, and global telecommunications networks are but a few examples of what previous investments by the federal government in science and technology have generated. Current work in nanotechnology and other fields supported by sufficient and stable federal investments can also lead to developments that will affect and improve our lives in ways we cannot imagine today. Congress will soon enter the annual Appropriations cycle and I hope that our Appropriations Committee and Subcommittee leaders over the course of this session can work together in a bipartisan fashion to insure that we adequately invest in our nation's technological future.

I ask unanimous consent that the March 22nd letter from the Council on Competitiveness members be printed in the RECORD in full immediately following my remarks. The letter demonstrates to the Congress that our constituents and the leaders of our high-tech industries and institutions are calling for more far aggressive action in increasing Federal support for science and technology research.

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

COUNCIL ON COMPETITIVENESS,
Washington, DC, March 22, 2000.

Hon. TRENT LOTT,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LOTT: As you and your colleagues shape America's budget priorities for 2001, the undersigned members of the Council on Competitiveness urges you to strengthen America's science and technology enterprise.

Decades of bipartisan congressional investments have contributed decisively to the current U.S. economic boom. These investments created the advances in knowledge as well as the pool of technical talent that underpin America's competitive advantage in information technology, biotechnology, health science, new materials, and many other critical enablers.

Nevertheless, public-sector investments in frontier research have declined sharply relative to the size of the economy. An additional $100 billion would have been invested if the federal share of such research had been maintained at its 1980 level. Physical sciences, math, and engineering have been particularly affected. The recent ramp up of private sector investment in R&D, while vitally important, is no substitute for the federal role in creating next generation knowledge and technology.

We are also training fewer and fewer American scientists, engineers, and mathematicians despite soaring demand for these skills. Education and training of scientists and engineers are tied to federally sponsored research performed in the nation's laboratories and universities. When federal R&D commitments shrink, so too does the pool of technically trained talent, forcing industry and academia to look abroad for skilled knowledge workers.

In this time of prosperity, we ask that you use this year's budget resolution, authorization and appropriations process to start America down the path toward significantly higher long-term investments in our national science and technology enterprise. Your commitment to continued U.S. technological leadership will generate high-wage jobs, economic growth, and a better quality of life for all Americans for decades to come.

Raymond V. Gilmartin, Chairman, Council on Competitiveness, Chairman, President & CEO, Merck & Co., Inc.; Jack Sheinkman, Labor Vice Chairman, Council on Competitiveness, Vice Chairman, Amalgamated Bank of New York; Richard C. Atkinson, President, University of California; Craig R. Barrett, President and CEO, Intel Corporation; William R. Brody, President, Johns Hopkins University; Vance D. Coffman, Chairman and CEO, Lockhead Martin Corporation; L.D. DeSimone, Chairman of the Board & CEO, 3M Company; F. Duane Ackerman, Industry Vice Chairman, Council on Competitiveness, Chairman & CEO, BellSouth Corporation; Roger Ackerman, Chairman and CEO, Corning Incorporated; David Baltimore, President, California Institute of Technology; Alfred R. Berkeley, III, President, The Nasdaq Stock Market Inc.

Richard H. Brown, Chairman and CEO, Electronic Data Systems Corporation; Jared Cohon, President, Carnegie Mellon University; Gary T. DiCamillo, Chairman and CEO, Polaroid Corporation; Charles M. Vest, University Vice Chairman, Council on Competitiveness, President, Massachusetts Inst. of Technology; Paul A. Allaire, Chairman, Xerox Corporation; Edward W. Barnholt, President and CEO, Agilent Technologies, Inc.; Molly Corbett Broad, President, University of North Carolina; G. Wayne Clough, President, Georgia Institute of Technology; Philip M. Condit, Chairman and CEO, The Boeing Company; Sandra Feldman, President, American Federation of Teachers, AFL–CIO.

Carleton S. Fiorina President and CEO, Hewlett-Packard Company; Joseph T. Gorman, Chairman and CEO, TRW Inc.; Shirley Ann Jackson, President, Rensselaer Polytechnic Institute; Jerry J. Jasinowski, President, National Association of Manufacturers; Patrick J. McGovern, Chairman of the Board, International Data Group Inc.; Michael E. Porter, Professor, Harvard University; David E. Shaw, Chairman, D.E. Shaw & Co., LP; George M.C. Fisher, Chairman of the Board, Eastman

Kodak Company; William R. Hambrecht, President, W.R. Hambrecht & Co., LLC; Irwin M. Jacobs, Chairman & CEO, QUALCOMM, Inc.; Peter Likins, President, University of Arizona.

Henry A. McKinnell, President and COO, Pfizer Inc.; Heinz C. Prechter, Chairman, ASC Incorporated; Frederick W. Smith, Chairman, President & CEO, FDX Corporation; Louis V. Gerstner, Jr., Chairman and CEO, IBM Corporation; Charles O. Holliday, Jr., President & CEO, E.I. du Pont de Nemours & Company; Durk I. Jager, Chairman, President & CEO, The Procter & Gamble Company; Richard A. McGinn, Chairman and CEO, Lucent Technologies, Inc.; Mario Morino, Chairman and CEO, Morino Group; Eric Schmidt, Chairman and CEO, Novell; Michael T. Smith, Chairman and CEO, Hughes Electronic Corporation.

Ray Stata, Chairman of the Board, Analog Devices, Inc.; Mark Wrighton, Chancellor, Washington University; Gary L. Tooker, Vice Chairman of the Board, Motorola Inc.; John Young, Founder, Council on Competitiveness; G. Richard Wagoner, Jr., President & COO, General Motors Corporation.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleagues in highlighting a powerful call to action on science and technology funding issued by our nation's high technology, academic, and labor leaders.

On March 22, 2000, forty-seven CEOs of high technology companies, Presidents of our leading universities, and representatives of labor organizations came together in an unprecedented Council on Competitiveness letter petitioning Congress for ''significantly higher long-term investments in our national science and technology enterprise.'' This investment, they stated, should come in the form of increased ''public-sector investments in frontier research'' such as research in the ''[p]hysical sciences, math, and engineering.'' This letter also includes a clear warning—Congressional failure to appropriate more funding for science and technology research will threaten America's competitive advantage in information technology, biotechnology, health science, new materials, and other critical technology-intensive fields. As we all know, many economists, including Alan Greenspan, have asserted that our country's leadership in these areas is an important reason for our current economic success. A refusal to support America's dominant position with adequate appropriations today threatens our economic success tomorrow.

The Council on Competitiveness letter also reveals that increased federal funding to science and technology will positively affect another key policy issue—the scarcity of technologically skilled workers. The debate over whether to raise the number of H1–B visas has alerted all of us to the technology industry's critical need for more highly skilled workers. In the New Economy large numbers of ''knowledge-based'' workers are essential to economic growth. Because we are not training enough American knowledge-based workers, high-tech companies have asked Congress to increase the number of H1–B visas granted to skilled workers who are willing to immigrate from other countries.

Appropriating more funding for science and technology research will increase the number of technologically trained Americans, thus addressing the current scarcity of knowledge-based workers. The letter explains that: ''Education and training of scientists and engineers are tied to federally sponsored research performed in the nation's laboratories and universities. When federal R&D commitments shrink, so too does the pool of technically trained talent, forcing industry and academia to look abroad for skilled knowledge workers.'' I therefore urge all my colleagues who support increasing the H1–B cap to support increased federal science and technology funding—we must develop more American technology workers.

It is important to understand that this letter's signatories are not alone in their recommendation for more substantial funding for science and technology research. The House Science Committee wisely wrote in a 1998 study titled ''Unlocking Our Future: Toward a New National Science Policy'' that ''[t]he federal investment in science has yielded stunning payoffs. It has spawned not only new products, but also entire industries. To build upon the strength of the research enterprise, we must make federal research funding stable and substantial, maintaining diversity in the federal research portfolio, and promoting creative, ground breaking research.''

Similarly, a Business Week editorial on July 26, 1999 stated that ''[b]ecause of productivity gains, the economy can now operate at a higher speed without inflation. . . . [P]romoting the New Economy also requires wise policy from Washington. We need to support basic research and education at all levels, the seed corn of innovation.''

These arguments are supported by noted MIT economist Lester Thurow in a June, 1999 Atlantic Monthly article, where he comments that: ''[a] successful knowledge based economy requires large public investments in education, infrastructure, and research and development. . . . Private rates of return on R&D spending (the financial benefits that accrue to the firm doing the spending) average about 24 percent. But societal rates of return on R&D spending (the economic benefits that accrue to the entire society) are about 66 percent. . . . This result, never contradicted in the economic literature, provides powerful evidence that there are huge positive social spillovers from research and development . . . Because the government doesn't care exactly which Americans reap the benefits, it has a very important role to play in R&D. Rates of return on R&D spending are far above those found elsewhere in the economy. Government now pays for about 30 percent of total R&D, but with a 66 percent rate of return it should be spending much more.''

In recognition of this need for greater public support of science and technology research, last year the Senate unanimously passed the Federal Research Investment Act (S. 296). This bill would double our investment in civilian science and technology over the next decade. The Administration also understands how critical publicly funded R&D is to the country's vitality. Its budget includes a strong and balanced program which will begin to recharge our sagging R&D portfolio. The administration's program is consistent with the spirit and the text of the Federal Research Investment Act and the Council on Competitiveness letter.

Unfortunately, our Congressional Budget Resolution calls only for a small increase in federal investments in science and technology. We have a chance to make an important investment in our country's future and to lay the groundwork for continued American high-tech leadership. I urge my colleagues to heed our high-tech, academic, and labor leaders' call to action on federal R&D support and work together to achieve more substantial appropriations for science and technology.

Mr. BAYH. Mr. President, I am very pleased today to join with a number of my colleagues on both sides of the aisle to call attention to the remarkable letter sent to our Senate leadership by the nearly fifty members of the Council on Competitiveness. The letter points out the importance of basic scientific research to our economy, and shows how such public-sector investments have been on the decline. When so many prominent leaders agree on an issue of public policy, it is incumbent upon us to pay attention to their views.

I believe that the recent increases in private-sector research are no substitute for the government's traditional role in funding the most basic research that may or may not yield important discoveries. It is this so-called ''market failure'' in basic research—those making the investments are not assured of positive outcomes, and cannot realistically capture all of the economic gains from new discoveries—that makes the government's role so vitally important. What's more, the private sector's new investments have been increasingly focused on biotechnology and product development, while investment in basic sciences such as math, chemistry, and physics has experienced sharp declines. This has important implications for today's workforce, as well as the rate of innovation that will drive future increases in living standards.

While advances in the health sciences, such as the Human Genome Project, are extremely exciting, there are areas in the physical sciences that are on the verge of generating important discoveries, and where government ought to be focusing additional

resources. One area in which I am keenly interested is the area of nanotechnology. This groundbreaking area—which examines structures atom-by-atom and molecule-by-molecule, on the scale of just a few billionths of a meter—may lead to discoveries that will change the way almost everything, from building materials to vaccines to computers, are designed and made. Neil Lane, the President's science advisor, says that this area of science and engineering will most likely lead to tomorrow's breakthroughs. It's a very important new area, but one where the practical applications are a few years away. Basic research is the key to pushing the envelope forward.

Yet despite the potential applications of these and other discoveries—and President Clinton's half-billion-dollar National Nanotechnology Initiative—recent trends do not bode well for the physical sciences. The Senate voted last year to double our investment in basic scientific research over the next decade, but the budget recently passed by this Congress places a higher priority on tax cuts and therefore will make such increases very difficult without forcing important cuts in other areas. Nevertheless, I hope that my colleagues understand that basic research is an appropriate role for government, and that such investment is clearly in the national interest.

To be sure, the R&D picture as a whole—public and private sectors combined—has been improving. R&D had reached a peak of nearly three percent of GDP in the early 1960s, and the number has recently risen close to its 1960s peak. But the overall federal investment in R&D is still relatively flat, because much of the recent gains have come from private industry. And as I already mentioned, much of that is in product development, rather than the most basic research.

If we look exclusively at the federal role in basic research, the numbers show the trend even more clearly. The federal R&D budget as a percent of GDP was nearly two percent in the mid 1960s, and it is less than eight-tenths of one percent today. These declines have not been shared equally. Funding for the National Institutes of Health is much higher, and funding for the National Science Foundation is up slightly. But the other traditional big science agencies are significantly lower, with defense R&D cuts playing a central role. Defense R&D is down thirty percent over the past six years.

Again, some claim that this problem is overstated, because the private sector has picked up the slack. But there are two problems. First, with such a short time horizon for corporations, the private sector often looks to short-term projects like product development, rather than long-term projects with unsure real-world applications. This makes basic research more dependent on the federal government.

Second, public and private investment is only increasing in two areas, information technology and biotech/pharmaceuticals. Math, chemistry, geology, physics, and chemical, mechanical, and electrical engineering are all declining. The United States risks falling behind in the area of innovation, as other nations such as South Korea, Taiwan, Singapore, Israel, and even Japan increase their investments in new ideas and new technologies.

The shift in federal R&D resources to health and biotech is a major reason we see so many talented people in the life sciences, but fewer and fewer mathematicians, chemists, physicists, and engineers. You could make a very strong argument that the stagnation in U.S. degrees in physical sciences and engineering is related to the decline of federal research dollars in these areas, because R&D funds not only science projects, but also the graduate students and researchers who will be tomorrow's scientists, technical workers, and teachers.

Consider the upcoming debate over increasing the number of H–1B visas, a special visa that allows foreign workers with special skills to work in the United States. Our national talent pool is being raided so heavily by the life sciences—in large part because the research money is there, meaning more opportunities for students—that the high tech industry desperately needs workers. By some estimates, hundreds of thousands of well-paying high-tech jobs remain unfilled because the U.S. talent pool is stretched so thin. While some in Congress—including myself—are willing to allow more H–1B workers if there is additional money for job training and science scholarships, we also know that job training alone is not the answer to the high-tech labor shortage. We must put more research money into the physical sciences so that more young people are attracted to these fields of work.

Another problem that we must deal with is entitlement reform. The constant growth of entitlement programs like Social Security and Medicare squeezes other areas of the budget and puts every program on the discretionary side in direct competition with each other. All discretionary programs, including research, are coming out of a smaller and smaller share of the pie.

The numbers here are telling. In the early 1960s, discretionary spending—where all of the research money comes from—was two-thirds of the budget, while mandatory spending and entitlements accounted for only one-third. Today, this is completely reversed, with discretionary spending now accounting for only one-third of all spending. Some estimates show that if we don't make changes soon, the entire budget could go to entitlements just a few decades from now. We must all recognize that future increases in science and research will suffer if entitlements are not reformed.

Michael Porter of Harvard University has done a great deal of research on what makes countries competitive in the global economy. He writes that continuous innovation is the key—but innovation requires research. For example, where will tomorrow's Internet come from? No one could have known that government's investment in this area would have such a huge impact on all of our lives. If we fail to shift our budgetary priorities to make investments in the future, we cannot promise our children an ever-growing economy.

In closing, I am encouraged that the Council on Competitiveness has recognized the importance of basic science research to our economic well-being. I hope that the Senate, in a bipartisan fashion, will recognize that such investment is an appropriate role for government and is without question in the national interest, and that we will find ways to make the ''doubling bill'' a reality.

Mr. FRIST. Mr. President, I would like to make a few brief remarks about an usual letter I received on behalf of forty-seven leaders of the nation's premier high technology companies, universities, and labor organizations. This is the first time in its history that the Council on Competitiveness, a non-profit organization dedicated to strengthening U.S. innovation, has sent such a letter to Congress on behalf of its outstanding membership. The message is loud and clear: substantially increased funding for R&D is necessary to continue our national economic success and our international leadership.

Michael Porter, noted professor at the Harvard School of Business stated, ''the key to U.S. competitiveness is innovation—the ability to deliver products, processes, and services that cannot be easily or inexpensively produced elsewhere. Data shows that the U.S. is strong, but that a number of other countries are successfully making the transition from imitator to innovator.'' Economists argue that such an investment in innovation, through its impact on economic growth, will not drain our resources, but will actually improve our country's fiscal standing.

Current economic expansion and growth, however, cannot be maintained if we do not provide the necessary funds and incentives to perform critical R&D throughout the scientific disciplines. During the 1990s, the funding for math has declined 20 percent, physics has declined 20 percent, chemistry has dropped by 10 percent and engineering has dropped 30–40 percent. These reductions have the combined effect of eroding the base from which new technologies can be derived.

The Government plays a critical role in driving the innovation process in the United States. The majority of the federal government's basic R&D is directed toward critical missions to serve the public interest in areas including health, environmental pollution control, space exploration, and national defense. Federal funds support nearly 60 percent of the nation's basic research, with a similar share performed

in colleges and universities. It is this fundamental research, combined with a strong talent pool, that ultimately drives the innovation process.

Throughout my career in the Senate, I have spent a considerable amount of time advocating for greater funding levels for civilian R&D. Together with many of my colleagues from both sides of the aisle, I have been trying to educate others on the value of the federal government's role in funding merit-based and peer-reviewed programs. One only has to look at lasers, mechanical cardiac assist devices, and automatic internal defibrillators to find an examples of prudent federal investments in R&D.

The Federal Research Investment Act, which I authored with Senators ROCKEFELLER, DOMENICI, and LIEBERMAN, passed the Senate last July for the second year in a row. Yet it has unfortunately languished in the House. The bill would double the amount of federally-funded civilian R&D over an eleven year period, while at the same time, establishing strong accountability mechanisms. I believe that a balanced portfolio of research across all scientific disciplines will enable our national economy to continue to grow and to raise our standard of living.

We rally around increased federal funding for basic R&D, yet we are faced with daunting prospects each year of drastic cuts in the federal investment. Somehow, we are stuck in the same position each year of trying to convince Congress of R&D's necessity to the well-being of our nation, as we confront very real budgetary limitations. We must set priorities. While I strongly believe that Congress must strive to stay within the budget caps, I also firmly believe that funding for R&D should be allowed to grow in fiscal year 2001 and beyond.

As a result of the current fiscal environment in Congress and the desire to utilize the surplus prudently, I am confident that investing in basic R&D, and in turn the technological innovation of the future, is a proper use of the federal taxpayers dollars. This pivotal need for a resurgence in basic R&D investments is evident when we further consider our nation's increased dependency on technology and the global competition that threatens our sustained leadership position. R&D drives the innovation process, which in turn drives the U.S. economy. Now is not the time to turn our backs on the nation's future prosperity.

Mr. President, I want to thank the Council on Competitiveness again for it poignant statement and strongly encourage each of my colleagues to consider its message as we continue to make budgeting decisions this year.

PUBLIC SERVICE RECOGNITION WEEK 2000

Mr. AKAKA. Mr. President, I rise today during Public Service Recognition Week 2000 to encourage my colleagues to take a moment to honor the many selfless actions and outstanding accomplishments of our nation's state, local, and Federal public servants. As the ranking member on the Senate Subcommittee on International Security, Proliferation, and Federal Services, with direct jurisdiction over the Federal civil service, I take particular pride in honoring the millions of dedicated men and women who work around the clock on our behalf.

Their responsibilities are as varied as the challenges presented by their jobs. Our armed forces and civilian defense workers keep us out of harms's way—both domestically and abroad—our public school teachers instruct our children, and the U.S. Postal Service provides delivery to every address in the nation. Our public servants safeguard our food supplies; support our social services infrastructure, oversee and protect our economy; and so much more. These men and women are the backbone of what makes America great. We often take them for granted and in certain instances subject them to scorn and ridicule. With little recognition from the public they serve, these employees are unwavering in their dedication, honor, purpose, and ability to serve their cities, counties, states, and Federal Government.

I am heartened that so many school districts are fostering public service by requiring their students to serve as volunteers prior to graduating high school. As a former school teacher and administrator, I believe that voluntary service is useful and appropriate in developing a sense of community and fellowship, and I am hopeful that as each generation matures it will see the value of continuing their public service by working in state, local, or Federal Government. However, I am aware that Congress must play a role in supporting public service.

At a Governmental Affairs Committee hearing this week on the effectiveness of Federal employee incentive programs it became evident that the lack of sufficient funds to support viable and much-needed compensation, recognition, and incentives program for Federal employees was hampering efforts to recruit, retain, and relocate Federal workers.

Federal agencies, if given adequate funding, would be better positioned to utilize incentive programs that are already available. Flattened budgets and the pressure to reallocate limited resources do not benefit Federal employees or the ultimate end-user: the American taxpayer.

Our Nation's Federal civil servants have given much to their country, especially when Congress was balancing the budget during times of crunching deficits. Now that the country is enjoying record-breaking surpluses, I believe Federal employees should be rewarded for their contributions, and I will continue to push for realistic budgets and salaries for Federal agencies and their employees.

I proudly join all public service workers in observance of the 16th annual Public Service Recognition Week, and I heartily salute the past accomplishments, outstanding service, and future contribution that these outstanding men and women make to our Nation's greatness.

Mr. SARBANES. Mr. President, I rise today to spotlight the significant achievements of all those who make up our Nation's public workforce.

This week, from May 1st to the 7th, is Public Service Recognition Week, organized by the Public Employees Roundtable. The Public Employees Roundtable was formed in 1982 as a nonpartisan coalition of management and professional associations representing approximately one million public employees and retirees. The mission of the Roundtable is to educate the American people about the numerous ways public employees enrich the quality of life throughout our Nation and advance the country's national interests around the world.

I am indeed proud to join the Public Employees Roundtable in their ongoing efforts to bring special attention to the dedicated individuals who have chosen public service as a career. While we should all appreciate the efforts of public employees throughout the year, this week-long celebration is an invaluable opportunity to honor their contributions and learn about the vast array of programs and services public employees provide every day. For four days, starting today, a wide variety of organizations will sponsor exhibits on the Mall to spotlight the work public employees perform. This year, among the numerous agencies represented, will be the Animal and Plant Health Inspection Service; the National Highway Traffic Safety Administration; the Army, Navy, Air Force, and Marine Corps; and the Social Security Administration.

These exhibits sponsored by civilian and Department of Defense agencies will showcase the amazing variety of public employees that make ours the greatest Nation in the world—at the Federal, state, and local government levels. This year, I was also pleased to join with several of my House and Senate colleagues in circulating to every Congressional office a videotape entitled ''Salute to Excellence,'' produced by the Public Employees Roundtable. In a brief 10 minutes, the video clearly demonstrates that our Nation's public servants are hard-working individuals who perform vital work for the country each and every day.

The total impact of the work of public employees is impossible to measure. Without them, senior citizens would wait in vain for Social Security checks, cities would not have the funds and assistance to improve their highways, and our entrepreneurs could not protect their new inventions. In short, all of our citizens would suffer.

Initiatives to improve government services have encouraged the development of creative solutions and programs to better serve our citizens. Several of these innovative ideas were recognized at the ''Breakfast of Champions'' held this Monday honoring winners of the 2000 Public Service Excellence Awards. These honorees—and public employees everywhere—are finding ways to do their work better, more professionally, and in a way that meets the community's needs.

As I have said on many occasions, I believe very much that the United States will only continue to be a first-rate country if we have first-class public servants. Our Nation is experiencing unprecedented growth and unemployment rates, and has unquestionably benefited from the many achievements of Federal employees. In setting aside this week to acknowledge our Nation's public servants, we all have an opportunity to give these employees the thanks and recognition they so greatly deserve. I am very pleased to extend my appreciation to such a worthy and committed group of men and women and encourage them to continue in their efforts on behalf of all Americans.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 3, 2000, the Federal debt stood at $5,658,066,936,728.56 (Five trillion, six hundred fifty-eight billion, sixty-six million, nine hundred thirty-six thousand, seven hundred twenty-eight dollars and fifty-six cents).

One year ago, May 3, 1999, the Federal debt stood at $5,562,741,000,000.00 (Five trillion, five hundred sixty-two billion, seven hundred forty-one million).

Five years ago, May 3, 1995, the Federal debt stood at $4,855,155,000,000 (Four trillion, eight hundred fifty-five billion, one hundred fifty-five million).

Ten years ago, May 3, 1990, the Federal debt stood at $3,078,032,000,000 (Three trillion, seventy-eight billion, thirty-two million).

Fifteen years ago, May 3, 1985, the Federal debt stood at $1,741,069,000,000 (One trillion, seven hundred forty-one billion, sixty-nine million) which reflects a debt increase of more than $3 trillion—$3,916,997,936,728.56 (Three trillion, nine hundred sixteen billion, nine hundred ninety-seven million, nine hundred thirty-six thousand, seven hundred twenty-eight dollars and fifty-six cents) during the past 15 years.

ADDITIONAL STATEMENTS

THE RETIREMENT OF DR. RICHARD J. HALIK

● Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. Richard J. Halik, who is retiring after 34 years of dedicated service to the Lansing, Michigan, School District. A graduate of Eastern High School in Lansing himself, Dr. Halik has enjoyed a successful career as a student, teacher, and administrator in the Lansing School District, and his efforts as Superintendent have played a large role in bringing the Lansing Public School system into the new millennium on a successful note.

After receiving his Bachelor of Arts Degree from Western Michigan University in 1966, Dr. Halik took a position as a seventh grade science teacher at Otto Middle School. In 1970, he was named Supervisor of federally funded Title I programs operating in the district at the time, and in 1972 he became Director of Federal and State Programs for the Lansing School System. After serving as Principal of Gardner Junior High School in 1979–80, Dr. Halik was promoted to the position of Elementary Education Director in 1981, and the following year became Assistant Superintendent for Instruction. On July 1, 1985, he was named Superintendent of the Lansing School District, and he has held this post ever since.

Dr. Halik has been an active member of the Lansing community his entire life. He currently serves as Vice Chair of the Sparrow Health System Board of Directors, and as Vice President of the Hinman Endowment Fund Board of Directors. In addition, he sits on the Board of Directors of several other local organizations, including the Greater Lansing Area Advisory Council, the Lansing Area Safety Council, the Estes Palmer Foundation, the Urban Education Alliance, and Junior Achievement. He is also on the Advisory Board of the Lansing Area Safety Council, the Corporate Board of the Boys and Girls Club of Lansing, and is a member of the Board of Trustees of the Lansing Educational Advancement Foundation.

Dr. Halik is a member of Mt. Hope Presbyterian Church and the Lansing Host Lions Club, and has served as President of the latter group. He has also served as President of the Middle Cities Education Association and the Lansing Association of School Administrators. In 1978, he represented the State of Michigan at the National Institute of Education as advisor on the relationship of the Michigan Compensatory Education Program to ESEA Title I, and in 1993 he was a recipient of the National Leadership Award from the Institute for Education Leadership.

Dr. Halik's contributions to the Lansing School District, and to Michigan's education community in general, are truly immeasurable. I would like to thank him for his dedication and many efforts over the last thirty-four years. His leadership during this time has been exceptional and will be dearly missed. On behalf of the entire United States Senate, I congratulate Dr. Richard J. Halik on a wonderful and successful career, and wish him the best of luck in retirement.●

TRIBUTE TO EDWARD J. LISTON

● Mr. REED. Mr. President, it is with great honor that I rise today to acknowledge a truly distinguished Rhode Islander, Edward J. Liston, who after having diligently served for 22 years will be retiring as the President of the Community College of Rhode Island on May 7th, 2000. President Liston currently resides in the town of Warwick, Rhode Island, with his wife Judith, where he is a proud father to six wonderful children: Christina, Edward, Jennifer, Judith, Mark, and Nancy.

Throughout his tenure as President, Edward Liston worked hard to provide both educational and job training opportunities for Rhode Islanders of all walks of life. Upon his arrival on campus in 1978, to more accurately reflect his mission for the institution, President Liston immediately set out to change the name of what was then known as the Junior College of Rhode Island, to its present name of the Community College of Rhode Island (CCRI). In order to further expand CCRI's programs into the community, President Liston established a system of satellite campuses in various local high schools that would offer evening courses in such towns as Woonsocket, Westerly, and Middletown. In addition, he successfully made inroads to provide educational courses at the Adult Correctional Institution in Cranston.

President Liston strongly believes that CCRI should have a presence in Rhode Island's inner city communities. In 1990, he opened a downtown Providence Campus which started with a total enrollment of 650 students. Today, over 2,000 students are taking classes at that campus, and plans are underway for an expansion funded by a 1998 bond issue. To acknowledge this achievement, the state has renamed the Providence campus the Edward J. Liston Campus.

Immediately after opening the Providence campus, President Liston worked to make CCRI the first higher education institution in Rhode Island to offer television courses through the public broadcasting system on Channel 36. To no surprise, this initiative also flourished, and has led to an increase in viewer enrollment from 100 students, to 1,200 students per semester. In 1989, PBS ranked CCRI the number one school in the country for deliverance of telecourses. Still pushing forward, President Liston then worked to establish a series of partnerships with business and industry leaders to improve the Rhode Island workforce through customized training designed for a particular company. One of the first partnerships was with General Dynamics' Electric Boat Division. This initiative involved a combination of on the job apprenticeship training, and classroom instruction that resulted in an associate degree. This first step led to the creation of the Center for Business and Industrial Training, now a part of the college's Office of Workforce Development. This center was also directly responsible for the creation of the successful Dental Hygiene program at the college, due to its partnership with the Rhode Island Dental Association.

On behalf of all Rhode Islanders, I would like to take this opportunity to personally extend my deepest thanks and gratitude to Edward Liston for his continued hard work and dedication over the years to improving the lives of so many Rhode Islanders and their families.●

TRIBUTE TO YEOMAN (SS) SECOND CLASS MATTHEW C. HAWES, UNITED STATES NAVY

● Mr. WARNER. Mr. President, I rise today to recognize Yeoman Second Class Matthew C. Hawes, United States Navy, for his unsurpassed dedication to duty, professionalism, and public service. As Petty Officer Hawes transitions from the active duty Navy to the civilian work force and the Naval Reserve, I am privileged to recognize his achievements and to commend him for the exemplary service he has provided to the Senate, the Navy and our great nation.

Petty Officer Hawes enlisted in the Navy in January 1991 and was assigned to the U.S.S. *Cincinnati* (SSN 693) after completing Yeoman ''A'' school and Basic Enlisted Submarine School. While aboard the *Cincinnati,* he made several overseas deployments which contributed to the security of our nation and earned his ''Silver Dolphins,'' the enlisted submarine warfare qualification insignia. He was then assigned to Joint Task Force 160 in Guantanamo Bay, Cuba, as the Non-Commissioned Officer-in-Charge of the J1 Division.

After his six-month deployment to Cuba, Petty Officer Hawes was assigned to the Bureau of Naval Personal as the Administrative Assistant to the Enlisted Nuclear Power Programs Manager. He served in this position until he was selected for assignment to the Navy's Office of Legislative Affairs. Petty Officer Hawes reported to the Navy's Senate Liaison Office in April 1996 as a Liaison Officer and Administrative Assistant. In this capacity he has been a major asset to the Navy and to the United States Senate. He has been key to the smooth coordination of all Navy leadership visits to the Senate, as well as for the accurate and prompt management of a wide variety of Navy-related Senate constituent casework. Petty Officer Matthew Hawes has been extremely helpful to me and to my staff in numerous actions, as I know he has been for many of you.

The Department of the Navy, Congress, and the American people were well served by this dedicated Navy Petty Officer. Members of this Congress will not soon forget the service and dedication of Petty Officer Hawes. He will be missed. We wish Matthew, his lovely wife Blairlee, and their daughter Kathryn, Fair Winds and Following Seas.●

2000 NATIONAL FINALS

● Mr. REID. Mr. President, on May 6–8, 2000, more than 1,200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Basic High School from Henderson will represent the State of Nevada in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are; Katie Bair, Joshua Bitsko, Ryan Black, Daniel Croy, Scott Devoge, Danielle Dodgen, Courtney England, Starlyn Hackney, Jill Hales, Alia Holm, Janae Jeffrey, Ryan Johnson, Aimee Lucero, Nathan Lund, Jessica Magro, Jasmine Miller, Holli Mitchell, Gary Nelson, Krystaly Nielsen, Mark Niewinski, Amanda Reed, Jeni Riddle, Leslie Roland, Landin Ryan, Alena Sivertson, Ashley Stolworthy, Sarah Strohm, Tyler Watson, Kara Williams, and Ricky Zeedyk. I would also like to recognize their teacher, John Wallace, who deserves much of the credit for the success of the class.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national finals as ''the place to have your faith in the younger generation restored.''

Administered by the Center for civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

The class from Basic High School is currently conducting research and preparing for the upcoming national competition in Washington, D.C. I wish these young ''constitutional experts'' the best of luck at the We the People . . . national finals and my staff and I look forward to greeting them when they visit Capitol Hill.●

TRIBUTE TO MS. JULIA TOBIAS AND MR. GUSTAV OWEN ON BEING NAMED NEW HAMSHIRE'S TOP TWO YOUTH VOLUNTEERS FOR THE YEAR 2000

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate and honor two young New Hampshire students who have achieved national recognition for exemplary volunteer service in their communities. Julia Tobias, 17 of Exeter and Gustav Owen, 14 of Barlett have been named State honorees in the 2000 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle-level student in each state.

Ms. Tobias is being recognized for founding ''Youth Across Borders'' a nonprofit fund to benefit a youth center in Bosnia and to raise awareness in her own community about issues of prejudice, tolerance and the Bosnia cause. Though thousands of miles away, Julia felt she could make a difference for these young people by providing money for school supplies, teachers and other materials needed to support the center's ethnic reconciliation programs. She then expanded her mission to promote racial harmony among youth in her city. So far, she has raised $2,500 through various school and community fund-raising for her project.

Mr. Owen is being recognized for conceiving and organizing a school-wide assembly on bus safety and emergency procedures. During his school's semi-annual bus evacuation drills, Gustav noticed that his fellow students did not fully understand what to do or why the drills were necessary. He felt that if the students were more aware, they would be better prepared for a true emergency. So Gustav approached his principal with the idea of conducting a school assembly on the subject, and began researching the bus driver's handbook for more information on emergency procedures. He then called a meeting with the bus drivers, the fire chief, and a police officer to discuss how to involve the students. Finally, he wrote a plan for assembly, recruited volunteers to help, and hosted the actual event, which was followed by bus evacuation demonstrations for the entire school.

Mr. President, in light of numerous statistics that indicate Americans today are less involved in their communities then they once were, it's vital that we encourage and support the kind of selfless contributions these young People have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Tobias and Mr. Owen are inspiring examples to all of us, and are among

our brightest hopes for a better tomorrow.

I applaud Ms. Tobias and Mr. Owen for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. It is an honor to serve both Ms. Tobias and Mr. Owen in the United States Senate.●

TRIBUTE TO MYRA LENARD

● Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life of Myra Lenard. She was a daughter of Polonia who played an important role in the life of America.

Myra Lenard was born in Poland and immigrated to America as a young girl. Like so many new Americans—she embraced her new country while never forgetting her homeland.

Myra had a long career as a successful business woman and community volunteer. I got to know her because of our shared commitment to our proud Polish heritage. As the executive director of the Polish American Congress, she was one of our strongest voices for the people of Poland who were forced behind the Iron Curtain. We worked together to provide humanitarian relief and to support the growing democracy movement. She was one of Solidarity's best friends in America.

During the darkest days of martial law in Poland, Myra led the Polish American Congress' ''Solidarity Convoy,'' in which 32 container trucks provided $10 million worth of supplies for the suffering people of Poland. This showed the Polish people that they were not alone.

When Poland became free, Myra began her tireless efforts to rebuild Poland and to enable it to take its rightful place among Western democratic nations. This effort didn't begin in 1998—when the issue started to make headlines. It began in 1989, when Congress passed legislation to provide assistance to the new democracies of central Europe. It was a long process of educating Congress and the American people on how Poland's membership in NATO would contribute to America's security. Myra was there every step of the way. She was gentle but extremely persuasive. She was creative in tapping into the energy of the Polish American community who understand the history, and cared so deeply.

Myra Lenard's life was a triumph. Her legacy is her family, as well as the deep friendship and alliance between the United States and a free, democratic Poland. I will miss her friendship and her counsel. Her beloved husband Cas and their children are in my thoughts and prayers.●

TEEN PREGNANCY PREVENTION AWARENESS MONTH

● Mr. HOLLINGS. Mr. President, teen pregnancy is an alarming health, social and economic problem for our country and we must all work together to address it. Every year, more than a million girls under the age of 20 become pregnant at an estimated cost of $6.9 billion to American taxpayers. In South Carolina, teen pregnancy is of particular concern. Our state has the 10th highest teen pregnancy rate in the nation, spending more than a billion dollars a year to cover direct and indirect costs for children born to teen mothers. The efforts of organizations such as the Greenville Council for the Prevention of Teen Pregnancy have made a difference—teen pregnancy in Greenville County, SC has decreased 44% since 1988 for girls aged 14–17. Community awareness and education are the key and I would like bring to my colleagues' attention that May has been designated Teen Pregnancy Prevention Awareness Month. It is our duty to ensure that America's youth have a bright, healthy and secure future.●

MASSACHUSETTS STATE LETTER CARRIERS' ASSOCIATION

● Mr. KERRY. Mr. President, today I would like to honor the efforts of my long time friends at the Massachusetts State Letter Carriers' Association (MSLCA) as they continue to fight for job security, fair pensions, health care, and reforms to the national postal system. I would also like to applaud Massachusetts president, Frederick Celeste, and the National Association of Letter Carriers as they continually seek to improve and develop a mail service that efficiently delivers both in Massachusetts and nationwide.

Soon Massachusetts' proud 11,000 Letter Carriers will be gathering in Washington, D.C. for their annual convention. These hardworking men and women provide the Bay State with a vital service each day. Letter Carriers have been the backbone of the communications and commercial infrastructure of our nation since its inception. On behalf of all Massachusetts residents, I would like to thank the Letter Carriers Association for remaining vigilant in the fight to further improve the postal system.

The Letter Carriers' Association has always fought for decent wages, cost of living adjustments, job security, and benefits for its brothers and sisters, while constantly striving to forge a more effective partnership with the United States Postal Service and the federal government. Throughout my career, I have always been grateful for the tremendous help I have received from the Letter carriers.

This year, The Letter Carriers of New England are rallying around an agenda to secure fair benefits to provide security for their families and their future. They are fighting for adequate social security benefits through the Windfall Elimination Provision and the Social Security Benefits Restoration Act. The Carriers are working to secure long-term care insurance for federal employees, and are guarding against rate hikes in the Federal Employee Health Benefits Plan by opposing inserting medical savings accounts. I look forward to continuing to join with the Letter Carriers in opposing the privatization of the Postal Service.

Mr. President, The American public has an overwhelmingly favorable view of their letter carriers. In fact, 89 percent of the American public gives the Postal Service a favorable rating, higher than any other federal agency. In addition, 75 percent of Americans identify that the Postal Service is doing an excellent or good job. I think that it is time that we say, if it is not broke, don't fix it.

The Letter Carriers have recently won some victories for their brother and sisters. In September, 1999, an Arbitration Board, in conjunction with an agreement between the Postal Service and the NALC, upgraded all letter carriers from Grade 5 to Grade 6 federal employees. The recent pay raise and cost of living adjustments reflect the concerted lobbying and negotiating efforts of the Letter carriers' leadership, including National President Vincent Sombrotto.

Mr. President, I would like to thank the Letter Carriers for their service to the public. There is much to celebrate. As we focus on the fights that lay ahead, I look forward to joining with the Letter Carriers to protect our families and our future.●

MESSAGES FROM THE HOUSE

At 10:01 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that it has passed the following bills, without amendment:

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 1744. An act to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1405. An act to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building.''

H.R. 1509. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall.''

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall.''

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station.''

H.R. 2957. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes.

H.R. 3879. An act to support the Government of the Republic of Sierra Leone in its peace-building efforts, and for other purposes.

H.R. 4055. An act to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 295. Concurrent resolution relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces.

H. Con. Res. 304. Concurrent resolution expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

H. Con. Res. 310. Concurrent resolution supporting a National Charter Schools Week.

H. Con. Res. 314. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit.

The message also announced that the House has disagreed to the amendments of the Senate to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, and agrees to the conference asked by the Senate on the disagreeing votes of the Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GILMAN, Mr. ROYCE, and Mr. GEJDENSON.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. CRANE, and Mr. RANGEL.

As additional conferees, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. HOUGHTON and Mr. HOEFFEL.

At 4:05 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 report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1405. An act to designate the Federal building at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building''; to the Committee on Environment and Public Works.

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Energy and Natural Resources.

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall''; to the Committee on Environment and Public Works.

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station''; to the Committee on Environment and Public Works.

H.R. 2957. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3879. An act to support the Government of the Republic of Sierra Leone in its peace-building efforts, and for other purposes; to the Committee on Foreign Relations.

H.R. 4055. An act to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 295. Concurrent resolution relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces; to the Committee on Foreign Relations.

H. Con. Res. 304. Concurrent resolution expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus; to the Committee on Foreign Relations.

H. Con. Res. 310. Concurrent resolution supporting a National Charter Schools Week; to the Committee on the Judiciary.

H. Con. Res. 314. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit; to the Committee on Rules and Administration.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on May 4, 2000, he had presented to the President of the United States, the following enrolled bill and joint resolutions:

S. 452. An act for the relief of Belinda McGregor.

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. Joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

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–8796. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Robinson Helicopter Company Model R22 Helicopters; Docket No. 99–SW–69 (4–20/4–27)'' (RIN2120–AA64) (2000–0231), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8797. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model As–350B, BA, B1, B2, C, D, and D1, ans AS–355E, F, F1, F2, and N Helicopters; Docket No. 98–SW–82 (4–18/4–24)'' (RIN2120–AA64) (2000–0211), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8798. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model SA–366G1 Helicopters; Docket No. 99–SW–14 (4–19/4–24)'' (RIN2120–AA64) (2000–0231), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8799. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Robinson Helicopter Company Model R44 Helicopters; Docket No. 99–SW–70 (4–20/4–27)'' (RIN2120–AA64) (2000–0218), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8800. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter Deutschland GMBH Model MBB–BK 117 A–1, A–3, A–4, B–1, B–2, and C–1 Helicopters; Docket No. 99–SW–73 (4–28/5–1)'' (RIN2120–AA64) (2000–0237), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8801. A communication from the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation relative to appropriations for NASA; to the Committee on Commerce, Science, and Transportation.

EC–8802. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; McMinnville, TN; Docket No. 99–ASO–5 (4–13/4–24)'' (RIN2120–AA66) (2000–0091), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8803. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Orange City, IA; Docket No. 00–ACE–9 (4–18/4–24)'' (RIN2120–AA66) (2000–0086), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8804. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Sheldon, IA; Docket No. 00–ACE–8 (4–18/4–24)'' (RIN2120–AA66) (2000–0087), received April 27, 2000; to the

Committee on Commerce, Science, and Transportation.

EC–8805. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Dayton, TN; Docket No. 99–ASO–6 (4–13/4–24)'' (RIN2120–AA66) (2000–0092), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8806. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; O'Neill, NE; Docket No. 99–ACE–55 (4–11/4–24)'' (RIN2120–AA66) (2000–0097), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8807. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Creston, IA; Docket No. 00–ACE–1 (4–11/4–24)'' (RIN2120–AA66) (2000–0095), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8808. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Ord, NE; Docket No. 00–ACE–2 (4–11/4–24)'' (RIN2120–AA66) (2000–0096), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8809. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Scammon Bay, AK; Docket No. 99–AAL–19 (4–21/5–1)'' (RIN2120–AA66) (2000–0108), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8810. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kipnuk, AK; Docket No. 99–AAL–20 (4–21/5–1)'' (RIN2120–AA66) (2000–0107), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8811. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Holy Cross, AK; Docket No. 99–AAL–22 (4–21/5–1)'' (RIN2120–AA66) (2000–0106), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8812. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Uvalde, TX; Docket No. 2000–ASW–04 (4–21/5–1)'' (RIN2120–AA66) (2000–0103), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8813. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Legal Description of the Houston Class B Airspace Area, TX; Docket No. 00–AWA–1 (4–13/4–24)'' (RIN2120–AA66) (2000–0094), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8814. A communication from the, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Unalaska, AK; Docket No. 99–AAl–13 (4–21/5–1)'' (RIN2120–AA66) (2000–0100), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8815. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Port Lavaca, TX; Docket No. 2000–ASW–03 (4–21/5–1)'' (RIN2120–AA66) (2000–0105), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8816. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Carrizo Springs, Glass Ranch, TX; Docket No. 2000–ASW–12 (4–21/5–1)'' (RIN2120–AA66) (2000–0101), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8817. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Saginaw, MI; Docket No. 98–AGL–58 (4–17/4–24)'' (RIN2120–AA66) (2000–0088), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8818. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Coldwater, MI; Docket No. 98–AGL–59 (4–17/4–24)'' (RIN2120–AA66) (2000–0089), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8819. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Watertown, SD, and Britton, SD; Docket No. 99–AGL–60 (4–17/4–24)'' (RIN2120–AA66) (2000–0090), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8820. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Freeport, TX; Docket No. 2000–ASW–11 (4–21/5–1)'' (RIN2120–AA66) (2000–0102), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8821. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (120); Amdt. No. 1986 (4–19/4–24)'' (RIN2120–AA65) (2000–0025), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8822. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (65); Amdt. No. 1987 (4–19/4–24)'' (RIN2120–AA65) (2000–0024), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8823. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (36); Amdt. No. 1988 (4–19/4–24)'' (RIN2120–AA65) (2000–0023), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8824. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Restricted Areas R–5117, R–5119, R–5121 and R–5123; Docket No. 95–ASW–6 (4–21/4–27)'' (RIN2120–AA66) (2000–0099), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8825. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Repair Assessment for Pressurized Fuselages; Docket No. 29104 (4–25/4–27)'' (RIN2120–AF81), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8826. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oriental Fruit Fly; Removal of Quarantined Area'' (Docket # 99–076–2), received May 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8827. A communication from the Agricultural Marketing Service, Cotton Program, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''2000 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports'' (Docket Number CN–00–002), received May 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8828. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Release of the Reserve Established for the 1999–2000 Crop Year'' (Docket Number FV00–981–IFR), received May 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8829. A communication from the Commodity Futures Trading Commission transmitting, pursuant to law, the report of a rule entitled ''Commodity Pool Operators; Exclusion for Certain Otherwise Regulated Persons from the Definition of the Term 'Commodity Pool Operator'" (RIN3038–AB34), received April 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8830. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated March 13, 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; the Budget; Banking, Housing, and Urban Affairs; Energy and Natural Resources; and Foreign Relations.

EC–8831. A communication from the Corporate Policy and Research Department, Pension Benefit Corporation transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocations of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'', received April 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8832. A communication from the Office of Public and Indian Affairs, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Funds Under the Capital Fund; Capital Fund Formula; Amendment'' (RIN2577–AB87) (FR–4423–C–08), received May 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8833. A communication from the Office of Public and Indian Affairs, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Moderate Rehabilitation

Program; Executing or Terminating Leases on Moderate Rehabilitation Units When the Remaining Terms of the Housing Assistance Payments (HAP) Contract is for Less Than One Year'' (RIN2577–AB98) (FR–4472–F–02), received May 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8834. A communication from the General Services Administration, Department of Defense, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Circular 97–17'' (FAC 97–17), received April 27, 2000; to the Committee on Governmental Affairs.

EC–8835. A communication from the National Archives and Records Administration transmitting, pursuant to law, the report of a rule entitled ''Elimination of Requirement to Rewind Computer Tapes'' (RIN3095–AA94), received April 26, 2000; to the Committee on Governmental Affairs.

EC–8836. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–315, ''Adoption and Safe Families Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–8837. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–313, ''Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–8838. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8839. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8840. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to operations and management; to the Committee on Armed Services.

EC–8841. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled ''Consolidation of Authorities Relating to Department of Defense Regional Centers for Security Studies''; to the Committee on Armed Services.

EC–8842. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled ''Institute for Professional Military Education and Training''; to the Committee on Armed Services.

EC–8843. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Compliance and Enforcement Strategy Addressing Combined Sewer Overflows and Sanitary Overflows''; to the Committee on Environment and Public Works.

EC–8844. A communication from the Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''1999–2000 Refuge-Specific Hunting and Sport Fishing Regulations'' (RIN1018–AF52), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8845. A communication from the 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 and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana'' (FRL #6601–5), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8846. A communication from the 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 #6601–4), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8847. A communication from the 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 ''Montana: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6601–3), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8848. A communication from the 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 ''National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins; and National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins'' (FRL #6585–7), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8849. A communication from the 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 ''Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California'' (FRL #6587–9), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8850. A communication from the 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 ''West Virginia: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6600–4), received May 3, 2000; to the Committee on Environment and Public Works.

EC–8851. A communication from the 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 to Streamline the National Pollutant Discharge Elimination System Program Regulations: Round Two'' (FRL #6561–5), received April 26, 2000; to the Committee on Environment and Public Works.

EC–8852. A communication from the 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 ''Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances'' (FRL #6585–5), received April 24, 2000; to the Committee on Environment and Public Works.

EC–8853. A communication from the 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 ''National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production; Synthetic Organic Chemical Manufacturing Industry; Epoxy Resins Production and Non-Nylon Polamides Production; and Petroleum Refineries'' (FRL #6585–5), received April 24, 2000; to the Committee on Environment and Public Works.

EC–8854. A communication from the 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 ''Allocation of Fiscal Year 2000 Operator Training Grants'', received April 24, 2000; to the Committee on Environment and Public Works.

EC–8855. A communication from the 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 and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for the State of New York'' (FRL #6583–8), received April 25, 2000; to the Committee on Environment and Public Works.

EC–8856. A communication from the 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 and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma'' (FRL #6582–1), received April 25, 2000; to the Committee on Environment and Public Works.

EC–8857. A communication from the 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 and Promulgation of Hospital/Medical/Infectious Waste Incinerators; State Plan for Designated Facilities and Pollutants: Idaho'' (FRL #6580–6), received April 13, 2000; to the Committee on Environment and Public Works.

EC–8858. A communication from the 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 and Promulgation of Implementation Plans; California State Implementation Plan Revision, Lake County Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District'' (FRL #6580–3), received April 13, 2000; to the Committee on Environment and Public Works.

EC–8859. A communication from the 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 and Promulgation of Air Quality Implementation Plans; Montana; Emergency Episode Plan, Columbia Falls, Butte and Missoula Particulate Matter State Implementation Plans, Missoula Carbon Monoxide State Implementation Plan; Correction'' (FRL #6582–4), received April 18, 2000; to the Committee on Environment and Public Works.

EC–8860. A communication from the 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 and Promulgation of State Plans for Designated Facilities and Pollutants: Oregon; Negative Declaration'' (FRL #6580–9), received April 18, 2000; to the Committee on Environment and Public Works.

EC–8861. A communication from the 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 ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion'' (FRL #6583–6), received April 18, 2000; to the Committee on Environment and Public Works.

EC–8862. A communication from the 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 ''National Emission Standards for Hazardous Air Pollutants for Source Categories'' (FRL #6582–3), received April 18, 2000; to the Committee on Environment and Public Works.

EC–8863. A communication from the 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 ''Myclobutainl; Pesticide Tolerance'' (FRL #6555–5), received May 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–487. A petition from a citizen of the State of New Mexico relative to the State of New Mexico participating in a ''joint lead'' capacity with the Bureau of Reclamation in developing an environmental impact statement for the Fort Summer Dam and Pecos River; to the Committee on Energy and Natural Resources.

POM–488. A joint resolution adopted by the Legislature of the State of Washington relative to public recognition programs commemorating the 50th anniversary of the Korean War; to the Committee on the Judiciary.

SUBSTITUTE SENATE JOINT MEMORIAL 8026

Whereas, On Sunday, June 25, 1950, seven North Korean Army Divisions supported by tanks and aircraft, conducted an attack and invaded the Southern Republic of Korea; and

Whereas, Three years and over five million casualties later, a cease fire was secured ending the fighting only miles from where it began; and

Whereas, The Korean War has only become a footnote in history to most Americans, but was no less of a war to the one and one-half million fighting men and women from this nation who served in that short ''Police Action'' and struggled to contain Communist aggression; and

Whereas, The memories of endless hostile hills, gritty pudding-like mud, snow, choking dust, frozen reservoirs, long periods of boredom, and the violent death of friends will forever linger in the minds of those who fought under these inhospitable conditions; and

Whereas, Twenty-two nations joined forces with the courageous people of South Korea, cherishing freedom and democracy under the United Nations Command, and eventually secured a cease fire for the preservation of peace and a democratic way of life for the citizens of South Korea; and

Whereas, More than five hundred sons and daughters of Washington state stood in the unbroken line of patriots who dared to die in order that freedom might live and grow. Freedom lives and through it, these courageous men and women live in a way that would humble the undertakings of most people; and

Whereas, The families and loved ones of these men and women sacrificed just as much, by enduring the pain of their absence, the uncertainty of their whereabouts, and the agony of their deaths; and

Whereas, This millennium commemorates the 50th anniversary of that holocaust, known as ''the Forgotten War'' and veterans' service organizations are involved in honoring those gallant veterans who fought the battles for the preservation of freedom, and the members of the armed forces who even to this day guard the gates of freedom in Korea; and

Whereas, As a nation, we should educate every generation of Americans on the history of the Korean War in preserving our nation's liberty, freedom, and prosperity, and commemorating this event will provide Americans with a clear understanding of, and appreciation for, the sacrifices of these veterans and their families;

Now, therefore, Your Memorialists respectfully encourage communities nation-wide to hold public recognition programs commemorating the 50th anniversary of the Korean War; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of the United States Department of Defense, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–489. A resolution adopted by the National Conference of Insurance Legislators relative to the practice of rebating or the sale of crop insurance by non-licensed agents; to the Committee on Agriculture, Nutrition, and Forestry.

POM–490. A joint resolution adopted by the Legislature of the State of Arizona relative to the establishment of new national monuments in Arizona; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 2001

Whereas, the establishment of two national monuments in Arizona by the President of the United States represents a misuse of the Antiquities Act of 1906 to set aside enormous parcels of real property. The Antiquities Act (16 United States Code sections 431, 432 and 433) grants authority to the President of the United States to establish national monuments, but the Act was intended to preserve only historical landmarks, historic and prehistoric structures and other objects of historic or scientific significance; and

Whereas, the proposed designation of two national monuments in Arizona clearly violates the spirit and letter of the Antiquities Act, which requires monument lands to ''be confined to the smallest area'' necessary to preserve and protect historical areas or objects; and

Whereas, the people of Arizona, the Arizona Legislature, the Governor of Arizona and the Congress of the United States have not consented or approved this designation, yet the creation of two new national monuments in Arizona could potentially have a significant economic impact on this state. Instead of working as a partner to help local committees and states define and achieve their conservation goals, the federal government dictates unilateral actions that would affect this state and exclude citizens and local governments from determining land management decisions in their communities; and

Whereas, the land management and conservation efforts are best administered and managed at the local levels of government. The failure of the federal government to recognize and respect this basic tenet represents an arrogant usurpation by federal powers and a violation of states' rights. Therefore be it

Resolved by the Legislature of the State of Arizona:

1. That the Legislature denounces the designation of two national monuments in the State of Arizona without full public participation, consent and approval of local governments, the Arizona Legislature, the Governor and the Congress of the United States.

2. That the Congress of the United States take action to prevent the designation of any national monuments in this state without full public participation, consent and approval of local governments, the Arizona Legislature, the Governor and the Congress of the United States.

3. That the Secretary of State of the State of Arizona transmit a copy of this Resolution to the President of the United States, the United States Secretary of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. SHELBY, from the Select Committee on Intelligence, without amendment:

S. 2507: An original bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 106–279).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. LUGAR):

S. 2503. A bill to amend the Clean Air Act to authorize States to regulate harmful fuel additives and to require fuel to contain fuel made from renewable sources, to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. ROBERTS):

S. 2504. A bill to amend title VI of the Clean Air Act with respect to the phaseout schedule for methyl bromide; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. BREAUX, Mr. MURKOWSKI, Mr. STEVENS, Mr. BOND, Mr. INOUYE, Mr. HARKIN, Mr. ROBERTS, Mr. THOMAS, Mr. BINGAMAN, Mr. EDWARDS, Mr. CONRAD, and Mr. KERREY):

S. 2505. A bill to amend title X VIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine; to the Committee on Finance.

By Mr. GORTON:

S. 2506. A bill to amend title 46, United States Code, with respect to the Federal preemption of State law concerning the regulation of marine and ocean navigation, safety, and transportation by States; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY:

S. 2507. An original bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community

Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; placed on the calendar.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 2508. A bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. WYDEN:

S. 2509. A bill for the relief of Rose-Marie Barbeau-Quinn; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. MOYNIHAN, and Mr. KERREY):

S. 2510. A bill to establish the Social Security Protection, Preservation, and Reform Commission; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2511. A bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 2512. A bill to convey certain Federal properties on Governors Island, New York; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. SARBANES, Mr. ROBB, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. EDWARDS, Mr. DURBIN, Mr. HARKIN, and Mrs. FEINSTEIN):

S. 2513. A bill to strengthen control by consumers over the use and disclosure of their personal financial and health information by financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAMS (for himself, Mr. SESSIONS, and Mr. ALLARD):

S. 2514. A bill to improve benefits for members of the reserve components of the Armed Forces and their dependants; to the Committee on Armed Services.

By Mr. ROCKEFELLER:

S. 2515. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001; 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. KENNEDY (for himself, Mr. LEAHY, and Mr. GRAMS):

S. Res. 303. A resolution expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. GREGG, and Mr. KERRY):

S. Con. Res. 108. A concurrent resolution designating the week beginning on April 30, 2000, and ending on May 6, 2000 as ''National Charter Schools Week''; considered and agreed to.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. SMITH of Oregon, and Mr. DODD):

S. Con. Res. 109. A concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community; considered and agreed to.

By Mr. DURBIN (for himself, Mr. HELMS, Mr. ROBB, and Mr. ABRAHAM):

S. Con. Res. 110. A concurrent resolution congratulating the Republic of Latvia on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. LUGAR):

S. 2503. A bill to amend the Clean Air Act to authorize States to regulate harmful fuel additives and to require fuel to contain fuel made from renewable sources, to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that act, and for other purposes; to the Committee on Environment and Public Works.

RENEWABLE FUELS ACT OF 2000

Mr. DASCHLE. Mr. President, ten years ago I joined with two distinguished colleagues, then-Senate Majority Leader Bob Dole and Senator TOM HARKIN, to introduce the reformulated gasoline (RFG) provision of the 1990 Clean Air Act Amendments. The RFG provision, with its minimum oxygen standard, was adopted in the Senate by the overwhelming vote of 69 to 30 and eventually signed into law by President George Bush.

I am proud to say that this program has resulted in substantial improvement in air quality around the country. It also has stimulated increased production and use of renewable ethanol and other oxygenates needed to meet the minimum oxygen standard.

Unfortunately, an unanticipated development involving the petroleum-based oxygenate MTBE requires us to re-examine the many benefits of the RFG program. The detection of MTBE in ground water around the country has generated considerable debate in recent months over how to deal with this fuel additive and the oxygen requirement of the reformulated gasoline program. The resolution of this debate will have significant consequences for the environment, for farmers and for the rural economy.

The pace of activity to resolve the MTBE issue is accelerating rapidly. Battlelines are being drawn as the state of California and its allies focus on scrapping the oxygen requirement.

It is clear that Congress and/or the Clinton administration will respond to the MTBE problem. My focus is on ensuring that that response not only serves the environment, but also retains a prominent place for ethanol—a place that assures long-term, predictable growth of the industry.

I believe a comprehensive legislative solution is necessary in this case—one that recognizes and preserves the important air quality benefits of the RFG program, protects water supplies and leads the nation away from greater dependence on imported oil.

I have worked for the last year with the ethanol industry, Republican and Democratic colleagues in the Senate, the Governor's Ethanol Coalition, environmental organizations and the administration in search of a solution that gives states the tools they need to address MTBE contamination, ensures the future growth of domestic renewable fuels, and prevents supply shortages and price spikes in the nation's fuels supply.

This process has led me to two basic conclusions.

First, the MTBE crisis has left the RFG oxygen requirement vulnerable to legislative attack. Those who doubt this conclusion should reflect on the following facts.

California refiners have shown that clean-burning gasoline can be produced without oxygen.

EPA's Blue Ribbon Panel has recommended that the oxygen requirement be repealed.

The RFG oxygen requirement is opposed by a diverse coalition that includes the American Lung Association, the American Petroleum Institute, the New England States Coordinated Air Use Management agency, the State of California and the Natural Resources Defense Council (NRDC).

Second, support for the oxygen requirement will weaken over time. Improvements in auto emissions control technology will cause the air quality benefits of oxygen in gasoline to decline and the justification for the RFG oxygen requirement to diminish.

As one of the original authors of the reformulated gasoline provisions of the Clean Air Act, I feel something of a proprietary interest in the oxygen requirement. As a legislator, I recognize that circumstances change, and obstinacy should not be allowed to become a barrier to the achievement of important policy goals.

Ethanol advocates face a choice between defending the oxygen requirement in the near term, realizing that its days ultimately are numbered, or using the current MTBE debate to guarantee the future growth of the ethanol industry based on important public policy goals, such as energy security, greenhouse gas emissions reductions, and domestic economic growth.

In my judgment, providing states with the flexibility to waive the RFG oxygen requirement is a fair tradeoff for the establishment of a renewable fuels standard. It represents the most effective way to achieve the environmental and economic goals of governors and consumers, while putting the ethanol industry on a steady growth path well into the future and promoting ethanol production in new regions of the nation.

Therefore, today, with Senator RICHARD LUGAR, I am introducing the Renewable Fuels Act of 2000. Under our

legislation, EPA is directed to reduce the use of MTBE to safe levels, and states can obtain waivers from the RFG oxygen requirement and further regulate MTBE if they desire. This will allow the nation to deal with the MTBE contamination issue responsibly and avoid gasoline supply disruptions. The bill also includes provisions protecting the air quality gains that have resulted from the use of oxygenated fuels.

To protect market opportunities for renewable fuels, the bill establishes a renewable fuels standard for the nation's gasoline, which begins in 2000 at 1.3 percent—roughly where renewable fuels production stands today—and gradually increases over the next decade to 3.3 percent of the nation's gasoline in 2010. Considering the fact that overall gasoline use is expected to increase over the next decade, this standard will more than triple ethanol use over that period.

In meeting that requirement, our legislation stipulates that a gallon of biomass ethanol counts as much as 1.5 gallons of starch-based ethanol, thereby providing a strong incentive for the development of biomass-based ethanol plans throughout the country. It also established a renewable fuels standard for diesel fuels to promote the use of biodiesel. These renewable fuels standards can be met through nationwide credit trading, to allow for the most economomical use of ethanol and biodiesel.

For those who are concerned about the potential impact of a drought or other natural disaster on the ability of the renewable fuels industry to supply this market, the legislation allows the EPA Administrator, in consultation with the Secretary of Agriculture, to waive the renewable requirement in any given year upon determination that there is indequate domestic supply or distribution capacity, or that the requirement would severely harm the economic or environment of a State, a region, or the United States.

I also intend to work with my colleagues on both sides of the aisle to establish a strategic corn reserve as a complement to the renewable fuel standard. A properly managed strategic corn reserve could serve as the equivalent of the strategic petroleum reserve and ensure stable feedstocks for domestic ethanol producers in the event of weather induced supply interruptions. Taxpayers would benefit as farmers could receive fair market prices, thereby reducing the need for emergency assistance each year.

It is important to recognize that under Senator LUGAR's and my approach, the oxygen requirement is not waived entirely. States can decide for themselves whether to apply for a waiver from the RFG oxygen requirement. We fully expect that RFG programs that currently are using ethanol and have not experienced MTBE contamination, such as Chicago and Milwaukee, will stay in the program. Moreover, the bill allows any governor to apply to EPA to opt into the RFG program, thus expanding its air quality benefits to new regions of the country. Those areas that remain in the program or opt into it, and use ethanol, will generate credits that can be sold to other regions of the country.

Finally, the bill prevents adverse effects on states' highway trust fund tax allocations, with ''hold harmless'' language ensuring that states reporting Federal excise tax receipts on gasoline are not penalized for their ethanol blend sales.

Again, my goal in introducing this legislation is both to support states that want to get MTBE out of gasoline and to ensure that this effort does not adversely affect ethanol production. It is also to put into place a program that will grow the ethanol industry steadily over the next decade, thereby assuring the market stability necessary to attract investment in the construction of new plants and significantly increasing the market for corn and biomass. This approach not only will get MTBE out of groundwater; it will do so without backsliding on the air quality improvements generated by the RFG program while increasing corn demand by 600 million bushels per year.

Mr. President, since first floating this concept in May of last year, I have heard from numerous stakeholders in this complex debate. The legislative concept that Senator LUGAR and I unveil today has been endorsed by diverse interests ranging from the American Coalition for Ethanol (ACE) in Sioux Falls, South Dakota, to the 24-state Governors' Ethanol Coalition, to the Northeast States for Coordinated Air Use Management (NESCAUM) to Mr. Leo Leibowitz, chairman of Getty Petroleum. I believe that we have struck a delicate balance between the interests of farmers, consumers, state regulatory officials, refiners and those concerned about the environment. This plan is a worthy successor to the original 1990 RFG provision, preserving all of the good things it has achieved and rectifying those elements that need fixing.

I look forward to working with Senators SMITH and BAUCUS, the chairman and ranking member of the Senate Environment and Public Works Committee, to enact legislation resolving the MTBE issue. I hope that other colleagues will join Senator LUGAR and me in support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2503

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 ''Renewable Fuels Act of 2000''.

SEC. 2. STATE PETITIONS FOR AUTHORITY TO CONTROL OR PROHIBIT USE OF MTBE.

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A), by striking ''any emission product of such fuel or fuel additive causes, or contributes, to air pollution which may reasonably be anticipated to endanger the public health or welfare,'' and inserting ''the fuel or fuel additive, or an emission product of the fuel or fuel additive, causes or contributes to air, water, or soil pollution that may reasonably be anticipated to endanger the public health or welfare or the environment,'';

(2) in paragraph (2)(C), by inserting ''or have other environmental impacts'' after ''emissions'';

(3) in paragraph (4)—

(A) in subparagraph (A), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately to reflect the amendments made by this paragraph;

(B) by striking ''(4)(A) Except as otherwise provided in subparagraph (B) or (C),'' and inserting the following:

''(4) LIMITATION ON STATE AUTHORITY WITH RESPECT TO FUELS AND FUEL ADDITIVES.—

''(A) IN GENERAL.—

''(i) FUELS AND FUEL ADDITIVES.—Except as otherwise provided in subparagraph (B) or (C) or paragraph (5),'';

(C) in subparagraph (A)—

(i) in clause (i) (as designated by subparagraph (B)), by inserting ''or water or soil quality protection'' after ''emission control''; and

(ii) by adding at the end the following:

''(ii) MTBE.—Notwithstanding clause (i), except as otherwise provided in subparagraph (B) or (C) or paragraph (5), no State (or political subdivision of a State) may prescribe or attempt to enforce, for the purpose of motor vehicle emission control or water or soil quality protection, any control or prohibition on methyl tertiary butyl ether as a fuel additive in a motor vehicle or motor vehicle engine.'';

(D) in subparagraph (B), by inserting ''or water or soil quality protection'' after ''emission control''; and

(E) in subparagraph (C)—

(i) in the first sentence—

(I) by inserting ''or water or soil quality protection'' after ''emission control''; and

(II) by inserting before the period at the end the following: ''or, if the Administrator grants a petition of the State under paragraph (5)''; and

(ii) in the second sentence, by striking ''only if he'' and inserting ''if the Administrator''; and

(4) by adding at the end the following:

''(5) STATE PETITIONS FOR AUTHORITY TO CONTROL OR PROHIBIT USE OF FUELS OR FUEL ADDITIVES FOR NON-AIR QUALITY PURPOSES.—

''(A) IN GENERAL.—A State seeking to prescribe and enforce a control or prohibition on a fuel or fuel additive for the purpose of water or soil quality protection under paragraph (4)(C) shall submit a petition to the Administrator for authority to take such action.

''(B) REQUIRED ELEMENTS OF PETITION.—A petition submitted under subparagraph (A) shall—

''(i) include information on—

''(I) the likely effects of the control or prohibition on fuel availability and price in the affected supply area or region; and

''(II) the improvements in environmental quality or public health or welfare expected to result from the control or prohibition; and

''(ii) demonstrate that the authority is necessary to protect the environment or public health or welfare.

''(C) ACTION BY THE ADMINISTRATOR.—Not later than 180 days after the date of receipt of a petition submitted under subparagraph (A), the Administrator shall grant or deny the petition.

''(D) CRITERIA FOR GRANTING OF PETITIONS.—The Administrator shall grant a petition submitted by a State under subparagraph (A) unless the Administrator finds that—

''(i) the petition fails to reasonably demonstrate that the authority is necessary to protect the environment or public health or welfare;

''(ii) the control or prohibition is likely to have a substantial and significant adverse effect on fuel availability or price (including a State or regional effect) that clearly outweighs any benefits associated with the control or prohibition; or

''(iii) in the case of a petition submitted by a State seeking the authority primarily to protect water resources, the State has failed to take other appropriate and reasonable actions to prevent contamination of water resources by fuels or fuel additives, such as—

''(I) adoption of a prohibition on the delivery of gasoline to noncompliant facilities with underground storage tanks; or

''(II) operation of a statewide monitoring and compliance assurance system.

''(E) EFFECT OF FAILURE OF ADMINISTRATOR TO ACT.—If, by the date that is 180 days after the date of receipt of a petition submitted under subparagraph (A), the Administrator has not proposed to grant or deny the petition under subparagraph (C), the petition shall be deemed to be granted.

''(F) PROCEDURAL REQUIREMENTS.—

''(i) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—Section 307(d) of this Act and sections 553 through 557 of title 5, United States Code, shall not apply to actions on a petition submitted under subparagraph (A).

''(ii) PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT.—The Administrator shall provide public notice and opportunity for comment with respect to a petition submitted under subparagraph (A).

''(6) LIMITATION ON MTBE CONTENT.—The Administrator shall promulgate regulations applicable to each refiner, blender, or importer of gasoline to ensure that gasoline sold or introduced into commerce by the refiner, blender, or importer on or after January 1, 2004, in an area has a content of methyl tertiary butyl ether that is at a level that—

''(A) the Administrator determines may not reasonably be anticipated to endanger natural resources and the public health; and

''(B) does not exceed the annual average volume of methyl tertiary butyl ether per gallon of gasoline used in the area before 1995.''.

SEC. 3. WAIVER OF OXYGEN CONTENT REQUIREMENT.

(a) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(1) in paragraph (1)—

(A) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,'';

(B) in the first sentence, by inserting before the period at the end the following: ''and opt-in areas under paragraph (6)''; and

(C) by adding at the end the following:

''(B) ADJUSTMENT OF VOC PERFORMANCE STANDARD.—

''(i) IN GENERAL.—The Administrator may adjust the volatile organic compounds performance standard promulgated under subparagraph (A) in the case of a fuel formulation that achieves reductions in the quantity of mass emissions of carbon monoxide that are greater than or less than the reductions associated with a reformulated gasoline that contains 2.0 percent oxygen by weight and otherwise meets the requirements of this subsection.

''(ii) AMOUNT OF ADJUSTMENT.—The amount of an adjustment under clause (i) shall be based on the effect on ozone concentrations of the combined reductions in emissions of volatile organic compounds and reductions in emissions of carbon monoxide.'';

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) by striking ''The oxygen'' and inserting the following:

''(i) IN GENERAL.—The oxygen''; and

(ii) by adding at the end the following:

''(ii) WAIVER FOR CERTAIN STATES.—The Administrator shall waive the application of clause (i) for any ozone nonattainment area in a State if the Governor of the State submits for such a waiver an application that—

''(I) demonstrates that the State is in full compliance with Federal regulations concerning the control and prevention of leaking underground storage tanks; or

''(II) provides a plan that outlines the measures the State will take to fully comply with the underground storage tank regulations by a date not later than 2 years after the receipt of the application of the Governor.

''(iii) EFFECTIVE DATE.—A waiver under clause (ii) shall become effective on the later of—

''(I) January 1 of the calendar year immediately following the calendar year during which the application for the waiver is received; or

''(II) the date that is 180 days after the date on which the application for the waiver is received.''; and

(B) by adding at the end the following:

''(E) AROMATICS.—The aromatic hydrocarbon content of the gasoline shall not exceed 22 percent by volume.'';

(3) in paragraph (3)—

(A) in subparagraph (A)(ii), by striking ''25 percent'' and inserting ''22 percent''; and

(B) in subparagraph (B)—

(i) by striking ''Any reduction'' and inserting the following:

''(iii) TREATMENT OF GREATER REDUCTIONS.—Any reduction''; and

(ii) by adding at the end the following:

''(iv) ANTI-BACKSLIDING PROVISION.—

''(I) IN GENERAL.—Not later than June 1, 2000, the Administrator shall revise performance standards under this subparagraph as necessary to ensure that—

''(aa) the ozone-forming potential, taking into account all ozone precursors (including volatile organic compounds, oxides of nitrogen, and carbon monoxide), of the aggregate emissions during the high ozone season (as determined by the Administrator) from baseline vehicles when using reformulated gasoline does not exceed the ozone-forming potential of the aggregate emissions during the high ozone season from baseline vehicles when using reformulated gasoline that complies with the regulations that were in effect on January 1, 2000, and were applicable to reformulated gasoline sold in calendar year 2000 and subsequent calendar years; and

''(bb) the aggregate emissions of the pollutants specified in subclause (II) from baseline vehicles when using reformulated gasoline do not exceed the aggregate emissions of those pollutants from baseline vehicles when using reformulated gasoline that complies with the regulations that were in effect on January 1, 2000, and were applicable to reformulated gasolines sold in calendar year 2000 and subsequent calendar years.

''(II) SPECIFIED POLLUTANTS.—The pollutants specified in this subclause are—

''(aa) toxics, categorized by degrees of toxicity; and

''(bb) such other pollutants, including pollutants regulated under section 108, and such precursors to those pollutants, as the Administrator determines by regulation should be controlled to prevent the deterioration of air quality and to achieve attainment of a national ambient air quality standard in 1 or more areas.''; and

(4) in paragraph (4)(B)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately to reflect the amendments made by this paragraph;

(B) by striking ''The Administrator'' and inserting the following:

''(i) IN GENERAL.—The Administrator'';

(C) in clause (i) (as designated by subparagraph (B))—

(i) in subclause (I) (as redesignated by subparagraph (A)), by striking '', and'' and inserting a semicolon;

(ii) in subclause (II) (as redesignated by subparagraph (A))—

(I) by striking ''achieve equivalent'' and inserting the following: ''achieve—

''(aa) equivalent'';

(II) by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(bb) combined reductions in emissions of ozone forming volatile organic compounds and carbon monoxide that result in a reduction in ozone concentration, as provided in clause (ii)(I), that is equivalent to or greater than the reduction in ozone concentration achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3); and''; and

(iii) by adding at the end the following:

''(III) achieve equivalent or greater reductions in emissions of toxic air pollutants than are achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3).''; and

(D) by adding at the end the following:

''(ii) CARBON MONOXIDE CREDIT.—

''(I) IN GENERAL.—In determining whether a fuel formulation or slate of fuel formulations achieves combined reductions in emissions of ozone forming volatile organic compounds and carbon monoxide that result in a reduction in ozone concentration that is equivalent to or greater than the reduction in ozone concentration achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3), the Administrator—

''(aa) shall consider, to the extent appropriate, the change in carbon monoxide emissions from baseline vehicles attributable to an oxygen content in the fuel formulation or slate of fuel formulations that exceeds 2.0 percent by weight; and

''(bb) may consider, to the extent appropriate, the change in carbon monoxide emissions described in item (aa) from vehicles other than baseline vehicles.

''(II) OXYGEN CREDITS.—Any excess oxygen content that is taken into consideration in making a determination under subclause (I) may not be used to generate credits under paragraph (7)(A).

''(III) RELATION TO TITLE I.—Any fuel formulation or slate of fuel formulations that is certified as equivalent or greater under this subparagraph, taking into consideration the combined reductions in emissions of volatile organic compounds and carbon monoxide, shall receive the same volatile organic compounds reduction credit for the purposes of subsections (b)(1) and (c)(2)(B) of section 182 as a fuel meeting the applicable requirements of paragraph (3).''.

(b) REFORMULATED GASOLINE CARBON MONOXIDE REDUCTION CREDIT.—Section 182(c)(2)(B) of the Clean Air Act (42 U.S.C.

7511a(c)(2)(B)) is amended by adding at the end the following: ''An adjustment to the volatile organic compound emission reduction requirements under section 211(k)(3)(B)(iv) shall be credited toward the requirement for VOC emissions reductions under this subparagraph.''.

SEC. 4. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) NONCLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon the application of the Governor of a State, the Administrator shall apply the prohibition specified in paragraph (5) in any area in the State that is not a covered area or an area referred to in subparagraph (A)(i).

''(ii) PUBLICATION OF APPLICATION.—As soon as practicable after receipt of an application under clause (i), the Administrator shall publish the application in the Federal Register.''.

SEC. 5. RENEWABLE CONTENT OF GASOLINE AND OTHER MOTOR FUELS.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

''(o) RENEWABLE CONTENT OF GASOLINE.—

''(1) IN GENERAL.—

''(A) REGULATIONS.—Not later than September 1, 2000, the Administrator shall promulgate regulations applicable to each refiner, blender, or importer of gasoline to ensure that gasoline sold or introduced into commerce in the United States by the refiner, blender, or importer complies with the renewable content requirements of this subsection.

''(B) RENEWABLE CONTENT REQUIREMENTS.—

''(i) IN GENERAL.—All gasoline sold or introduced into commerce in the United States by a refiner, blender, or importer shall contain, on a quarterly average basis, a quantity of fuel derived from a renewable source (including biomass ethanol) that is not less than the applicable percentage by volume for the quarter.

''(ii) BIOMASS ETHANOL.—For the purposes of clause (i), 1 gallon of biomass ethanol shall be considered to be the equivalent of 1.5 gallons of fuel derived from a renewable source.

''(iii) APPLICABLE PERCENTAGE.—For the purposes of clause (i), the applicable percentage for a quarter of a calendar year shall be determined in accordance with the following table:

'Calendar year:	Applicable percentage of fuel derived from a renewable source:
2000	1.3
2001	1.5
2002	1.7
2003	1.9
2004	2.1
2005	2.3
2006	2.5
2007	2.7
2008	2.9
2009	3.1
2010 and thereafter	3.3.

''(C) FUEL DERIVED FROM A RENEWABLE SOURCE.—For the purposes of this subsection, a fuel shall be considered to be derived from a renewable source if the fuel—

''(i) is produced from grain, starch, oilseeds, or other biomass; and

''(ii) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

''(D) BIOMASS ETHANOL.—For the purposes of this subsection, a fuel shall be considered to be biomass ethanol if the fuel is ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

''(i) dedicated energy crops and trees;

''(ii) wood and wood residues;

''(iii) plants;

''(iv) grasses;

''(v) agricultural commodities and residues;

''(vi) fibers;

''(vii) animal wastes and other waste materials; and

''(viii) municipal solid waste.

''(E) CREDIT PROGRAM.—

''(i) IN GENERAL.—The regulations promulgated under this subsection shall provide for the generation of an appropriate amount of credits by a person that refines, blends, or imports gasoline that contains, on a quarterly average basis, a quantity of fuel derived from a renewable source or a quantity of biomass ethanol that is greater than the quantity required under subparagraph (B).

''(ii) USE OF CREDITS.—The regulations shall provide that a person that generates the credits may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with subparagraph (B).

''(2) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture, may waive the requirements of paragraph (1)(B) in whole or in part on petition by a State—

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirements would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirements of paragraph (1)(B).

''(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture—

''(i) shall approve or deny a State petition for a waiver of the requirements of paragraph (1)(B) within 180 days after the date on which the petition is received; but

''(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

''(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture.

''(D) OXYGEN CONTENT WAIVERS.—The grant or denial of a waiver under subsection (k)(2)(B) shall not affect the requirements of this subsection.

''(3) SMALL REFINERS.—The regulations promulgated by the Administrator under paragraph (1) may provide an exemption, in whole or in part, for small refiners (as defined by the Administrator).

''(4) GUIDANCE FOR LABELING.—After consultation with the Secretary of Agriculture, the Administrator shall issue guidance to the States for labeling, at the point of retail sale—

''(A) the fuel derived from a renewable source that is contained in the fuel sold; and

''(B) the major fuel additive components of the fuel sold.

''(5) REPORTS TO CONGRESS.—Not less often than every 3 years, the Administrator shall submit to Congress a report on—

''(A) reductions in emissions of criteria air pollutants listed under section 108 that result from implementation of this subsection; and

''(B) in consultation with the Secretary of Energy, greenhouse gas emission reductions that result from implementation of this subsection.

''(p) RENEWABLE CONTENT OF DIESEL FUEL.—

''(1) IN GENERAL.—Not later than September 1, 2000, the Administrator, after consideration of applicable economic and environmental factors, shall promulgate regulations applicable to each refiner, blender, or importer of diesel fuel to ensure that the diesel fuel sold or introduced into commerce in the United States by the refiner, blender, or importer complies with the renewable content requirements established by the Administrator under this subsection.

''(2) ELEMENTS OF PROGRAM.—To the extent that the Administrator determines it to be appropriate, the Administrator shall by regulation establish a program for diesel fuel that has renewable content requirements similar to the requirements of the program for gasoline under subsection (o) in order to ensure the use of biodiesel fuel.''.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''or (n)'' each place it appears and inserting ''(n), or (o)''; and

(B) in the second sentence, by striking ''or (m)'' and inserting ''(m), or (o)''; and

(2) in the first sentence of paragraph (2), by striking ''and (n)'' each place it appears and inserting ''(n), and (o)''.

(c) PREVENTION OF EFFECTS ON HIGHWAY APPORTIONMENTS.—

(1) SURFACE TRANSPORTATION PROGRAM.—Section 104(b)(3) of title 23, United States Code, is amended by adding at the end the following:

''(C) DETERMINATION OF ESTIMATED TAX PAYMENTS.—For the purpose of determining under subparagraph (A)(iii) the estimated tax payments attributable to highway users in a State paid into the Highway Trust Fund (other than the Mass Transit Account) in a fiscal year, the amount paid into the Highway Trust Fund with respect to the sale of gasohol or other fuels containing alcohol by reason of the tax imposed by section 4041 (relating to special fuels) or 4081 (relating to gasoline) of the Internal Revenue Code of 1986 shall be treated as being equal to the amount that would have been so imposed with respect to that sale without regard to the reduction in revenues resulting from the application of the regulations promulgated under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) and the following provisions of the Internal Revenue Code of 1986:

''(i) Section 4041(b)(2) (relating to exemption for qualified methanol and ethanol fuel).

''(ii) Section 4041(k) (relating to fuels containing alcohol).

''(iii) Section 4041(m) (relating to certain alcohol fuels).

''(iv) Section 4081(c) (relating to reduced rate on gasoline mixed with alcohol).''.

(2) MINIMUM GUARANTEE.—Section 105(f)(1) of title 23, United States Code, is amended—

(A) by striking ''(1) IN GENERAL.—Before'' and inserting the following: ''(1) IN GENERAL.—

''(A) ADJUSTMENT.—Before''; and

(B) by adding at the end the following:

''(B) DETERMINATION OF ESTIMATED TAX PAYMENTS.—For the purpose of determining under this subsection the estimated tax payments attributable to highway users in a State paid into the Highway Trust Fund (other than the Mass Transit Account) in a fiscal year, the amount paid into the Highway Trust Fund with respect to the sale of gasohol or other fuels containing alcohol by reason of the tax imposed by section 4041 (relating to special fuels) or 4081 (relating to gasoline) of the Internal Revenue Code of 1986 shall be treated as being equal to the amount that would have been so imposed with respect to that sale without regard to the reduction in revenues resulting from the application of the regulations promulgated under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) and the following provisions of the Internal Revenue Code of 1986:

''(i) Section 4041(b)(2) (relating to exemption for qualified methanol and ethanol fuel).

''(ii) Section 4041(k) (relating to fuels containing alcohol).

''(iii) Section 4041(m) (relating to certain alcohol fuels).

''(iv) Section 4081(c) (relating to reduced rate on gasoline mixed with alcohol).''.

SEC. 6. UPDATING OF BASELINE YEAR.

(a) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(1) in paragraph (8)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990, the'' and inserting ''The''; and

(ii) by striking the second sentence;

(B) by striking ''calendar year 1990'' each place it appears and inserting ''calendar year 1999''; and

(C) in subparagraph (E), by striking ''such 1990 gasoline'' and inserting ''such 1999 gasoline''; and

(2) in subparagraphs (A) and (B)(ii) of paragraph (10), by striking ''1990'' each place it appears and inserting ''1999''.

(b) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the regulations promulgated under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) to reflect the amendments made by subsection (a).

SEC. 7. LEAKING UNDERGROUND STORAGE TANKS.

(a) TRUST FUND DISTRIBUTION.—Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

''(f) TRUST FUND DISTRIBUTION.—

''(1) IN GENERAL.—

''(A) AMOUNT AND PERMITTED USE OF DISTRIBUTION.—The Administrator shall distribute to States at least 85 percent of the funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986 (referred to in this subsection as the 'Trust Fund') for each fiscal year for use in paying the reasonable costs, incurred under cooperative agreements with States, of—

''(i) actions taken by a State under section 9003(h)(7)(A);

''(ii) necessary administrative expenses directly related to corrective action and compensation programs under subsection (c)(1);

''(iii) enforcement by a State or local government of a State program approved under this section or of State or local requirements regulating underground storage tanks that are similar or identical to this subtitle;

''(iv) State or local corrective actions pursuant to regulations promulgated under section 9003(c)(4); or

''(v) corrective action and compensation programs under subsection (c)(1) for releases from underground storage tanks regulated under this subtitle if, as determined by the State in accordance with guidelines developed between the Environmental Protection Agency and the States, the financial resources of an owner or operator (including resources provided by programs under subsection (c)(1)) are not adequate to pay for the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business.

''(B) NONPERMITTED USES.—Funds provided by the Administrator under subparagraph (A) shall not be used by a State to provide financial assistance to an owner or operator to meet the requirements concerning underground storage tanks contained in part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection), except as provided in subparagraph (A)(v), or similar requirements in State programs approved under this section or similar State or local provisions.

''(C) TANKS WITHIN TRIBAL JURISDICTION.—The Administrator, in coordination with Indian tribes, shall—

''(i) expeditiously develop and implement a strategy to—

''(I) take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the exterior boundaries of an Indian reservation or other area within the jurisdiction of an Indian tribe, giving priority to releases that present the greatest threat to human health or the environment; and

''(II) implement and enforce requirements regulating underground storage tanks located wholly within the exterior boundaries of an Indian reservation or other area within the jurisdiction of an Indian tribe; and

''(ii) not later than 2 years after the date of enactment of this subsection, and every 2 years thereafter, submit to Congress a report summarizing the status of implementation of the leaking underground storage tank program located wholly within the exterior boundaries of an Indian reservation or other area within the jurisdiction of an Indian tribe.

''(2) ALLOCATION.—

''(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator for such cooperative agreements.

''(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process only after—

''(i) consulting with State agencies responsible for overseeing corrective action for releases from underground storage tanks and with representatives of owners and operators; and

''(ii) taking into consideration, at a minimum—

''(I) the total revenue received from each State into the Trust Fund;

''(II) the number of confirmed releases from leaking underground storage tanks in each State;

''(III) the number of notified petroleum storage tanks in each State;

''(IV) the percentage of the population of each State using ground water for any beneficial purpose;

''(V) the evaluation of the program performance of each State;

''(VI) the evaluation of the financial needs of each State; and

''(VII) the evaluation of the ability of each State to use the funds in any year.

''(3) DISTRIBUTIONS TO STATE AGENCIES.—

''(A) IN GENERAL.—Distributions from the Trust Fund under this subsection shall be made directly to the State agency entering into a cooperative agreement or enforcing the State program.

''(B) ADMINISTRATIVE EXPENSES.—A State agency that receives funds under this subsection shall limit the proportion of those funds that are used to pay administrative expenses to a percentage that the State may establish by law.

''(4) COST RECOVERY PROHIBITION.—Funds provided to States from the Trust Fund to owners or operators for programs under section 9004(c)(1) for releases from underground storage tanks are not subject to cost recovery by the Administrator under section 9003(h)(6).

''(5) PERMITTED USES.—In addition to uses authorized by other provisions of this subtitle, the Administrator may use funds appropriated to the Environmental Protection Agency from the Trust Fund for enforcement of any regulation promulgated by the Administrator under this subtitle.''.

(b) ADDITION TO TRUST FUND PURPOSES.—Section 9508(c)(1) of the Internal Revenue Code of 1986 (relating to expenditures) is amended by striking ''to carry out section 9003(h)'' and all that follows and inserting ''to carry out—

''(A) section 9003(h) of the Solid Waste Disposal Act (as in effect on the date of enactment of the Superfund Amendments and Reauthorization Act of 1986); and

''(B) section 9004(f) of the Solid Waste Disposal Act (as in effect on the date of enactment of the Renewable Fuels Act of 2000).''.

(c) STUDIES.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct—

(1) a study to determine the corrosive effects of methyl tertiary butyl ether and other widely used fuels and fuel additives on underground storage tanks; and

(2) a study to assess the potential public health and environmental risks associated with the use of aboveground storage tanks and the effectiveness of State and Federal regulations or voluntary standards, in existence as of the time of the study, to provide adequate protection of public health and the environment.

(d) TECHNICAL AMENDMENTS.—

(1) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking ''sustances'' and inserting ''substances''.

(2) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

(3) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the first sentence by striking ''referred to'' and all that follows and inserting ''referred to in subparagraph (A) or (B), or both, of section 9001(2).''.

(4) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking ''study taking'' and inserting ''study, taking'';

(B) in subsection (b)(1), by striking ''relevent'' and inserting ''relevant''; and

(C) in subsection (b)(4), by striking ''Evironmental'' and inserting ''Environmental''.

SEC. 8. PRIVATE WELL PROTECTION PILOT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency may enter into cooperative agreements with the United States Geological Survey, the Department of Agriculture, States, local governments, private landowners, and other interested parties to establish voluntary pilot projects to protect the water quality of private wells and to provide technical assistance to users of water from private wells.

(b) LIMITATION.—This section does not authorize the issuance of guidance or regulations regarding the use or protection of private wells.

Mr. LUGAR. Mr. President, I am pleased to join Senator DASCHLE in introducing the Renewable Fuels Act of 2000.

In July 1999, an independent Blue Ribbon Panel on Oxygenates in Gasoline called for major reductions in the use of MTBE as an additive in gasoline. They did so because of growing evidence and public concerns regarding pollution of drinking water supplies by MTBE. These trends are particularly acute in areas of the country using Reformulated Gasoline.

The Reformulated Gasoline Program (RFG) has proven to be a success in reducing smog and has exceeded expectations in reducing dangerous and carcinogenic air toxics in gasoline. The second stage of the Reformulated Gasoline Program (RFG) will commence this summer and will have an even greater effect in reducing ozone pollution and air toxics.

Because of concerns regarding water pollution, it is clear that the existing situation regarding MTBE is not tenable. The Governor of California has called for a three year phase out of MTBE in California and the California Air Resources Board has adopted regulations to that effect. Environmental officials from eight Northeastern States have proposed a phase down and a capping of the use of MTBE in gasoline in their states. MTBE is being found in wells in the Midwest even in areas that do not use reformulated gasoline.

The Renewable Fuels Act of 2000 will lead to about five billion gallons of ethanol being produced in 2010 compared to one billion, six hundred million gallons today. Under the Act, one gallon of cellulosic ethanol will count for one and one-half gallons of regular ethanol in determining whether a refiner has met the Renewable Fuels Standard in a particular year.

We are going to have spikes in oil that will disrupt our economy. It may or may not be able to be controlled. It will happen before 2010. It may happen again next week. Our problem in terms of national security and the security of our whole economy revolves around our dependence on petroleum-based fuels. We must be able to address this challenge. Finding an environmentally sensitive way to resolve the MTBE crisis is an important part of this challenge.

It is clear that MTBE is on its way out. The question is what kind of legislation is needed to facilitate its departure and whether that legislation will be based on consideration of all of the environmental and energy and national security issues involved.

The Renewable Fuels Act of 2000 will establish a nationwide Renewable Fuels Standard (RFS) that would increase the current use of renewable fuels from 1.3% in 2000 to 3.3% by 2010. Refiners who produced renewable fuels beyond the standard could sell credits to other refiners who chose to under comply with the RFS.

This bill would give the EPA Administrator authority to limit or eliminate the use of MTBE in order to protect the public health and the environment. It also gives states the ability to further regulate or eliminate MTBE use if the EPA does not choose to eliminate it. It would also establish strict ''anti backsliding provisions'' to capture all of the air quality benefits of MTBE and ethanol as MTBE is phased down or phased out.

The Renewable Fuels Act of 2000 will be good for our economy and our environment. Most important of all, it will facilitate the development of renewable fuels, a development critical to ensuring U.S. national and economic security and stabilizing gas prices.

I hope that my colleagues will examine this bill as well as other legislative approaches that would spur the development of renewable fuels such as ethanol, whether derived from corn or other agricultural or plant materials.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. BREAUX, Mr. MURKOWSKI, Mr. STEVENS, Mr. BOND, Mr. INOUYE, Mr. HARKIN, Mr. ROBERTS, Mr. THOMAS, Mr. BINGAMAN, Mr. EDWARDS, Mr. CONRAD, and Mr. KERREY):

S. 2505. A bill to amend title XVIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine; to the Committee on Finance.

TELEHEALTH IMPROVEMENT AND MODERNIZATION ACT OF 2000

Mr. JEFFORDS. Mr. President, today I am pleased to join with my good friend Senator ROCKEFELLER in introducing legislation that will improve upon the federal rules for reimbursement for telemedicine and help to ensure that all of our citizens have access to our great health care system. We are joined by a broad, bipartisan group of senators in this effort.

In many ways we have the best health care system in the world. But increasingly fewer and fewer Americans actually have access to it. I recently introduced a tax-credit bill that will help some of these Americans and I anticipate supporting future measures aimed at increasing access to health care services.

One important area that demands our attention is the problem of access for rural Americans. More than 25 percent of our Nation's senior citizens live in areas underserved for modern health care services. At the same time, telemedicine has come of age. We have moved beyond the feasibility stage and proven that this technology can provide real benefits to people in rural and underserved regions of our country.

In my own State of Vermont, nearly 70 per cent live in rural areas. This is the highest percentage rural population of any state in the nation. In Vermont, specialists in more than twenty-five disciplines from Fletcher Allen Health Care in Burlington are made readily available to patients even in the most rural areas. I want to see this level of service expand and be made available to all Americans.

We in Washington have made some good faith attempts to allow for the development of telehealth technologies but we have fallen short. In an effort to restrain the expansion of these programs, the Health Care Financing Administration's interpretation of the laws and its cumbersome rules for reimbursement have all but guaranteed the demise of current programs.

Federally-funded telemedicine projects exist in almost every State in the Nation. These projects have proven that cost-effective, high-quality care can be delivered using this technology. The provisions in this bill will help to ensure that this care will be continued when the federal grants end.

Why is this legislation needed now? Because current HCFA regulations concerning payment are unworkable in the real world. Less than 6 percent of all telemedicine doctor-patient visits last year provided to Medicare beneficiaries would qualify for reimbursement under HCFA's current guidelines.

Now that we have more experience and understand better how telemedicine can be used, it is time to enact several changes to the law so that these programs can thrive and deliver on their promise of providing cost-effective, high-quality healthcare where it is needed the most.

Rural healthcare providers and patients are eager for this legislation. Norman Wright, President of the Vermont Association of Hospitals and Health Systems, recognized the potential of Fletcher Allen's telemedicine program by describing it as one that ''provides incredible opportunities for rural providers and their patients because it links them to a network with access to the region's best authorities for any given condition.''

I have indeed heard an outpouring of support from healthcare providers across my own State on this issue. Gerry Davis, Professor of Pulmonary and Critical Care Medicine at Fletcher Allen Health Care, described ''appropriate and fair third party payment for

telemedicine'' as ''essential in order to move this process beyond education, and to make the service truly useful for patients in remote locations.''

Telemedicine can be used in so many ways. It can be vital to a pediatrician from a rural area with a sick baby who needs to consult with a neonatologist from a tertiary care hospital in the dead of winter and the middle of the night. It can be also be crucial for a depressed senior citizen who desperately needs mental health services available in their own rural county. And it can be much needed help for a frustrated isolated primary care provider who longs to be able to provide for access to specialty services for her patients in their own community. All of these people need our help.

While the changes included in this bill are relatively minor in the context of the Medicare program, the effect will be far-reaching. This legislation will allow us to avoid arbitrarily denying access to health care for our senior citizens and persons with disabilities just because of where they live. It will allow for fair and reasonable reimbursement for services that can be delivered appropriately in this way. It will also encourage the incorporation of telehealth technology in the care plans of home health agencies, an area that has already shown great promise for the future in terms of cost-effective disease management. In summary, it will allow us to begin to release the incredible potential of telemedicine.

Mr. President, I urge my colleagues to join us in bringing HCFA's approach to the delivery of health care into the 21st Century. Any Medicare reform must include progress on telemedicine for our Nation's rural areas.

Mr. ROCKEFELLER. Mr. President, I am extremely pleased to be here today to introduce the Telemedicine Improvement and Modernization Act with Senator JEFFORDS and many other of my Senate colleagues. This bill incorporates two issues that I care about passionately—health care and technology.

Telemedicine has the potential to bridge the gap that currently exists between patients and providers. More than 25% of our Nation's senior citizens live in areas where speciality care may not be available. In states like my own where there are very few primary care or specialty care resources and travel is difficult, telemedicine is critical to ensuring that people in remote areas are getting health care they need. By expanding access to health care through telemedicine, we also improve the quality of care available to people living in underserved areas. Personally, I believe that we are just beginning to tap the enormous potential of technology to advance quality health care, especially in rural areas.

Yet, Medicare's telemedicine program is inefficient in its current form. These inefficiencies threaten the future of telemedicine services. When we first created this program, our knowledge of the potential of this new technology, or its practical applications was very limited. Today we have a much better understanding of how telemedicine actually works. With this new knowledge, we can repair the inefficiencies of the current system and encourage the use of this highly effective health practice. By accomplishing this goal, we can ensure that quality health care is available to all seniors and disabled Americans regardless of where they live.

There are 8 main elements of the bill:

(1) Eliminating the provider ''fee sharing'' requirement;

(2) Eliminating the requirement for a ''telepresenter'';

(3) Allowing limited reimbursement for referring clinics to recover the cost of their services;

(4) Expanding telemedicine services to all non-MSAs;

(5) Expanding telemedicine services to direct patient care, not just professional consultations;

(6) Making all providers eligible for HCFA reimbursement for services delivered via telemedicine;

(7) Creating a federal demonstration project that permits telemedicine reimbursement for ''store and forward'' consultations (i.e., x-rays that are sent to another facility for consultation); and

(8) Permitting telehomecare.

While these changes are relatively minor in the context of the Medicare program, the affect will be far-reaching. The modernizations we are proposing will dramatically improve access to quality health care in rural areas. This legislation will allow us to begin to release the incredible potential of telemedicine.

On a final note, I'd like to thank Karen Edison for her expertise and determination in working on this bill. Because Karen is a practicing telemedicine physician, she has been invaluable in developing and advancing this cause.

Thank you, Mr. President for your time today. I hope all of my colleagues will join with me in passing this important piece of legislation.

By Mr. GORTON:

S. 2506. A bill to amend title 46, United States Code, with respect to the Federal preemption of State law concerning the regulation of marine and ocean navigation, safety, and transportation by States; to the Committee on Commerce, Science, and Transportation.

LEGISLATION REGARDING MARINE AND OCEAN NAVIGATION, SAFETY, AND TRANSPORTATION

Mr. GORTON. Mr. President, environmental protection and states' rights were dealt a blow on March 6th, when the U.S. Supreme Court decided the case of United States vs. Locke. The Court, noting that even though federal and international laws ''may be insufficient protection,'' invalidated Washington laws, and potentially laws in eleven other states, that provide protections against spills by oil tankers. I disagree with the Court's decision, because I believe that Washington state should be allowed to protect its shores as it sees fit.

That is why, today I am pleased to introduce the ''States Prevention of Oil Tanker Spills Act'' (SPOTS)-legislation that will reinstate the right of all states to adopt additional standards beyond existing federal requirements governing the operation, maintenance, equipment, personnel and manning of oil tankers. While this legislation will apply to all shoreline states, it is particularly important to Washington.

Washington has always taken seriously its duty to protect the health and safety of its citizens, and has historically supported aggressive protections of its treasured natural resources, including Washington shorelines and waterways. Oil refineries and product terminals located in Cherry Point, Ferndale, Tacoma, Anacortes, and nearby Vancouver, British Columbia make Washington an international destination and shipping point for millions of tons of oil annually. A large volume of crude oil is transported to and from the state near heavily populated Puget Sound.

The frequent traffic of large vessels carrying vast amounts of oil increases the risks to the environment and public safety, and unfortunately, has resulted in devastating spills. The 1989 *Exxon Valdez* disaster was one of the most environmentally devastating in United States history. The huge oil tanker ran aground in Prince William Sound, Alaska, dumping 11 million gallons of crude oil into the Pacific Ocean, and damaging more than 1,000 miles of coastline in south-central Alaska. The massive spill resulted in billions of dollars in damage claims by over 40,000 people, including some 6,500 Washington fishermen who have yet to be compensated for their loss.

Incidents such as the *Valdez* disaster served as a catalyst for Washington and many other ocean shoreline states—as well as Congress—to enact laws to prevent similar catastrophic events. Congress passed the Oil Pollution Act of 1990. Washington passed its own legislation in 1994, which created the state Office of Marine Safety and directed the establishment of prevention plans for ''the best achievable protection'' from the damage caused by oil spills.

Washington's law enhanced, or added a number of requirements to, the federal law. For example, instead of merely requiring tanker crews to ''clearly understand English,'' as federal law prescribes, the state regulation required tanker crews to be proficient in English in order to prevent miscommunication between American navigators and foreign crews. To heighten safety protection in times of limited visibility due to fog or other inclement weather conditions common to the Puget Sound, the state also added a requirement that a tanker

have on its bridge at least three licensed officers, a helmsman, and a lookout. Among other requirements adopted by Washington are prescriptions regarding training, location plotting, pre-arrival tests, and drug testing for tanker crews.

While federal law governs the design and construction of tankers, as well as issues affecting Coast Guard and national security, I believe that states should have the right to enact additional regulations that they believe will enhance the safety of their citizens and natural resources. Twenty states' Attorneys General signed an amicus brief in United States vs. Locke, agreeing with Washington on this point.

Unfortunately, the International Association of Independent Tanker Owners, (''INTERTANKO''), a group of companies that own or operate more than 2,000 tankers in the United States and foreign nations, does not agree with this common sense proposition. Shortly after Washington's oil tanker law was enacted. INTERTANKO filed a lawsuit to overturn it. A federal district court ruled in Washington's favor, but the Administration voluntarily intervened in the oil tanker companies' appeal, and the U.S. Supreme Court held that the Coast Guard's weaker regulations superseded the state's requirements on oil tankers.

Some have suggested that additional state regulation would interfere with the federal government's relations with foreign governments. In my view, allowing states to add common sense safety measures would have little, if any, impact on foreign relations. It would, however, enhance environmental protection.

This legislation won't eliminate all oil spills. I believe, however, that it will help to prevent some. Laws protecting our shores from dangerous oil spills should not be brought to the lowest common denominator. Rather, allowing states to enhance federal laws where appropriate, will ensure an even greater level of protection for our citizens and resources in the future. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2506

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

SECTION 1. STANDARDS.

Section 3703 of title 46, United States Code, is amended by adding at the end thereof the following:

''(d) PRESERVATION OF STATE AUTHORITY.—Nothing in this chapter, or any other provision of law, preempts the authority of a State to adopt additional standards regarding maintenance, operation, equipping, personnel qualification, or manning of vessels to which the regulations under subsection (a) apply.''.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 2508. A bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

Mr. CAMPBELL. Mr. President, today I introduce The Colorado Ute Settlement Act Amendment of 2000, and take this opportunity to address promises broken, and the opportunity for this nation to finally keep the promises it made to the Southern and Ute Mountain Ute Indian tribes of Southern Colorado (Ute tribes). If we can find the resolve to get this done, we will have—for the first time—honored a treaty with an Indian tribe.

I am pleased to have my friend and colleague from Colorado, Senator WAYNE ALLARD, join me as an original cosponsor of this bill.

In the 1860's the United States promised the Ute tribes it would provide a permanent homeland for their people in the southwest. The water rights for that homeland remain senior over all others. Over a hundred years later, the tribes' water is being used by their neighbors. Our promise to the tribes gave them, the state, local water users, and the United States the choice of fighting for the water in court or negotiating and producing an enforceable agreement that all the parties can live with.

I am proud to have been a part of the effort over the past 12 years that resulted in an agreement to finally settle the tribal water rights claims, and provide water—not promises or financial compensation—for all involved. But, this fight is not a new one. The legal wrangling over the Ute Indian water rights was already over a decade old when the settlement was reached in 1986. Two years later Congress enacted the Colorado Ute Indian Water Rights Settlement Act of 1988. The Settlement Act promised the Ute tribes an adequate water supply to fulfill all of the promises made to them in the 1860's for a homeland and an adequate water supply. The Settlement Act promised; if the Ute tribes would give up their claims to the water under their treaties, we would provide them with an adequate alternative water supply.

As the chairman of the Senate Committee on Indian Affairs and as one who has Indian blood coursing through my veins, I am reminded almost every day of the promises and treaties that have been broken by the United States. While we in the United States Congress are sometimes unable to undo the results of this chain of shattered promises, we should at least agree that we will not continue to ignore treaties with any more American Indian tribes. The dismal truth is for the last ten years I have watched those opposed to the Animas-La Plata project work to prevent the federal government from fulfilling its commitment to the Ute Indian tribes manipulating facts and the law in an effort to deny our responsibilities as a nation. As a result we have squandered decades of time and millions of taxpayers dollars in an effort to not fulfill the promises made to the Ute tribes. I urge my colleagues to bring this sorry trail of broken promises to an end.

I remain committed to keeping our word to the Tribes of Colorado. Since the tribes have urged me to introduce this further A–LP compromise legislation, I am persuaded that this proposal will not violate the promises made to the tribes in 1988. However, if this bill is not enacted, or the permanent opponents of the project are able to further frustrate and delay the construction of the project, then this bill will be another broken promise to another Indian tribe and I refuse to be a part of that. Therefore, I have only introduced this bill with the understanding that it will include provisions that prevent needless delays.

I know there are people who will oppose any version of the Animas-La Plata project. In fact some groups had already signed letters rejecting the results of the draft supplemental environmental impact statement before it was made public. In part, they criticized the Department of Interior for prejudging the results of its analysis. I ask you, who is doing the prejudging? There are those who will oppose the project even if the final supplemental EIS reaches the same conclusion as the draft EIS: that constructing the facilities described by this bill is the least damaging way of fulfilling the federal government's promises to the Ute tribes.

It is absurd to continue to negotiate with those prepared to oppose any version of this project or to support efforts to continue to delay our moral and legal obligation to the Tribes.

First, my bill recognizes that a great deal of environmental review has already occurred, and that the facts have not changed, no matter what version of this project is discussed. The Interior Secretary is to continue his effort to produce a final supplemental EIS for the project. However, this bill makes clear that if the Secretary ultimately selects ''alternative #4,'' it will reflect that the Congress will also have had the opportunity to review the same record, and we concur with this judgment.

Similarly, the bill makes clear that if the U.S. Fish and Wildlife Service determines that an annual diversion of 57,100 acre feet of water can occur without jeopardizing the habitat of endangered fish not known to be there, Congress concurs and believes that the project should move forward, and allocate quantities of water in the manner provided for in this bill. In short, this bill is the last, best chance to keep the Tribes from suing the federal government and, in all likelihood, prevail at an unknown cost to taxpayers.

For those who hope to wait even longer before proceeding with this

project, I will point out that as of January 1, 2000, federal law authorized the Ute tribes to return to court to assert their claims for the water already being used in southwestern Colorado. Perhaps they should. In a demonstration of their good faith, the tribes have not yet returned to court to assert their claims. But we only have a small window of opportunity before the tribes must either assert their claims or allow them to lapse.

At any time, the tribes could now choose to return to court. I am determined to bring this matter before the Senate, one last time. We cannot allow this bill to become another step in the long trail of broken promises. We are a nation based on the respect for the law. Our compassion, our limitless dedication to defending the truth, and our history of preserving the dignity of even the least of us is well documented. So, too, is our atrocious record of respect for the rights and the most basic tenets of human dignity when it comes to the first Americans on this continent.

I urge my colleagues to support this important legislation and 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. 2508

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

SECTION 1. SHORT TITLE; FINDINGS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Colorado Ute Settlement Act Amendments of 2000''.

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

(1) In order to provide for a full and final settlement of the claims of the Colorado Ute Indian Tribes on the Animas and La Plata Rivers, the Tribes, the State of Colorado, and certain of the non-Indian parties to the Agreement have proposed certain modifications to the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) The claims of the Colorado Ute Indian Tribes on all rivers in Colorado other than the Animas and La Plata Rivers have been settled in accordance with the provisions of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) The Indian and non-Indian communities of southwest Colorado and northwest New Mexico will be benefited by a settlement of the tribal claims on the Animas and La Plata Rivers that provides the Tribes with a firm water supply without taking water away from existing uses.

(4) The Agreement contemplated a specific timetable for the delivery of irrigation and municipal and industrial water and other benefits to the Tribes from the Animas-La Plata Project, which timetable has not been met. The provision of irrigation water can not presently be satisfied under the current implementation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(5) In order to meet the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and in particular the various biological opinions issued by the Fish and Wildlife Service, the amendments made by this Act are needed to provide for a significant reduction in the facilities and water supply contemplated under the Agreement.

(6) The substitute benefits provided to the Tribes under the amendments made by this Act, including the waiver of capital costs and the provisions of funds for natural resource enhancement, result in a settlement that provides the Tribes with benefits that are equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(7) The requirement that the Secretary of the Interior comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other national environmental laws before implementing the proposed settlement will ensure that the satisfaction of the tribal water rights is accomplished in an environmentally responsible fashion.

(8) Federal courts have considered the nature and the extent of Congressional participation when reviewing Federal compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(9) In considering the full range of alternatives for satisfying the water rights claims of the Southern Ute Indian Tribe and Ute Mountain Ute Indian Tribe, Congress has held numerous legislative hearings and deliberations, and reviewed the considerable record including the following documents:

(A) The Final EIS No. INT–FES–80–18, dated July 1, 1980.

(B) The Draft Supplement to the FES No. INT–DES–92–41, dated October 13, 1992.

(C) The Final Supplemental to the FES No. 96–23, dated April 26, 1996;

(D) The Draft Supplemental EIS, dated January 14, 2000.

(c) DEFINITIONS.—In this Act:

(1) AGREEMENT.—The term ''Agreement'' has the meaning given that term in section 3(1) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) ANIMAS-LA PLATA PROJECT.—The term ''Animas-La Plata Project'' has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) DOLORES PROJECT.—The term ''Dolores Project'' has the meaning given that term in section 3(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

(4) TRIBE; TRIBES.—The term ''tribe'' or ''tribes'' has the meaning given that term in section 3(6) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

SEC. 2. AMENDMENTS TO SECTION 6 OF THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988.

Subsection (a) of section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975) is amended to read as follows:

''(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—

''(1) FACILITIES.—

''(A) IN GENERAL.—After the date of enactment of this subsection, but prior to January 1, 2005, the Secretary, in order to settle the outstanding claims of the Tribes on the Animas and La Plata Rivers, acting through the Bureau of Reclamation, is specifically authorized to—

''(i) complete construction of, and operate and maintain, a reservoir, a pumping plant, a reservoir inlet conduit, and appurtenant facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for a municipal and industrial water supply, which facilities shall—

''(I) be designed and operated in accordance with the hydrologic regime necessary for the recovery of the endangered fish of the San Juan River as determined by the San Juan River Recovery Implementation Program;

''(II) include an inactive pool of an appropriate size to be determined by the Secretary following the completion of required environmental compliance activities; and

''(III) include those recreation facilities determined to be appropriate by agreement between the State of Colorado and the Secretary that shall address the payment of any of the costs of such facilities by the State of Colorado in addition to the costs described in paragraph (3); and

''(ii) deliver, through the use of the project components referred to in clause (i), municipal and industrial water allocations—

''(I) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Southern Ute Indian Tribe for its present and future needs;

''(II) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Ute Mountain Ute Indian Tribe for its present and future needs;

''(III) with an average annual depletion not to exceed 2,340 acre-feet of water, to the Navajo Nation for its present and future needs;

''(IV) with an average annual depletion not to exceed 10,400 acre-feet of water, to the San Juan Water Commission for its present and future needs;

''(V) with an average annual depletion of an amount not to exceed 2,600 acre-feet of water, to the Animas-La Plata Conservancy District for its present and future needs;

''(VI) with an average annual depletion of an amount not to exceed 5,230 acre-feet of water, to the State of Colorado for its present and future needs; and

''(VII) with an average annual depletion of an amount not to exceed 780 acre-feet of water, to the La Plata Conservancy District of New Mexico for its present and future needs.

''(B) APPLICABILITY OF OTHER FEDERAL LAW.—The responsibilities of the Secretary described in subparagraph (A) are subject to the requirements of Federal laws related to the protection of the environment and otherwise applicable to the construction of the proposed facilities, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Water Act (42 U.S.C. 7401 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other Federal official under applicable laws.

''(C) LIMITATION.—

''(i) IN GENERAL.—If constructed, the facilities described in subparagraph (A) shall not be used in conjunction with any other facility authorized as part of the Animas-La Plata Project without express authorization from Congress.

''(ii) CONTINGENCY IN APPLICATION.—If the facilities described in subparagraph (A) are not constructed and operated, clause (i) shall not take effect.

''(2) TRIBAL CONSTRUCTION COSTS.—Construction costs allocable to the facilities that are required to deliver the municipal and industrial water allocations described in subclauses (I), (II) and (III) of paragraph (1)(A)(ii) shall be nonreimbursable to the United States.

''(3) NONTRIBAL WATER CAPITAL OBLIGATIONS.—Under the provisions of section 9 of the Act of August 4, 1939 (43 U.S.C. 485h), the

nontribal municipal and industrial water capital repayment obligations for the facilities described in paragraph (1)(A)(i) may be satisfied upon the payment in full of the nontribal water capital obligations prior to the initiation of construction. The amount of the obligations described in the preceding sentence shall be determined by agreement between the Secretary of the Interior and the entity responsible for such repayment as to the appropriate reimbursable share of the construction costs allocated to that entity's municipal water supply. Such agreement shall take into account the fact that the construction of facilities to provide irrigation water supplies from the Animas-La Plata Project is not authorized under paragraph (1)(A)(i) and no costs associated with the design or development of such facilities, including costs associated with environmental compliance, shall be allocable to the municipal and industrial users of the facilities authorized under such paragraph.

''(4) TRIBAL WATER ALLOCATIONS.—

''(A) IN GENERAL.—With respect to municipal and industrial water allocated to a Tribe from the Animas-La Plata Project or the Dolores Project, until that water is first used by a Tribe or used pursuant to a water use contract with the Tribe, the Secretary shall pay the annual operation, maintenance, and replacement costs allocable to that municipal and industrial water allocation of the Tribe.

''(B) TREATMENT OF COSTS.—A Tribe shall not be required to reimburse the Secretary for the payment of any cost referred to in subparagraph (A).

''(5) REPAYMENT OF PRO RATA SHARE.—Upon a Tribe's first use of an increment of a municipal and industrial water allocation described in paragraph (4), or the Tribe's first use of such water pursuant to the terms of a water use contract—

''(A) repayment of that increment's pro rata share of those allocable construction costs for the Dolores Project shall be made by the Tribe; and

''(B) the Tribe shall bear a pro rata share of the allocable annual operation, maintenance, and replacement costs of the increment as referred to in paragraph (4).''.

SEC. 3. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.

Section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975) is amended by adding at the end the following:

''(i) COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

''(1) AUTHORITY.—Nothing in this Act shall be construed to alter, amend, or modify the authority or discretion of the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal law.

''(2) DETERMINATION OF CONGRESS.—Subject to paragraph (3), in any defense to a challenge of the Final Environmental Impact Statement prepared pursuant to the Notice of Intent to Prepare a Draft Environmental Impact Statement, as published in the Federal Register on January 4, 1999 (64 Fed Reg 176–179), or the compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and in addition to the Record of Decision and any other documents or materials submitted in defense of its decision, the United States may assert in its defense that Congress, based upon the deliberations and review described in paragraph (9) of section 1(b) of the Colorado Ute Settlement Act Amendments of 2000, has determined that the alternative described in such Final Statement meets the Federal government's water supply obligations to the Ute tribes under this Act in a manner that provides the most benefits to, and has the least impact on, the quality of the human environment.

''(3) APPLICATION OF PROVISION.—This subsection shall only apply if Alternative #4, as presented in the Draft Supplemental Environmental Impact Statement dated January 14, 2000, or an alternative substantially similar to Alternative #4, is selected by the Secretary.

''(4) NO EFFECT OF MODIFICATION OF FACILITIES.—The application of this section shall not be affected by a modification of the facilities described in subsection (a)(1)(A)(i) to address the provisions in the San Juan River Recovery Implementation Program.''.

SEC. 4. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973.

Section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975), as amended by section 3, is amended by adding at the end the following:

''(j) COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973.—

''(1) AUTHORITY.—Nothing in this section shall be construed to alter, amend, or modify the authority or discretion of the Secretary or any other Federal official under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other Federal law.

''(2) DETERMINATION OF CONGRESS.—Subject to paragraph (3), in any defense to a challenge of the Biological Opinion resulting from the Bureau of Reclamation Biological Assessment, January 14, 2000, or the compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and in addition to the Record of Decision and any other documents or materials submitted in defense of its decision, the United States may assert in its defense that Congress, based on the deliberations and review described in paragraph (9) of section 1(b) of the Colorado Ute Settlement Act Amendments of 2000, has determined that constructing and operating the facilities described in subsection (a)(1)(A)(i) meets the Federal government's water supply obligation to the Ute tribes under that Act without violating the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

''(3) APPLICATION OF PROVISION.—This subsection shall only apply if the Biological Opinion referred to in paragraph (2) or any reasonable and prudent alternative suggested by the Secretary pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) authorizes an average annual depletion of at least 57,100 acre feet of water.

''(4) NO EFFECT OF MODIFICATION OF FACILITIES.—The application of this subsection shall not be affected by a modification of the facilities described in subsection (a)(1)(A)(i) to address the provisions in the San Juan River Recovery Implementation Program.''.

SEC. 5. MISCELLANEOUS.

The Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) is amended by adding at the end the following:

''SEC. 15. NEW MEXICO AND NAVAJO NATION WATER MATTERS.

''(a) ASSIGNMENT OF WATER PERMIT.—Upon the request of the State Engineer of the State of New Mexico, the Secretary shall, in a manner consistent with applicable State law, assign, without consideration, to the New Mexico Animas-La Plata Project beneficiaries or the New Mexico Interstate Stream Commission any portion of the Department of the Interior's interest in New Mexico Engineer Permit Number 2883, dated May 1, 1956, in order to fulfill the New Mexico purposes of the Animas-La Plata Project, so long as the permit assignment does not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to the use of the water involved.

''(b) NAVAJO NATION MUNICIPAL PIPELINE.—The Secretary may construct a water line to augment the existing system that conveys the municipal water supplies, in an amount not less than 4,680 acre-feet per year, of the Navajo Nation to the Navajo Indian Reservation at Shiprock, New Mexico. The Secretary shall comply with all applicable environmental laws with respect to such water line. Construction costs allocated to the Navajo Nation for such water line shall be nonreimbursable to the United States.

''(c) PROTECTION OF NAVAJO WATER CLAIMS.—Nothing in this Act shall be construed to quantify or otherwise adversely affect the water rights and the claims of entitlement to water of the Navajo Nation.

''SEC. 16. TRIBAL RESOURCE FUNDS.

''(a) ESTABLISHMENT.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2001 and $20,000,000 for fiscal year 2002. Not later than 60 days after amounts are appropriated and available to the Secretary for a fiscal year under this paragraph, the Secretary shall make a payment to each of the Tribal Resource Funds established under paragraph (2). Each such payment shall be equal to 50 percent of the amount appropriated for the fiscal year involved.

''(2) FUNDS.—The Secretary shall establish a—

''(A) Southern Ute Tribal Resource Fund; and

''(B) Ute Mountain Ute Tribal Resource Fund.

A separate account shall be maintained for each such Fund.

''(b) ADJUSTMENT.—To the extent that the amount appropriated under subsection (a)(1) in any fiscal year is less than the amount authorized for such fiscal year under such subsection, the Secretary shall, subject to the availability of appropriations, pay to each of the Tribal Reserve Funds an adjustment amount equal to the interest income, as determined by the Secretary in his or her sole discretion, that would have been earned on the amount authorized but not appropriated under such subsection had that amount been placed in the Fund as required under such subsection.

''(c) TRIBAL DEVELOPMENT.—

''(1) INVESTMENT.—The Secretary shall, in the absence of an approved tribal investment plan provided for under paragraph (2), invest the amount in each Tribal Resource Fund in accordance with the Act entitled, 'An Act to authorize the deposit and investment of Indian funds' approved June 24, 1938 (25 U.S.C. 162a). The Secretary shall disburse, at the request of a Tribe, the principal and income in its Resource Fund, or any part thereof, in accordance with a resource acquisition and enhancement plan approved under paragraph (3).

''(2) INVESTMENT PLAN.—

''(A) IN GENERAL.—In lieu of the investment provided for in paragraph (1), a Tribe may submit a tribal investment plan applicable to all or part of the Tribe's Tribal Resource Fund.

''(B) APPROVAL.—Not later than 60 days after the date on which an investment plan is submitted under subparagraph (A), the Secretary shall approve such investment plan if the Secretary finds that the plan is reasonable and sound. If the Secretary does not approve such investment plan, the Secretary shall set forth in writing and with particularity the reasons for such disapproval. If such investment plan is approved by the Secretary, the Tribal Resource Fund involved shall be disbursed to the Tribe to be invested by the Tribe in accordance with the approved investment plan.

''(C) COMPLIANCE.—The Secretary may take such steps as the Secretary determines to be necessary to monitor the compliance of a Tribe with an investment plan approved under subparagraph (B). The United States shall not be responsible for the review, approval, or audit of any individual investment under the plan. The United States shall not be directly or indirectly liable with respect to any such investment, including any act or omission of the Tribe in managing or investing such funds.

''(D) ECONOMIC DEVELOPMENT PLAN.—The principal and income derived from tribal investments under an investment plan approved under subparagraph (B) shall be subject to the provisions of this section and shall be expended only in accordance with an economic development plan approved under paragraph (3).

''(3) ECONOMIC DEVELOPMENT PLAN.—

''(A) IN GENERAL.—Each Tribe shall submit to the Secretary a resource acquisition and enhancement plan for all or any portion of its Tribal Resource Fund.

''(B) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under subparagraph (A), the Secretary shall approve such investment plan if the Secretary finds that the plan is reasonably related to the protection, acquisition, enhancement, or development of natural resources for the benefit of the Tribe and its members. If the Secretary does not approve such plan, the Secretary shall, at the time of such determination, set forth in writing and with particularity the reasons for such disapproval.

''(C) MODIFICATION.—Subject to the approval of the Secretary, each Tribe may modify a plan approved under subparagraph (B).

''(D) LIABILITY.—The United States shall not be directly or indirectly liable for any claim or cause of action arising from the approval of a plan under this paragraph, or from the use and expenditure by the Tribe of the principal or interest of the Funds.

''(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—No part of the principal contained in the Tribal Resource Fund, or of the income accruing to such funds, or the revenue from any water use contract, shall be distributed to any member of either Tribe on a per capita basis.

''(e) LIMITATION ON SETTING ASIDE FINAL CONSENT DECREE.—Neither the Tribes nor the United States shall have the right to set aside the final consent decree solely because the requirements of subsection (c) are not complied with or implemented.

''SEC. 17. COLORADO UTE SETTLEMENT FUND.

''(a) ESTABLISHMENT OF FUND.—There is hereby established within the Treasury of the United States a fund to be known as the 'Colorado Ute Settlement Fund.'

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Colorado Ute Settlement Fund such funds as are necessary to complete the construction of the facilities described in section 6(a)(1)(A) within 6 years of the date of enactment of this section. Such funds are authorized to be appropriated for each of the first 5 fiscal years beginning with the first full fiscal year following the date of enactment of this section.

''(c) INTEREST.—Amounts appropriated under subsection (b) shall accrue interest, to be paid on the dates that are 1, 2, 3, 4, and 5 years after the date of enactment of this section, at a rate to be determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Federal obligations of comparable maturity, except that no such interest shall be paid during any period where a binding final court order prevents construction of the facilities described in section 6(a)(1)(A).

''SEC. 18. FINAL SETTLEMENT.

''(a) IN GENERAL.—The construction of the facilities described in section 6(a)(1)(A), the allocation of the water supply from those facilities to the Tribes as described in that section, and the provision of funds to the Tribes in accordance with sections 16 and 17 shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers in the State of Colorado.

''(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

''(c) ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall file with the District Court, Water Division Number 7, of the State of Colorado, such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to this Act under the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000.

''SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

''(a) IN GENERAL.—Nothing in the amendments made by the Colorado Ute Settlement Act Amendments of 2000 shall be construed to affect the applicability of any provision of this Act.

''(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) shall be made available, upon the request of the State of Colorado, to the State of Colorado after the date on which payment is made of the amount specified in that section.''.

By Mr. WYDEN:

S. 2509. A bill for the relief of Rose-Marie Barbeau-Quinn; to the Committee on the Judiciary.

FOR THE RELIEF OF ROSE-MARIE BARBEAU-QUINN

● Mr. WYDEN. Mr. President, I am here today to introduce legislation that will allow a valuable member of the Portland, Oregon, community to become a permanent resident of the United States of America. Rose-Marie Barbeau-Quinn, a native of Canada, has lived in Portland since 1976. Together with her husband, Michael Quinn, she ran the Vat and Tonsure Tavern, a unique and popular restaurant that was a favorite of many of my constituents.

While Ms. Barbeau-Quinn and her husband, an American citizen, were together for over 16 years, their marriage did not take place until shortly before Michael's death in 1991. Since Rose-Marie and Michael were not formally married for the two years required by immigration law, and despite their 16 years together living as husband and wife, Rose-Marie has not been able to file for permanent residency in this country.

This legislation will correct their injustice, and allow Rose-Marie to be a permanent resident of the country she loves and has called home for over 20 years. I first learned of Ms. Barbeau-Quinn's situation from Senator Hatfield when I joined the Senate in 1996. Senator Hatfield championed her cause in the 104th Congress, and, as his request and the request of many of my constituents, I am attempting to complete the work that Senator Hatfield started. We both firmly believe that Rose-Marie would be a model United States resident.

I urge my colleagues to support this legislation, so that Rose-Marie Barbeau-Quinn can continue her place as a valuable member of our community for many years to come.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2509

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Rose-Marie Barbeau-Quinn, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Rose-Marie Barbeau-Quinn, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).●

By Mr. MCCAIN (for himself, Mr. MOYNIHAN, and Mr. KERREY):

S. 2510. A bill to establish the Social Security Protection, Preservation, and Reform Commission; to the Committee on Finance.

SOCIAL SECURITY PROTECTION, PRESERVATION, AND REFORM COMMISSION ACT OF 2000

● Mr. MCCAIN. Mr. President, today I join with my friends and colleagues, Senators BOB KERREY and PAT MOYNIHAN, to introduce a very important bill that will serve as the catalyst for putting aside partisan politics and beginning the process of protecting, preserving and reforming the Social Security system.

Our bill establishes principles and a process for Social Security reform. The bill sets forth broadly stated objectives for comprehensive reform of the Social Security system that should be supported by every one of us. It establishes a bipartisan Congressional Commission charged with developing a reform plan consistent with those objectives. The Commission is required to submit a detailed legislative proposal to Congress by September 2001, and the bill includes a process for expedited Congressional action on the Commission's recommendations by the end of next year.

Mr. President, for far too long, Social Security has been used by politicians

on both sides of the aisle to polarize, manipulate and scare American voters. The mere mention of ''Social Security reform'' has become a lightning rod for the fears of retirees and workers alike about their financial futures.

Seniors, particularly low-income seniors, are vulnerable to exaggerations and hyperbolic rhetoric about their retirement benefits. They are often frightened into believing they will be homeless, penniless and starving if Congress reforms Social Security. We all know that is simply not true. The benefits seniors receive today are not the issue—nobody wants to take them away. And it is disgraceful that some would stoop so low as to play on the fears of older Americans.

The real issue driving Social Security reform—an issue that is only frightening when left unresolved—is how to strengthen and protect the system so that it is available for future retirees, without putting an unfair financial burden on current and future workers. We have wasted too much time on partisan politics when we should have been working together to find a solution to the financial problems facing our nation's retirement system. We can no longer afford to just spout rhetoric about the need for reform, then deliberately avoid taking any concrete action because of fears about how it may affect us in our next election.

Social Security reform is not just a political problem; it is a serious economic problem for millions of Americans who are counting on a retirement system that is in dire financial straits. It's time to step up to our common responsibilities, not as Republicans or Democrats, but as servants of the American people.

That is why I have joined with Senator KERREY and Senator MOYNIHAN to introduce this bill to require the Congress to act, and act soon, on legislation to preserve, protect, and reform Social Security. As my colleagues know, Bob KERREY and Pat MOYNIHAN have worked tirelessly for many years to highlight the urgent need for reform of the Social Security system, and they have succeeded in making the American people, if not the Congress, recognize that reforming our nation's retirement system must be a national priority.

Our bill sets out a timetable for action on Social Security reform by the end of next year—November 2001.

First, the bipartisan, bicameral Social Security Protection, Preservation, and Reform Commission must be appointed by February 1, 2001, and begin work within a month. The Commission will be made up of 12 Members of Congress, selected in equal numbers by the Party Leaders in both Houses. In addition, the Commission of Social Security will serve as an ex-officio, non-voting member.

The Commission is given a reasonable period of time—six months—to conduct hearings, review the myriad of reform proposals already in the public domain, and research new ideas to put together a comprehensive reform plan that meets the objectives set out in this bill.

Those broadly stated objectives represent the most basic requirements of meaningful Social Security reform:

Guaranteed 75-year solvency of the system;

Payment of all benefits to which retirees or workers are entitled;

A reasonable rate of return on payroll tax contributions for all generations;

An opportunity to participate in private investment accounts;

A ''lockbox'' for the Social Security Trust Funds to protect from spending raids; and

Use of non-Social Security surplus revenues to shore up the system while implementing reform.

The Commission is required to submit its recommendations to Congress in the form of a detailed legislative proposal by September 1, 2001, and the bill's expedited procedures are designed to ensure a final vote on Social Security reform by mid-November 2001. The strict time lines in the bill are designed to ensure that this vitally important issue is dealt with promptly—not pushed aside yet again, to be solved later.

Too often, election year politics stand as an obstacle to any meaningful action in Congress. This proposal is carefully crafted to avoid this. The bill is designed to ensure that Congress can complete action on Social Security reform by the end of 2001, before being consumed by the political sparring of an election year.

Mr. President, each year that reform of the Social Security system is postponed, restoring solvency to the trust funds becomes more expensive and places a greater financial burden on current and future workers. This ''principles and process'' legislation is, we believe, the only way to force Congress to pass a Social Security reform proposal that will protect and preserve our nation's retirement system and also allow more Americans to share in our nation's prosperity.

Mr. President, let me take a moment to comment on the objectives, or principles, included in this bill. The objectives are intended as minimum guidelines for the Commission's work, not as a comprehensive blueprint for Social Security reform. We intentionally stated these objectives as broadly as possible in order to give the Commission the opportunity to develop a comprehensive plan without micro-managing their every decision.

I believe very strongly that all promised benefits must be guaranteed under any reform proposal, both for those currently receiving Social Security benefits and those who are working and paying into Social Security today. In addition, I will work to ensure that Social Security reform does not unfairly burden today's workers by increasing payroll taxes from their current levels. And I do not believe it would be fair to further increase the eligibility age for receiving Social Security benefits.

I am a strong proponent of allowing workers to invest a portion of their payroll taxes in personal retirement accounts that will provide a much greater return than the current Social Security system. This will afford all Americans the opportunity to have greater personal wealth creation in addition to a minimum Social Security benefit.

Mr. President, I was very disappointed that Vice President GORE is continuing to use scare tactics about Social Security reform. Instead of putting the retirement needs of all Americans ahead of politics, the Vice President seems content to exacerbate the financial burden facing our children and grandchildren by ignoring the real structural problems of the program. By using politically intimidating rhetoric, the Vice President is seriously harming bipartisan efforts in Congress to put the needs of working Americans ahead of partisan politics.

Let's look at the facts. The savings rate in America today is appallingly low. Many low-income families have no savings at all, and a large number of middle-income Americans have less than $2,000 in the bank.

Because of this low savings rate, many Americans rely heavily on Social Security benefits for their retirement income. But economists agree that the rate of return on Social Security payroll tax contributions is abysmal—somewhere between 1 and 2 percent. Most workers today are unaware that the payroll taxes they contribute to Social Security may not provide anywhere near the income they expect when they retire. In fact, if nothing is done to reform the Social Security system, younger workers will receive nothing at all in return for paying more than 6 percent of their earnings every pay day into the Social Security system.

Allowing every worker to invest a portion of the payroll taxes they already pay in a higher-yielding private account would make it possible for families on very tight budgets to save more for their futures.

Even the most anemic savings account today realizes almost 3 percent, and secure short-term certificates of deposit return almost 6 percent. Over the past 50 years, the stock market has gained an average of more than 6 percent per year, with 20 to 30 percent gains in several recent years.

Proposals to allow every American to choose to invest a portion of their Social Security payroll taxes in a low- to moderate-risk private investment account are designed to give even the lowest-income families the opportunity to share in our Nation's economic prosperity and create wealth for themselves and their children.

In the long run, diverting a portion of payroll taxes to personal retirement accounts will bring more money into the Social Security system. In the short run, it will cost money. Using a significant portion of the non-Social

Security surplus revenues to shore up the Social Security system will ensure that current retirees receive their full benefits while reforms are implemented. At the same time, reducing the financial insolvency of the Social Security system through reform will also reduce our national debt.

Mr. President, we all have opinions about how the Social Security program should or could be reformed, and I will have more to say about specific aspects of Social Security reform when I introduce a comprehensive reform bill later this month. Every one of these ideas deserves fair and full consideration as we work together to restore solvency to our Nation's retirement system. It is clear that we need a formal process and effective deadlines to review these ideas and develop and pass a real, meaningful plan to reform Social Security. That is exactly what this bill will achieve.

Mr. President, Social Security is a sacred compact with workers and retirees that must be honored. The Congress has an obligation to develop a real, meaningful reform plan that strengthens and protects the Social Security program for our Nation's seniors without placing an unfair burden on America's workers. And we must do it sooner rather than later.

I urge my colleagues to put aside partisan politics and work with us to get this process legislation passed and begin the business of reforming Social Security now.

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. 2510

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 ''Social Security Protection, Preservation, and Reform Commission Act of 2000''.

TITLE I—FINDINGS AND OBJECTIVES OF REFORM

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) Two-thirds of Americans depend on social security for half or more of their income and 47 percent of beneficiaries would be in poverty without their social security benefits.

(2) Social security is an unbreakable compact between workers and retirees across generations that must be honored and needs to be sustained.

(3) The social security trust funds will begin to run a cash-flow deficit in 2015 and trust fund assets are expected to be exhausted by 2037.

(4) Americans covered by the social security program are required to pay into a system from which they can expect lower rates of return than earlier generations.

(5) Each year that comprehensive reform of the social security system is postponed, restoring actuarial solvency to the trust funds becomes more expensive and places a greater financial burden on current and future workers.

SEC. 102. OBJECTIVES OF REFORM.

Congress must act to reform the social security system so that—

(1) beneficiaries receive the benefits to which they are entitled based on a fair and equitable reform of that system;

(2) the long-term solvency of the social security system is guaranteed for at least 75 years without any foreseeable funding shortfall immediately following that period and cash-flow deficits and pressure on future general revenues to pay benefits is significantly reduced;

(3) every generation of workers is guaranteed a reasonable comparable rate of return on all tax contributions;

(4) all Americans, particularly low-income workers, are provided the opportunity to share in our Nation's economic prosperity and create wealth for themselves and future generations through a private investment account under that system;

(5) revenues flowing into the Federal Old-Age, Survivors, and Disability Trust Funds are protected from congressional or other efforts to spend on nonsocial security related purposes; and

(6) resources are made available from surplus non-social security revenues to preserve and protect the social security system while implementing reform.

TITLE II—SOCIAL SECURITY REFORM COMMISSION

SEC. 201. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Social Security Protection, Preservation, and Reform Commission (in this title referred to as the ''Commission'').

SEC. 202. DUTIES.

(a) RECOMMENDATIONS FOR REFORM.—Not later than September 1, 2001, the Commission shall make specific recommendations to Congress for reform of the social security system established under title II of the Social Security Act (42 U.S.C. 401 et seq.) in a manner that incorporates the objectives of reform set forth in section 102.

(b) LEGISLATIVE LANGUAGE.—The recommendations required under subsection (a) shall include legislative language necessary for carrying out such recommendations. The Commission shall develop such legislative language after conducting such public hearings and consulting with such public or private entities as the Commission considers necessary and appropriate to make the recommendations required under subsection (a).

SEC. 203. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall be composed of 13 members as follows:

(1) Two congressional Members shall be appointed by the Speaker of the House of Representatives.

(2) Two congressional Members shall be appointed by the Minority Leader of the House of Representatives.

(3) Two congressional Members shall be appointed by the Majority Leader of the Senate.

(4) Two congressional Members shall be appointed by the Minority Leader of the Senate.

(5) The Chairman of the Committee on Finance of the Senate.

(6) The Ranking Member of the Committee on Finance of the Senate.

(7) The Chairman of the Committee on Ways and Means of the House of Representatives.

(8) The Ranking Member of the Committee on Ways and Means of the House of Representatives.

(10) The Commissioner of Social Security, who shall be an ex officio member of the Commission.

(b) DEADLINE FOR APPOINTMENTS.—The members of the Commission shall be appointed not later than February 1, 2001.

(c) CO-CHAIRMEN.—The Commission shall designate 2 members of the Commission to serve as Co-chairmen of the Commission.

(d) TERMS.—Each member of the Commission shall serve on the Commission and, with respect to the Co-chairmen, in such capacity, until the earlier of the date the Commission terminates or September 16, 2001.

(e) VACANCIES.—Any vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made and shall not affect the power of the remaining members to execute the duties of the Commission.

SEC. 204. QUORUM.

A quorum shall consist of 7 voting members of the Commission.

SEC. 205. MEETINGS.

(a) IN GENERAL.—The Commission shall meet at the call of the Co-chairmen or a majority of its members.

(b) INITIAL MEETING.—The Commission shall conduct its first meeting not later than March 1, 2001.

(c) OPEN MEETINGS.—Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

SEC. 206. POLICIES AND PROCEDURES.

The Commission shall establish policies and procedures for carrying out the functions of the Commission under this Act.

SEC. 207. STAFF DIRECTOR AND STAFF.

(a) STAFF DIRECTOR.—The Co-chairmen, with the advice and consent of the members of the Commission, shall appoint a Staff Director who is not otherwise, and has not during the 1-year period preceding the date of such appointment served as, an officer or employee in the executive branch and who is not and has not been a Member of Congress. The Staff Director shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) STAFF.—

(1) IN GENERAL.—The Staff Director, with the approval of the Commission, may appoint and fix pay of additional personnel. The Staff Director may take such appointments without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(2) DETAILEES.—

(A) IN GENERAL.—Upon request of the Staff Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act. Not more than ⅓ of the personnel employed by or detailed to the Commission may be on detail from any Federal agency.

(B) ADDITIONAL RESTRICTIONS.—

(i) PERSONNEL.—Not more than ⅓ of the personnel detailed to the Commission may be on detail from any Federal agency that deals directly or indirectly with the administration of the social security system.

(ii) ANALYSTS.—Not more than ⅕ of the professional analysts of the Commission may be individuals detailed from a Federal agency that deals directly or indirectly with the administration of the social security system.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(4) FEDERAL OFFICER OR EMPLOYEE.—No member of a Federal agency, and no officer or employee of a Federal agency may—

(A) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any individual detailed from a Federal agency to that staff;

(B) review the preparation of such report; or

(C) approve or disapprove such a report.

(5) LIMITATION ON STAFF SIZE.—Not more than 25 individuals (including any detailees) may serve on the staff of the Commission at any time.

SEC. 208. POWERS.

(a) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties.

(b) STUDIES BY GENERAL ACCOUNTING OFFICE.—Upon the request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

(c) COST ESTIMATES BY CONGRESSIONAL BUDGET OFFICE.—Upon the request of the Commission, the Director of the Congressional Budget Office shall provide to the Commission such cost estimates as the Commission determines to be necessary to carry out its duties.

(d) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(e) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies, and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(f) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the Cochairmen of the Commission, the head of such agency shall furnish such information to the Commission.

(g) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) ACCEPTANCE OF DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(i) PRINTING.—For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 209. TERMINATION.

The Commission shall terminate 15 days after the date of submission of the recommendations for reform required under section 202.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title, such sums as may be necessary for the Commission to carry out its duties under this title.

TITLE III—CONGRESSIONAL CONSIDERATION OF RECOMMENDATIONS

SEC. 301. CONGRESSIONAL CONSIDERATION OF RECOMMENDATIONS.

(a) INTRODUCTION OF RECOMMENDATIONS AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The legislative language transmitted pursuant to section 202(b) with the recommendations for reform of the Commission shall be in the form of a bill (in this title referred to as the ''reform bill''). Such reform bill shall be introduced in the House of Representatives by the Speaker, and in the Senate, by the Majority Leader, immediately upon receipt of the language and such reform bill shall be referred to the appropriate committee of Congress under paragraph (2). If the reform bill is not introduced in accordance with the preceding sentence, the reform bill may be introduced in either House of Congress by any member thereof.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A reform bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means of the House of Representatives. A reform bill introduced in the Senate shall be referred to the Committee on Finance of the Senate.

(B) REPORTING.—Not later than 30 days after the introduction of the reform bill, the committee of Congress to which the reform bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If the committee to which is referred a reform bill has not reported such reform bill (or an identical reform bill) at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a reform bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such reform bill and such reform bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 2 days after the date on which a committee has been discharged from consideration of a reform bill, the Speaker of the House of Representatives, or the Speaker's designee, or the Majority Leader of the Senate, or the Leader's designee, shall move to proceed to the consideration of the committee amendment to the reform bill, and if there is no such amendment, to the reform bill. It shall also be in order for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the reform bill at any time after the conclusion of such 2-day period.

(B) POINTS OF ORDER WAIVED.—All points of order against the reform bill (and against consideration of the reform bill) are waived.

(C) MOTION TO PROCEED.—A motion to proceed to the consideration of the reform bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the reform bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the reform bill without intervening motion, order, or other business, and the reform bill shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of.

(D) LIMITED DEBATE.—Debate on the reform bill and on all debatable motions and appeals in connection therewith shall be limited to not more than the lesser of 100 hours or 14 days, which shall be divided equally between those favoring and those opposing the reform bill. A motion further to limit debate on the reform bill is in order and not debatable.

(E) AMENDMENTS.—

(i) IN GENERAL.—Subject to clause (ii), amendments to the reform bill—

(I) during consideration in the House of Representatives shall be limited in accordance with a rule adopted by the Committee on Rules of the House of Representatives; and

(II) during consideration in the Senate shall be limited to—

(aa) one first degree amendment per member or that member's designee with 1 hour of debate equally divided; and

(bb) germane second degree amendments (without limit) with 30 minutes of debate equally divided.

(ii) LEADERSHIP AMENDMENTS.—The Speaker of the House of Representatives and the Minority Leader of the House of Representatives and the Majority Leader of the Senate and the Minority Leader of the Senate may each offer 1 first degree amendment (in addition to the amendments afforded such members under clause (i)), with 4 hours of debate equally divided on each such amendment offered. No second degree amendments may be offered by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, or the Minority Leader of the Senate in their leadership capacities.

(F) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the reform bill, and on all amendments offered to the reform bill, and all votes required on amendments offered to the reform bill, the vote on final passage of the reform bill shall occur.

(G) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the reform bill, a motion to proceed to the consideration of other business, or a motion to recommit the reform bill is not in order. A motion to reconsider the vote by which the reform bill is agreed to or not agreed to is not in order.

(H) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or of the Senate, as the case may be, to the procedure relating to the reform bill shall be decided without debate.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the reform bill that was introduced in such House, such House receives from the other House a reform bill as passed by such other House—

(A) the reform bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the reform bill of the other House, with respect to the reform bill that was introduced in the House in receipt of the reform bill of the other House, shall be the same as if no reform bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the reform bill of the other House.

Upon disposition of a reform bill that is received by one House from the other House, it shall no longer be in order to consider the reform bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—

(i) IN GENERAL.—Immediately upon a final passage of the reform bill that results in a disagreement between the two Houses of Congress with respect to the bill, the conferees described in clause (ii) shall be appointed and a conference convened.

(ii) CONFEREES DESCRIBED.—The conferees described in this clause are the following:

(I) The Speaker of the House of Representatives.

(II) The Minority Leader of the House of Representatives.

(III) The Majority Leader of the Senate.

(IV) The Minority Leader of the Senate.

(V) Each member of the Committee on Ways and Means of the House of Representatives.

(VI) Each member of the Committee on Finance of the Senate.

(B) DEADLINE FOR REPORT.—Not later than 14 days after the date on which conferees are appointed, the conferees shall file a report with the House of Representatives and the Senate resolving the differences between the Houses on the reform bill.

(C) LIMITATION ON SCOPE.—A report filed under subparagraph (B) shall be limited to resolution of the differences between the Houses on the reform bill and shall not include any other matter.

(D) HOUSE CONSIDERATION.—

(i) IN GENERAL.—Notwithstanding any other rule of the House of Representatives, it shall be in order to immediately consider a report of a committee of conference on the reform bill filed in accordance with subparagraph (B).

(ii) DEBATE.—Debate in the House of Representatives on the conference report shall be limited to the lesser of 50 hours or 7 days, equally divided and controlled by the Speaker of the House of Representative and the Minority Leader of the House of Representatives or their designees.

(iii) LIMITATION ON MOTIONS.—A motion to further limit debate on the conference report is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(iv) VOTE ON FINAL PASSAGE.—A vote on final passage of the conference report shall occur immediately at the conclusion or yielding back of all time for debate on the conference report.

(E) SENATE CONSIDERATION.—

(i) IN GENERAL.—The motion to proceed to consideration in the Senate of the conference report shall not be debatable and the reading of such conference report shall be deemed to have been waived.

(ii) DEBATE.—Consideration in the Senate of the conference report on a reform bill shall be limited to the lesser of 50 hours or 7 days, equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

(iii) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(4) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.●

Mr. KERREY. Mr. President, I am joined by my esteemed colleagues Senator MCCAIN and Senator MOYNIHAN in introducing the Social Security Protection, Preservation, and Reform Commission Act of 1990''. I am honored to join these two distinguished colleagues in an effort to create a bipartisan and bicameral Congressional Commission to reform Social Security.

I am pleased to join Senator MCCAIN in a serious effort to provoke this body to move beyond demagoguery and toward action on the subject of Social Security reform. Senator MCCAIN has had the unique benefit of spending the earlier part of this year talking to thousands of constituents from across America about their hopes and concerns during the course of his Presidential campaign. As Senator MCCAIN has noted to me, a great majority of these people expressed particular concern for the future state of the Social Security program. Americans have intense feelings of patriotism where Social Security is concerned—and strongly support reworking and preserving this program for generations to come.

My friend's commitment to an honest debate and a reform agenda has sparked the continued interest and attention of millions of Americans—and his support of the Social Security reform cause makes the program's eventual reform all the more likely.

I am also honored to be joining my dear friend Senator DANIEL PATRICK MOYNIHAN in introducing this legislation. Senator MOYNIHAN has perhaps the most distinguished record of accomplishment where Social Security is concerned of anyone in this body—perhaps even in this country. As a former member of the Greenspan Commission, which restored solvency to the Trust Funds in 1983, Senator MOYNIHAN is a seasoned veteran of reform commissions—and we welcome his counsel on, and support of, this legislation. My dear friend's participation in the Greenspan Commission also reminds us of what can happen when Congress waits until the last possible moment to restore solvency to this important program. As my colleagues may remember, the 1983 Commission met to discuss reforms at a time when the program was in severe jeopardy—Social Security checks were at risk of not being sent out. Since the 1983 reforms were enacted, future insolvency has again plagued the program. Senator MOYNIHAN has been leading the charge to ensure that Congress does not make the same mistake in waiting until 2037 to reform the program—he knows too well that fixing it now will alleviate great financial pain on future generations. I have been honored to co-sponsor two reform bills with Senator MOYNIHAN—and I am honored to call him a friend. His wise leadership on this and other issues will be dearly missed when he retires at the close of this 106th Congress.

I was skeptical at first about an effort to create a Congressional Commission to reform the Social Security program. But upon further consideration, I have reached the conclusion that a bicameral, bipartisan Congressional Commission is the only way to move beyond the polarizing partisanship and inflammatory rhetoric that stalls action on this important program.

The Commission envisioned in our bill will include equal numbers of Republicans and Democrats, including the Chairs and Ranking Members of the Ways and Means and Finance Committees, and the Commissioner of Social Security as a non-voting, ex-officio member. Our bill also creates an expedited process for consideration of the Commission's reform bill in the House and Senate. The process is similar to reconciliation protections for budget and tax measures—and will prevent Members from exercising delaying tactics.

Our bill also sets out a number of reform objectives for the Commission to meet, such as maintaining benefits for current beneficiaries, restoring Trust Fund solvency for at least 75-years, and including some form of wealth creation component as part of the Social Security program.

I am particularly interested in encouraging this Commission to include some form of individual account provision—with special attention given to making the accounts and the program itself more progressive for low and moderate income individuals.

As a Democrat, one of my greatest concerns is the growing wealth gap between the rich and poor. The latest Statistics of Income Bulletin from the IRS shows that the combined net worth of the top 4,400,000 Americans was $6.7 trillion in 1995. In other words, the top 2.5% of our population held 27.4% of the nation's wealth in the mid-1990s. These statistics highlight why we should be concerned about the growing wealth gap. The ownership of wealth brings security to people's lives. The ownership of wealth opens up new opportunities. And the ownership of wealth transforms the way people view their futures.

An individual with no financial assets—and no means to accumulate financial assets—cannot count on a secure retirement or ensure that his or her future health care needs will be met.

Ownership of wealth is a much more reliable way of becoming financially secure in old age than promises by politicians to tax and transfer income. Ownership of wealth produces greater independence and happiness. The maldistribution of wealth (the rich getting richer and the poor getting poorer) is not healthy for a liberal democracy and a free market economy such as ours. Wealth ownership is the only path to true security—and we must work to enact laws that provide low and moderate income families the opportunities and the tools to acquire wealth.

We will never reach a stage in which all Americans are full participants in the growth of the American economy, unless we enact comprehensive pension reforms that will improve savings opportunities for low income workers, and modernize and improve the Social

Security program so that it becomes more than just a mechanism for transferring income.

I look forward to a spirited and substantive debate on the subject of Social Security in the upcoming Presidential election. And I am hopeful that our Congressional Commission proposal can become the vehicle by which the next President can work with Congress to create a bipartisan consensus on Social Security reform.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2511. A bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE CORRIDOR AREA ACT OF 2000

● Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in my State of Alaska.

The Heritage Area, when enacted, will include the first leg of the Iditarod National Historic Trail and most of the Seward Highway National Scenic Byway. Through National Heritage designation these routes will be portrayed and interpreted as part of the whole picture of human history in the wider transportation corridor through the mountains, which includes early Native trade routes, connections by waterway, the railroad, and other trails and roadways.

This proposal differs from the 16 existing National Heritage Areas. The fact that it would be one of a kind strengthens the case for designation.

Unlike any of the existing National Heritage Areas, the Kenai Mountains-Turnagain Arm National Historic Corridor will highlight the experience of the western frontier—of transportation and settlement in a difficult landscape—of the gold rush and resource development in a remote area. These are the themes of the proposal—themes that formed our perception of ourselves as a nation. The proposed Heritage Area wonderfully expresses these themes.

Within the proposed Heritage Area there are a number of small historic communities that developed around transportation and the gold rush. They are dwarfed by the sweeping landscapes of the region, by the magnificence of the mountains, and the dominance and strength of nature.

Turnagain Arm, once a critical transportation link, has the world's second largest tidal range. Visitors can stand along the shore lines and actually watch 30-foot tides move in and out of the arm. On occasion, the low roar of an oncoming bore tide can be heard as a wall of water sweeps up the Turnagain.

A traveler through the alpine valleys and mountain passes of the Heritage Area can see evidence of retreating glaciers, earthquake subsidence, and avalanches. Dall sheep, beluga whales, moose, bald eagles, trumpeter swans, and Artic terns give glimpses of their presence.

Through this rugged terrain humans have developed transportation routes into South-central and Interior Alaska. Travel was channeled through the valleys and on the rivers and fjord-like lakes. First came Alaska Natives, establishing trading paths. Later the Russians, gold rush stampeders, and all types of people arrived seeking access into the resource-rich land. The famous Iditarod Trail to Nome, which was used to haul mail in and gold out, started at Seward.

A series of starts and stops by railroad entrepreneurs eventually culminated in the completion of the railroad from Seward to Fairbanks by the federal government. President Harding boarded the train in Seward in 1923 to drive the golden spike at Nenana (and died on the boat returning to Seattle). It was only in the last half of this century that the highway from Seward to Anchorage was opened. Before then the small communities of the area were linked to the rest of Alaska by wagon trail, rail, and by boat across Turnagain Arm and the Kenai River.

The Heritage Area contains one of the earliest mining regions in Alaska. Russians left evidence of their search for gold at Bear Creek near Hope. In 1895, discovery of a rich deposit at Canyon Creak precipitated the Turnagain Arm Gold Rush, predating the stampede to the Klondike.

The early settlements and communities of the area are still very much as they were in the past. But, as in the early days, this is a region where ''nature is boss,'' and historic trails and evidence of mining history are often embedded and nearly hidden in the landscape. What can be seen stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the Alaskan frontier.

People living in the Kenai Mountains—Turnagain Arm areas share a sense that it is a special place. In part, this is simply because of the sheer natural beauty; but it is also because the Alaska frontier is relative recent. Memories of the times when the inhabitants were dependent on their own resources, and on each other, are still very much alive.

Communities are small, but they are alive with volunteerism. All have active historical societies. Groups in Seward and Girdwood have organized to rebuild the Iditarod Trail. In the town of Hope citizens constructed a museum of mining history, building it themselves out of logs and donated materials. Local people have conducted historic building surveys, written books and short histories, collected and published old diaries, and created web pages to record and share the history of their communities. Seward, the corridor's gateway, has created a delightful array of visitor opportunities that display and interpret the region's natural setting, Native culture, and history. National Heritage Area designation would greatly encourage and expand these good efforts.

Mr. President, it is important to note that this National Heritage Area is a local grass roots effort and it will remain a locally driven grass roots effort. Decisions will be made by locals, not by Federal bureaucrats. The only role of the Federal Government is to provide technical expertise, mostly in the areas of the interpretation of the many historic sites and tremendous natural resource features that are found throughout the entire region. There will be no additional land ownership by the Federal Government or by the local management entity that is charged with putting together a coordinated plan to interpret the Heritage Area. The Heritage Area is about local people working together.

Mr. President, I ask unanimous consent the bill be printed in the RECORD and I urge my colleagues to support this legislation.

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

S. 2511

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kenai Mountains-Turnagain Arm National Heritage Corridor Area Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historic routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as

part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for ''grass roots'' regional coordination and partnerships with each other and with borough, State and federal agencies; and

(9) resolution and letters of support have been received from the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Girdwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

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

(1) to recognize, preserve and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains—Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, state and federal government entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains—Turnagain Arm National Heritage Area establish by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the 11 member Board of Directors of the Kenai Mountains—Turnagain Arm National Area Commission.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. KENAI MOUNTAINS—TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Kenai Mountains—Turnagain Arm National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled ''Kenai Peninsula/Turnagain Arm National Heritage Corridor'', numbered ''Map #KMTA—1, and dated ''August 1999''. The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 5. MANAGEMENT ENTITY.

(a) The management entity shall consist of 7 representatives, appointed by the Secretary from a list of recommendations submitted by the Governor of Alaska, from the communities of Seward, Lawing, Moose Pass, Cooper Landing, Hope, Girdwood, Bird-Indian and 4 at-large representatives, from such organizations as Native Associations, the Iditarod Trail Committee, historical societies, visitor associations and private or business entities. Upon appointment, the Commission shall establish itself as a non-profit corporation under laws of the State of Alaska.

(1) TERMS.—Members of the management entity appointed under section 5(a) shall each serve for a term of 5 years, except that of the members first appointed 3 shall serve for a term of 4 years and 2 shall serve for a term of 3 years; however, upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.

(2) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(b) Non-voting Ex-officio representatives, invited by the non-profit corporation from such organizations as the State Division of Parks and Outdoor Recreation, State Division Mining, Land and Water, Forest Service, State Historic Preservation Office, Kenai Peninsula Borough, Municipality of Anchorage, Alaska Railroad, Alaska Department of Transportation and the National Park Service.

(c) Representation of ex-officio members in the non-profit corporation shall be established under the by-laws of the management entity.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage and develop the Heritage Area;

(D) an inventory of the resources contained in the Heritage Area: and

(E) a description of the role and participation of other Federal, State and local agencies that have jurisdiction on lands within the Heritage Area.

(b) PRIORITIES.—The management entity shall given priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the heritage corridor;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the heritage corridor; and

(7) ensuring that clear, consistent and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area

(c) CONSIDERATION OF INTEREST OF LOCAL GROUPS.—Projects incorporated in the heritage plan by the management entity shall be initiated by local groups and developed with the participation and support of the affected local communities. Other organizations may submit projects or proposals to the local groups for consideration.

(d) PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

SEC. 7. DUTIES OF THE SECRETARY.

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, subject to the availability of funds, the Secretary shall provide administrative, technical, financial, design, development and operations assistance to carry out the purposes of this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge or diminish any authority of the Federal, State or local governments to regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this Act shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 9. PROHIBITION ON THE ACQUISITION OR REAL PROPERTY.

(a) The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out the purposes of this Act, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Area.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.●

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 2512. A bill to convey certain Federal properties on Governors Island, New York; to the Committee on Energy and Natural Resources.

GOVERNORS ISLAND PRESERVATION ACT OF 2000

● Mr. MOYNIHAN. Mr. President, I rise with my distinguished colleague and fellow New Yorker, Senator SCHUMER,

to introduce the ''Governors Island Preservation Act of 2000.'' This bill will establish the Governors Island National Monument preserving two of New York Harbor's earliest fortifications, Fort Jay and Castle Williams. The balance of the property will be conveyed to the State of New York. New York City Mayor Rudolph W. Giuliani and New York State Governor George E. Pataki have developed a plan for the reuse of Governors Island. Their agreement has helped to make this bill possible, and both deserve much credit.

Congress stipulated in the Balanced Budget Act of 1997 that Governors Island be sold ''at fair market value'' no sooner than Fiscal Year 2002. Without the benefit of an appraisal, the Congressional Budget Office determined its value to be somewhere between $250 million and $1 billion. As Congress continued its work on the Balanced Budget Act of 1997, $500 million of Federal revenue was identified in Fiscal Year 2002 through the sale of Governors Island. A fantasy perhaps, but no matter, the money had been found.

Governors Island has played a significant role in every major military conflict from the American Revolution through World War II. In April of 1776, General Israel Putnam and 1,000 officers arrived on Governors Island and began erecting fortifications. Three months later, the guns at Governors Island prevented Admiral Howe's 400 ships and Lord Cornwallis' army—32,000 men strong—from crushing General George Washington's badly overwhelmed forces during the Battle of Long Island. Outflanked in Brooklyn, Washington's men retreated to the island of Manhattan across the East River under the cover of the Governors Island's guns. At the risk of falling into what historians term a ''teleological trap,'' I would suggest that the Revolution could well have ended right then and there.

During the War of 1812, the guns at the ''cheese-box'' shaped Castle Williams—and those at the Southwest Battery—dissuaded the British from mounting a direct attack on New York City, then the Nation's principal seaport.

During the Civil War, Governors Island served as the primary Eastern Seaboard recruiting depot for Union soldiers. Nearly 5,000 Union draftees and volunteers were stationed there. Its inaccessibility proved useful for garrisoning the most recalcitrant of Confederate soldiers, who were confined both in Castle Williams and Fort Jay. Only one, Captain William Robert Webb, managed to escape. It will give my colleagues some measure of satisfaction to learn that this artful rebel was later appointed U.S. Senator from Tennessee.

After the U.S. Congress declared war with Germany and Austria-Hungary on April 6, 1917, Governors Island became an embarkation point for the war effort. Several years earlier, the Island was expanded to its current 172-acre size by the excavation of the Lexington Avenue Subway line, which generated over 4.7 million tons of fill. The additional space permitted the construction of over 70 buildings providing a combined total of 30 million square feet of storage space. As the War escalated, estimates place the value of goods transported from Governors Island to the European theater at over $1 million per day—in 1917 dollars.

More than 20 years later, the famed General Hugh Drum commanded the First Army from Governors Island as the United States prepared for the Second World War. Once war was declared, Governors Island served as the headquarters for the Eastern Defense Command, which was tasked with protecting the Eastern Seaboard from Nazi attack.

In 1966, the Coast Guard assumed control of Governors Island, and remained there for 30 years. After lighting the refurbished Statue of Liberty from Governors Island on July 4, 1986, President Reagan grew fond of Governors Island. On December 7, 1988, he chose the Admiral's House on Governors Island to meet Soviet Premier Mikhail S. Gorbachev to present each other with the Articles of Ratification of the Intermediate Nuclear Forces Treaty.

It is inconceivable that Congress would permit this site, so rich in history, to be recklessly sold to the highest bidder.

In January of this year, Governor Pataki and Mayor Giuliani announced an agreement on a preservation plan for Governors Island. The Governors Island Preservation Act is based upon that plan and calls for the establishment of the Governors Island National Monument to be comprised of Fort Jay and Castle Williams (so named after Lt. Col. Jonathan Williams, the first superintendent of West Point). Once the Monument is established, all of the historic New York Harbor forts—Fort Wood (the base of the Statue of Liberty), the Southwest Battery (now Castle Clinton National Monument), and Fort Gibson (partially demolished to provide for the construction of Ellis Island)—will be within the National Park Service inventory.

The remaining portions of the Island will be conveyed to the Empire State Development Corporation, as agreed to by Mayor Giuliani and Governor Pataki. Their plan will incorporate a public park, athletic fields, a museum dedicated to the history and ecology of the Hudson River and New York Harbor, a family center modeled after Colonial Williamsburg, a conference center, and a hotel. After 200 years of Federal occupation, Governors Island will at last be open to the public.

I thank the chair and I urge my colleagues to support this important legislation.●

Mr. SCHUMER. Mr. President, I would like to offer a few brief remarks to underscore several of the points that my colleague, Senator MOYNIHAN, made when he introduced the ''Governors Island Preservation Act of 2000,'' a bill I gladly cosponsored.

The first point is that Governors Island is truly a national treasure. It has played a significant role in nearly every American battle from the Revolution through World War II. During the War of 1812, it is credited with preventing a direct British attack on the City of New York—then the Nation's principal seaport. It served as the Union's foremost recruiting depot and as a Confederate prison during the Civil War.

The second point, Mr. President, is that its historical structures have been placed in no small degree of danger by the statutorily mandated Fiscal Year 2002 sale date. If the Island should be sold then ''at fair market value,'' there simply is no guarantee the Castle Williams, Fort Jay, Building 400—a McKim, Meade & White masterpiece thought to be the largest single Army barrack ever constructed, the 1708 Governor's house, and the entire Governors Island National Historic Landmark District will be protected. When the Balanced Budget Act of 1997 was being negotiated, Congress faced seemingly intractable, structural deficits. We had to make a great many difficult and, if I may, extreme choices to bring the Federal budget into balance. Three years later, our circumstances are quite different. Fiscal austerity has paid its dividends and we are approaching an era of surpluses much sooner that we might have otherwise imagined. Should we still be proposing to sell off such an important piece of American history?

Finally, Mr. President, my colleague mentioned the issue of fairness. New York gave Governors Island to the national government in 1800. No complaints. The British and the French were then poised to attack our young nation. Now the Federal government has no use for Governors Island—the Coast Guard found it too expensive to maintain—it is only right that the people of New York get their property back. The Governors Island Preservation Act of 2000 will do just that. In addition, it will establish the Governors Island National Monument which will provide all Americans—for the first time—with the opportunity to learn of the Island's rich contributions to American history while experiencing the spectacular views of New York Harbor from this idyllic setting.

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

By Mr. LEAHY (for himself, Mr. SARBANES, Mr. ROBB, Mr. DODD. Mr. KERRY, Mr. BRYAN, Mr. EDWARDS, Mr. DURBIN, Mr. HARKIN, and Mrs. FEINSTEIN):

S. 2513. A bill to strengthen control by consumers over the use and disclosure of their personal financial and health information by financial institutions, and for other purposes to the committee on Banking Housing, and Urban Affairs.

FINANCIAL INFORMATION PRIVACY PROTECTION ACT

Mr. LEAHY. Mr. President, I am pleased today to introduce the Financial Information Privacy Protection Act of 2000, which was crafted by President Clinton and Vice President GORE. I am delighted to be joined by Senator SARBANES, the Ranking Member of the Senate Banking Committee, who is a real leader in the Senate on protecting personal financial information. I am also pleased that Senators ROBB, DODD, KERRY, BRYAN, EDWARDS, DURBIN, HARKIN and FEINSTEIN are original cosponsors of this legislation to protect the financial privacy of all Americans.

Last November, President Clinton signed into law the landmark Financial Modernization Act of 1999, which updates our financial laws and opens up the financial services industry to become more competitive, both at home and abroad. Many of my colleagues and I supported that legislation because we believe it will benefit businesses and consumers. It will make it easier for banking, securities, and insurance firms to consolidate their services, cut expenses and offer more products at a lower cost to all. But it also raises new concerns about our financial privacy.

New conglomerates in the financial services industry may now offer a widening variety of services, each of which may require a customer to provide financial, medical or other personal information. Nothing in the new law prevents these new subsidiaries or affiliates of financial conglomerates from sharing this information for uses beyond those the customer thought he or she was providing it. For example, the new law has no requirement for the consumer to control whether these new financial subsidiaries or affiliates sell, share, or publish information on savings account balances, certificates of deposit maturity dates and balances, stock and mutual fund purchases and sales, life insurance payouts or health insurance claims. That is wrong.

When President Clinton signed the financial modernization bill last year, he directed the National Economic Council to work with the Treasury Department and Office of Management and Budget to craft a legislative proposal to protect financial privacy in the new financial services marketplace. The result of that process is the bill we are introducing today.

I believe the Financial Information Privacy Protection Act of 2000 should serve as the foundation for model financial privacy legislation that Congress enacts into law this year. This bill is a common sense approach that can attract both consumers and the industry. It sands off the extremes at both ends of the issue. We need a catalyst to bring both sides together, and this bill can do it.

Privacy is one of our most vulnerable rights in the information age. Digitalization of information offers tremendous benefits but also new threats. Some in Congress are content to punt the privacy issue down the field for another year. The public disagrees. People know that the longer we dawdle, the harder it will be to halt the erosion of privacy. A year is an eternity in the digital age.

The right of privacy is a personal and fundamental right protected by the Constitution of the United States. But today, the American people are growing more and more concerned over encroachments on their personal privacy. To return personal financial privacy to the control of the consumer, the Administration's financial privacy legislation would create the following enforceable rights in Federal law.

New Right To Opt-out of Information Sharing By Affiliates. The new financial modernization law permits consumers to say no to information sharing, selling or publishing among third parties in many cases, but not among affiliated firms. The Financial Information Privacy Protection Act of 2000 would require financial conglomerates, which will only grow under the new modernization law, to expand this protection to give consumers the right to notify it (opt-out) to stop all information sharing, selling or publishing of personal financial information among all third parties and affiliates.

New Right For Consumers To Opt-In For Sharing of Medical Information and Personal Spending Habits. The Financial Information Privacy Protection Act of 2000 would require financial firms to get the affirmative consent (opt-in) of consumers before a firm could gain access to medical information within a financial conglomerate or share detailed information about a consumer's personal spending habits.

New Right To Access and Correct Financial Information. The Financial Information Privacy Protection Act of 2000 would give consumers the right to review and correct their financial records, just like consumers today may review and correct their credit reports.

New Right To Privacy Policy Up Front. The Financial Information Privacy Protection Act of 2000 would require financial firms to provide their privacy policies to consumers before committing to a customer relationship, not after. In addition, the bill's new rights would be enforced by federal banking regulators, the Federal Trade Commission and state attorney generals.

As President Clinton warned all Americans: ''Although consumers put a great value on privacy of their financial records, our laws have not caught up to technological developments that make it possible and potentially profitable for companies to share financial data in new ways. Consumers who undergo physical exams to obtain insurance, for example, should not have to fear the information will be used to lower their credit card limits or deny them mortgages.'' I strongly agree.

Unfortunately, if you have a checking account, you may have a financial privacy problem. Your bank may sell or share with business allies information about who you are writing checks to, when, and for how much. And even if you tell your bank to stop, it can ignore you under current law. This legislation returns to consumers the power to stop the selling or sharing of personal financial information.

Americans ought to be able to enjoy the exciting innovations of this burgeoning information era without losing control over the use of their financial information. The Financial Information Privacy Protection Act of 2000 updates United States privacy laws to provide these fundamental protections of personal financial information in the evolving financial services industry. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the full text of the Financial Information Privacy Protection Act of 2000 and a section-by-section analysis of the bill be printed in the RECORD.

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

S. 2513

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Financial Information Privacy Protection Act of 2000''.

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

SEC. 2. OPT-OUT REQUIREMENT FOR DISCLOSURE TO AFFILIATES AND NONAFFILIATED THIRD PARTIES.

Section 502(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(a)) is amended to read as follows:

''(a) DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION.—Except as otherwise provided in this subtitle, a financial institution may not disclose any nonpublic personal information to an affiliate or a nonaffiliated third party unless such financial institution—

''(1) has provided to the consumer a clear and conspicuous notice, in writing or electronic form or other form permitted by the regulations implementing this subtitle, of the categories of information that may be disclosed to the—

''(A) affiliate; or

''(B) nonaffiliated third party;

''(2) has given the consumer an opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such—

''(A) affiliate; or

''(B) nonaffiliated third party; and

''(3) has given the consumer the ability to exercise that nondisclosure option through the same method of communication by which the consumer received the notice described in paragraph (1) or another method at least as convenient to the consumer, and an explanation of how the consumer can exercise such option.''.

SEC. 3. RESTRICTING THE TRANSFER OF INFORMATION ABOUT PERSONAL SPENDING HABITS.

Section 502(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(b)) is amended to read as follows:

''(b) RESTRICTION ON THE TRANSFER OF INFORMATION ABOUT PERSONAL SPENDING HABITS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), if a financial institution provides a service to a consumer through which the consumer makes or receives payments or transfers by check, debit card, credit card, or other similar instrument, the financial institution shall not transfer to an affiliate or a nonaffiliated third party—

''(A) an individualized list of that consumer's transactions or an individualized description of that consumer's interests, preferences, or other characteristics; or

''(B) any such list or description constructed in response to an inquiry about a specific, named individual;

if the list or description is derived from information collected in the course of providing that service.

''(2) RESTRICTION ON TRANSFER OF AGGREGATE LISTS CONTAINING CERTAIN HEALTH INFORMATION.—Notwithstanding subsection (a), a financial institution shall not transfer to an affiliate or a nonaffiliated third party any aggregate list of consumers containing or derived from individually identifiable health information.

''(3) EXCEPTIONS.—

''(A) IN GENERAL.—The financial institution may disclose the information described in paragraph (1) or (2) to an affiliate or a nonaffiliated third party if such financial institution—

''(i) has clearly and conspicuously requested in writing or in electronic form or other form permitted by the regulations implementing this subtitle, that the consumer affirmatively consent to such disclosure; and

''(ii) has obtained from the consumer such affirmative consent and such consent has not been withdrawn.

''(B) RULE OF CONSTRUCTION.—This subsection shall not be construed as preventing a financial institution from transferring the information described in paragraph (1) or (2) to an affiliate or a nonaffiliated third party for the purposes described in paragraph (1), (2), (3), (5), (7), (8), (9), or (10) of subsection (f).

''(C) SCOPE OF APPLICATION.—Paragraph (1) shall not apply to the transfer of aggregate lists of consumers.''.

SEC. 4. RESTRICTING THE USE OF HEALTH INFORMATION IN MAKING CREDIT AND OTHER FINANCIAL DECISIONS.

(a) RESTRICTION ON USE OF CONSUMER HEALTH INFORMATION.—Section 502(c) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(c)) is amended to read as follows:

''(c) USE OF CONSUMER HEALTH INFORMATION AVAILABLE FROM AFFILIATES AND NONAFFILIATED THIRD PARTIES.—In deciding whether, or on what terms, to offer, provide, or continue to provide a financial product or service to a consumer, a financial institution shall not obtain or receive individually identifiable health information about the consumer from an affiliate or nonaffiliated third party, or evaluate or otherwise consider any such information, unless the financial institution—

''(1) has clearly and conspicuously requested in writing or in electronic form or other form permitted by the regulations implementing this subtitle, that the consumer affirmatively consent to the transfer and use of that information with respect to a particular financial product or service;

''(2) has obtained from the consumer such affirmative consent and such consent has not been withdrawn; and

''(3) requires the same health information about all consumers as a condition for receiving the financial product or service.''.

(b) EXISTING PROTECTIONS FOR HEALTH INFORMATION NOT AFFECTED.—Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended by adding after section 510 the following new section:

''SEC. 511. RELATION TO STANDARDS ESTABLISHED UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

''Nothing in this subtitle shall be construed as—

''(1) modifying, limiting, or superseding standards governing the privacy and security of individually identifiable health information promulgated by the Secretary of Health and Human Services under sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996; or

''(2) authorizing the use or disclosure of individually identifiable health information in a manner other than as permitted by other applicable law.''.

(c) DEFINITION OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—Section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809) is amended by adding at the end the following new paragraph:

''(12) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term 'individually identifiable health information' means any information, including demographic information obtained from or about an individual, that is described in section 1171(6)(B) of the Social Security Act.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 505(a)(6) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)(6)) is amended by inserting before the period at the end ''to the extent the provisions of such section are not inconsistent with the provisions of this subtitle''.

SEC. 5. LIMITS ON REDISCLOSURE AND REUSE OF INFORMATION.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) LIMITS ON REDISCLOSURE AND REUSE OF INFORMATION.—

''(1) IN GENERAL.—An affiliate or a nonaffiliated third party that receives nonpublic personal information from a financial institution shall not disclose such information to any other person unless such disclosure would be lawful if made directly to such other person by the financial institution.

''(2) DISCLOSURE UNDER A GENERAL EXCEPTION.—Notwithstanding paragraph (1), any person that receives nonpublic personal information from a financial institution in accordance with one of the general exceptions in subsection (f) may use or disclose such information only—

''(A) as permitted under that general exception; or

''(B) under another general exception in subsection (f), if necessary to carry out the purpose for which the information was disclosed by the financial institution.''.

SEC. 6. CONSUMER RIGHTS TO ACCESS AND CORRECT INFORMATION.

Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended by adding after section 511 (as added by section 4(b) of this Act), the following new section:

''SEC. 512. ACCESS TO AND CORRECTION OF INFORMATION.

''(a) ACCESS.—

(1) IN GENERAL.—Upon the request of a consumer, a financial institution shall make available to the consumer information about the consumer that is under the control of, and reasonably available to, the financial institution.

''(2) EXCEPTIONS.—Notwithstanding paragraph (1), a financial institution—

''(A) shall not be required to disclose to a consumer any confidential commercial information, such as an algorithm used to derive credit scores or other risk scores or predictors;

''(B) shall not be required to create new records in order to comply with the consumer's request;

''(C) shall not be required to disclose to a consumer any information assembled by the financial institution, in a particular matter, as part of the financial institution's efforts to comply with laws preventing fraud, money laundering, or other unlawful conduct; and

''(D) shall not disclose any information required to be kept confidential by any other Federal law.

''(b) CORRECTION.—A financial institution shall provide a consumer the opportunity to dispute the accuracy of any information disclosed to the consumer pursuant to subsection (a), and to present evidence thereon. A financial institution shall correct or delete material information identified by a consumer that is materially incomplete or inaccurate.

''(c) COORDINATION AND CONSULTATION.—In prescribing regulations implementing this section, the Federal agencies specified in section 504(a) shall consult with one another to ensure that the rules—

''(1) impose consistent requirements on the financial institutions under their respective jurisdictions;

''(2) take into account conditions under which financial institutions do business both in the United States and in other countries; and

''(3) are consistent with the principle of technology neutrality.

''(d) CHARGES FOR DISCLOSURES.—A financial institution may impose a reasonable charge for making a disclosure under this section, which charge must be disclosed to the consumer before making the disclosure. ''.

SEC. 7. IMPROVED ENFORCEMENT AUTHORITY.

(a) COMPLIANCE WITH PRIVACY POLICY.—Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following new subsection:

''(c) COMPLIANCE WITH PRIVACY POLICY.—A financial institution's failure to comply with any of its policies or practices disclosed to a consumer under this section constitutes a violation of the requirements of this section.''.

(b) UNFAIR AND DECEPTIVE TRADE PRACTICE.—Section 505(a)(7) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)(7)) is amended by adding at the end the following new sentence: ''A violation of any requirement of this subtitle, or the regulations of the Federal Trade Commission prescribed under this subtitle, by a financial institution or other person described in this paragraph shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.''.

(c) SUPPLEMENTAL STATE ENFORCEMENT FOR FTC REGULATED ENTITIES.—Section 505 of the Gramm-Leach-Bliley Act (15 U.S.C. 6805) is amended by adding at the end the following new subsection:

''(e) STATE ACTION FOR VIOLATIONS.—

''(1) AUTHORITY OF THE STATES.—In addition to such other remedies as are provided under State law, if the attorney general of a State, or an officer authorized by the State, has reason to believe that any financial institution or other person described in section 505(a)(7) has violated or is violating this subtitle or the regulations prescribed thereunder by the Federal Trade Commission, the State may—

''(A) bring an action on behalf of the residents of the State to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction; and

''(B) bring an action on behalf of the residents of the State to enforce compliance with this subtitle and the regulations prescribed thereunder by the Federal Trade Commission, to obtain damages, restitution, or other compensation on behalf of the residents of such State, or to obtain such further and other relief as the court may deem appropriate.

''(2) RIGHTS OF THE FEDERAL TRADE COMMISSION.—The State shall serve prior written notice of any action under paragraph (1) upon the Federal Trade Commission and shall provide the Commission with a copy of its complaint; provided that, if such prior notice is not feasible, the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission shall have the right—

''(A) to move to stay the action, pending the final disposition of a pending Federal matter as described in paragraph (4);

''(B) to intervene in an action under paragraph (1);

''(C) upon so intervening, to be heard on all matters arising therein;

''(D) to remove the action to the appropriate United States district court; and

''(E) to file petitions for appeal.

''(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the attorney general, or officers of such State who are authorized by such State to bring such actions, from exercising the powers conferred on the attorney general or such officers by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted an action for a violation of this subtitle, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this subtitle that is alleged in that complaint.''.

(d) STATE ACTION FOR VIOLATIONS OF BAN ON PRETEXT CALLING.—Section 522 of the Gramm-Leach-Bliley Act (15 U.S.C. 6822) is amended by adding at the end the following new subsection:

''(c) STATE ACTION FOR VIOLATIONS.—

''(1) AUTHORITY OF THE STATES.—In addition to such other remedies as are provided under State law, if the attorney general of a State, or an officer authorized by the State, has reason to believe that any person (other than a person described in subsection (b)(1)) has violated or is violating this subtitle, the State may—

''(A) bring an action on behalf of the residents of the State to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction; and

''(B) bring an action on behalf of the residents of the State to enforce compliance with this subtitle, to obtain damages, restitution, or other compensation on behalf of the residents of such State, or to obtain such further and other relief as the court may deem appropriate.

''(2) RIGHTS OF FEDERAL AGENCIES.—The State shall serve prior written notice of any action commenced under paragraph (1) upon the Attorney General and the Federal Trade Commission, and shall provide the Attorney General and the Commission with a copy of the complaint; provided that, if such prior notice is not feasible, the State shall serve such notice immediately upon instituting such action. The Attorney General and the Federal Trade Commission shall have the right—

''(A) to move to stay the action, pending the final disposition of a pending Federal matter as described in paragraph (4);

''(B) to intervene in an action under paragraph (1);

''(C) upon so intervening, to be heard on all matters arising therein;

''(D) to remove the action to the appropriate United States district court; and

''(E) to file petitions for appeal.

''(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the attorney general, or officers of such State who are authorized by such State to bring such actions, from exercising the powers conferred on the attorney general or such officers by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Attorney General has instituted a criminal proceeding or the Federal Trade Commission has instituted a civil action for a violation of this subtitle, no State may, during the pendency of such proceeding or action, bring an action under this section against any defendant named in the criminal proceeding or civil action for any violation of this subtitle that is alleged in that proceeding or action.''.

SEC. 8. ENHANCED DISCLOSURE OF PRIVACY POLICIES.

(a) TIMING OF NOTICE TO CONSUMERS.—Section 503(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(a)) is amended to read as follows:

''(a) DISCLOSURE REQUIRED.—

''(1) TIME OF DISCLOSURE.—A financial institution shall provide a disclosure that complies with paragraph (2)—

''(A) to an individual upon the individual's request;

''(B) as part of an application for a financial product or service from the financial institution; and

''(C) to a consumer, prior to establishing a customer relationship with the consumer and not less frequently than annually during the continuation of such relationship.

''(2) DISCLOSURE FORMAT.—The disclosure required by paragraph (1) shall be a clear and conspicuous notice, in writing or in electronic form or other form permitted by the regulations implementing this subtitle, of such financial institution's policies and practices with respect to—

''(A) disclosing nonpublic personal information to affiliates and nonaffiliated third parties, consistent with section 502, including the categories of information that may be disclosed;

''(B) disclosing nonpublic personal information of persons who have ceased to be customers of the financial institution; and

''(C) protecting the nonpublic personal information of consumers.

Such disclosure shall be made in accordance with the regulations implementing this subtitle.''.

(b) NOTICE OF RIGHTS TO ACCESS AND CORRECT INFORMATION.—Section 503(b)(2) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(b)(2)) is amended by inserting '', and a statement of the consumer's right to access and correct such information, consistent with section 512'' after ''institution''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 503(b)(1)(A) of the Gramm-Leach-Bliley Act (15 U.S.C. 6803(b)(1)(A)) is amended by striking ''502(e)'' and inserting ''502(f)''.

SEC. 9. LIMIT ON DISCLOSURE OF ACCOUNT NUMBERS.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended in subsection (e) (as so redesignated by section 5) by inserting ''affiliate or'' before ''nonaffiliated third party''.

SEC. 10. GENERAL EXCEPTIONS.

Section 502(f) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802)) (as so redesignated by section 5 of this Act) is amended—

(1) in the matter preceding paragraph (1), by striking ''Subsections (a) and (b)'' and inserting ''Subsection (a)'';

(2) in paragraph (1)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by inserting ''or'' after the semicolon at the end of subparagraph (C); and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) performing services for or functions solely on behalf of the financial institution with respect to the financial institution's own customers, including marketing of the financial institution's own products or services to the financial institution's customers;'';

(3) in paragraph (4), by striking '', and the institution's attorneys, accountants, and auditors'';

(4) in paragraph (5), by inserting ''section 21 of the Federal Deposit Insurance Act,'' after ''title 31, United States Code,'';

(5) in paragraph (7), by striking ''or'' at the end;

(6) in paragraph (8), by striking the period and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

''(9) in order to facilitate customer service, such as maintenance and operation of consolidated customer call centers or the use of consolidated customer account statements; or

''(10) to the institution's attorneys, accountants, and auditors.''.

SEC. 11. DEFINITIONS.

Section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809) is amended—

(1) in paragraph (3)—

(A) by striking ''(3) FINANCIAL INSTITUTION'' and all that follows through ''The term 'financial institution'' and inserting ''(3) FINANCIAL INSTITUTION.—The term 'financial institution''; and

(B) by striking subparagraphs (B), (C), and (D);

(2) by amending paragraph (4) to read as follows:

''(4) NONPUBLIC PERSONAL INFORMATION.—The term ''nonpublic personal information'' means—

''(A) any personally identifiable information, including a Social Security number—

''(i) provided by a consumer to a financial institution, in an application or otherwise, to obtain a financial product or service from the financial institution;

''(ii) resulting from any transaction between a financial institution and a consumer involving a financial product or service; or

''(iii) obtained by the financial institution about a consumer in connection with providing a financial product or service to that consumer, other than publicly available information, as such term is defined by the regulations prescribed under section 504; and

''(B) any list, description or other grouping of one or more consumers of the financial institution and publicly available information pertaining to them.''; and

(3) in paragraph (9), by inserting ''applies for or'' before ''obtains''.

SEC. 12. ISSUANCE OF IMPLEMENTING REGULATIONS.

(a) IN GENERAL.—The Federal agencies specified in section 504(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6804(a)) shall prescribe regulations implementing the amendments to subtitle A of title V of the Gramm-Leach-Bliley Act made by this Act, and shall include such requirements determined to be appropriate to prevent their circumvention or evasion.

(b) COORDINATION, CONSISTENCY, AND COMPARABILITY.—The regulations issued under subsection (a) shall be issued in accordance with the requirements of section 504(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6804(a)), except that the deadline in section 504(a)(3) shall not apply.

SEC. 13. FTC RULEMAKING AUTHORITY UNDER THE FAIR CREDIT REPORTING ACT.

Section 621(e) of the Fair Credit Reporting Act (15 U.S.C. 1681s(e)) is amended by adding at the end the following new paragraph:

''(3) REGULATIONS.—The Federal Trade Commission shall prescribe such regulations as necessary to carry out the provisions of this title with respect to any persons identified under paragraph (1) of subsection (a). Prior to prescribing such regulations, the Federal Trade Commission shall consult with the Federal banking agencies referred to in paragraph (1) of this subsection in order to ensure, to the extent possible, comparability and consistency with the regulations issued by the Federal banking agencies under that paragraph.''.

FINANCIAL INFORMATION PRIVACY PROTECTION ACT—SECTION-BY-SECTION ANALYSIS

Section 1: Short Title; table of Contents

Section 101: Opt-out Requirement for Disclosure to Affiliates and Nonaffiliated Third Parties

The Gramm-Leach-Bliley Act (GLBA) requires a financial institution to give consumers notice of, and an opportunity to prevent (opt out of), sharing of their nonpublic personal information with companies that are not affiliated with the financial institution (nonaffiliated third parties). Section 101 of the bill strengthens consumers' control over their personal financial information by expanding this opt-out right to cover information sharing between financial institutions and their affiliates.

Section 101 also requires that when a financial institution notifies a consumer of its intent to share the consumer's information and gives the consumer the opportunity to opt-out, the consumer must be able to exercise the opt-out choice through the same method of communication by which the financial institution communicated the opt-out notice to the consumer, or by another method at least as convenient to the consumer. For example, if a financial institution gives a consumer an opt-out notice by electronic mail, the consumer would have to be able to exercise the opt-out by a method at least as convenient, such as by electronic mail or by telephone, but could not be required to opt-out via an individual letter.

The GLBA currently includes general exceptions to the notice and opt-out requirement—for example, to allow processing a consumer's transaction, to prevent fraud, or to control institutional risk. The bill would also apply these exceptions to information sharing with affiliates.

Section 102: Limitation on Transfer of Information About Personal Spending Habits

Section 102 of the bill strengthens consumers' control over the detailed information that financial firms can learn about their personal spending habits and sources of income. In the course of providing a payment mechanism for consumers, financial institutions such as credit card companies, banks and brokers—when they provide checking or money market accounts—learn to whom a consumer makes payments, from whom the consumer receives payments, and what the payments are for.

The bill recognizes the special sensitivity of this information. It requires that where a financial institution is providing payment services for a consumer, the institution cannot disclose the consumer's spending habits—whether in the form of a list of the consumer's transactions or as a description of the consumer's interests, preferences, or other characteristics derived from payment information—unless the institution clearly and conspicuously requests permission from the consumer, and the consumer affirmatively consents (opts in). This applies for transfers to both nonaffiliated third parties and affiliates.

Section 102 includes the exceptions for transaction processing, servicing of customer accounts, and other necessary activities such as law enforcement.

Section 103: Restricting the Use of Health Information in Making Credit and Other Financial Decisions

Limitation on Receipt of Consumer Health Information from Affiliates

Section 103(a) of the bill prevents financial institutions from using a consumer's health information held at an affiliate in order to discriminate in the provision of credit and financial services. Section 103(a) provides that in deciding whether, and on what terms, to offer, provide, or continue to provide a particular financial product or service to a consumer, a financial institution may not obtain, receive, evaluate, or otherwise consider individually identifiable health information about the consumer from an affiliate unless the financial institution: (1) clearly and conspicuously requests permission from the consumer; (2) obtains the consumer's affirmative consent; and (3) requires the same information about all consumers as a condition for receiving the financial product or service.

Relation to the Health Insurance Portability and Accountability Act

Section 103(b) of the bill clarifies that the provisions of subtitle A of title V of the GLBA, which create protections for the privacy of consumers' financial information, do not in any way modify or override the requirements of the regulations issued by the Secretary of Health and Human Services implementing the privacy and security protections for consumers' individually identifiable health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Nor do the requirements of the GLBA governing protection of consumers' financial information authorize any use of individually identifiable health information that would be inconsistent with other laws that apply to such information. Section 103(c) makes clear that for purposes of this provision, the term ''individually identifiable health information'' has the same meaning as under the HIPAA.

Section 104: Limits on Redisclosure and Reuse of Information

The GLBA imposes certain limits on a nonaffiliated third party's ability to redisclose nonpublic personal information received from a financial institution. The GLBA does not prohibit a third party from redisclosing this information to its own affiliates or to affiliates of the financial institution from whom it received the information. In addition, the third party may disclose the information to another company if that disclosure would be lawful if made directly by the financial institution.

Section 104 of the bill tightens the limits on redisclosure and extends them to a financial institution's affiliates, in order to parallel the new opt-out requirement for disclosure of information to affiliates. Under section 104, when a financial institution discloses nonpublic personal information to either an affiliate or a nonaffiliated third party, the recipient of the information may not redisclose the information to any other person unless that disclosure would be lawful if made directly by the financial institution.

Section 104 also clarifies how the limits on redisclosure apply when a financial institution discloses a consumer's nonpublic personal information to another company pursuant to one of the general exceptions to the opt-out requirement. Section 104 provides that an affiliate or a nonaffiliated third party that receives nonpublic personal information from a financial institution under one of the general exceptions may use or disclose that information only: (1) as permitted under that general exception; or (2) under another general exception, if necessary to carry out the purpose for which the information was originally disclosed under a general exception.

Since the opt-in requirement for the disclosure of personal spending information by payment service providers is subject to some, but not all, of the general exceptions, only a subset of the general exceptions apply to reuse and redisclosure by recipients of such information.

Section 105: Consumer Rights to Access and Correct Information

Section 105 of the bill gives consumers the right to access and to correct information about them that is under the control of, and reasonably available to a financial institution. A financial institution would not, however, be required to give consumers access to confidential commercial information, to make disclosures that would interfere with law enforcement, or to create new records in order to comply with a consumer's request for information.

Section 105 also requires financial institutions to give consumers the opportunity to dispute the accuracy of information disclosed to the consumer and to present evidence of any inaccuracy. The financial institution must correct or delete material information identified by the consumer that is materially incomplete or inaccurate. In addition, a financial institution may impose a reasonable fee for making information available to consumers, as long as consumers receive prior notice of the fee.

In promulgating regulations to implement the new access and correction requirements, federal regulators must consult and coordinate with one another in order to ensure that the regulations: (1) impose consistent requirements across financial institutions; (2) take into account conditions under which the financial institutions do business in the U.S. and abroad; and (3) are technology neutral.

Section 106: Improved Enforcement Authority

Compliance with Privacy Policy

The GLBA does not clearly explain whether a financial institution is legally required

to abide by commitments it makes to consumers in its privacy policy if those commitments are not required by law. Section 106(a) of the bill clarifies that a financial institution's failure to comply with any of the privacy policies or practices disclosed to a consumer constitutes a violation of law.

Clarification of Federal Trade Commission (FTC) Enforcement Authority

Section 106(b) of the bill makes clear that if a financial institution or other person under the FTC's enforcement jurisdiction under subtitle A of title V of the GLBA engages in an activity that violates subtitle A, that activity constitutes an unfair and deceptive trade practice under the Federal Trade Commission Act. Consequently, in addressing such a violation, the FTC could use all the enforcement tools it has with respect to unfair or deceptive acts or practices under the FTC Act.

State Enforcement Authority Concurrent with FTC

Section 106(c) of the bill gives States concurrent authority with the FTC to enforce the GLBA's privacy requirements with respect to FTC-regulated entities. Section 106(d) gives the States concurrent authority with the FTC to enforce the GLBA's prohibitions on ''pretext calling,'' which involves obtaining customer information from a financial institution under false pretenses. Enforcement with regard to banking institutions would continue to be done solely by the federal banking agencies.

Section 107: Enhanced Disclosure of Privacy Policies

Timing of Disclosure of Privacy Policy

The GLBA requires financial institutions to provide their privacy policies to consumers at the time of establishing a customer relationship and at least annually during the continuation of the relationship. The phrase ''at time of establishing a customer relationship'' does not provide clear guidance regarding when a financial institution must provide its privacy policy to those individuals seeking to become its customers. Section 107(a) of the bill is intended to clarify the timing of notice delivery, and to ensure that individuals are able to receive copies of financial institutions' privacy policies before they commit time and resources to dealing with any one financial institution. The bill specifically clarifies that financial institutions must provide their privacy policies to individuals upon request and as part of an application for a financial product or service. Thus, consumers will be empowered to comparison shop based on privacy practices.

Content of Privacy Policy—Disclosure of Rights to Access and Correct Information

Section 107(b) requires a financial institution's privacy policy to include a statement of the consumer's rights to access and correct information held by the financial institution (see discussion of section 105 regarding consumers' rights to access and correct information).

Section 108: Prohibition on Sharing of Account Numbers

The GLBA prohibits financial institutions from disclosing consumers' account numbers or access codes to nonaffiliated third parties (other than consumer reporting agencies) for marketing purposes. Section 108 of the bill extends this prohibition to disclosures to affiliates.

Section 109: Exceptions to the Opt-out and Opt-in Requirements

Agency and Joint Marketing Exception

Section 502(c) of the GLBA creates an exception to the opt-out requirement where a financial institution discloses a consumer's nonpublic personal information to a nonaffiliated third party that is acting as the financial institution's agent. This exception permits a financial institution to disclose consumers' nonpublic personal information to third parties in connection with outsourcing certain functions, such as back-office operations or direct mailings to market the financial institution's own products, without giving consumers the option to prevent disclosure. The financial institution is, however, required to give consumers notice of such disclosures and to enter into agreements with the third parties to maintain the confidentiality of the consumers' information.

Among the services and functions covered by the principal-agent exception are certain joint marketing arrangements, where a third party markets financial products or services pursuant to a joint agreement between two or more financial institutions. The joint marketing agreement exception was enacted to allow financial institutions without affiliates, particularly small institutions, to be able to jointly market their products under the same rules that affiliates may do so—that is, free from any opt-out requirement.

As noted in the discussion of sections 101 and 102 above, the bill imposes the same restrictions on information sharing between affiliates that now apply to information sharing between financial institutions and nonaffiliated third parties. Therefore, because coverage of information sharing among affiliates and with third parties would be equivalent, the joint marketing exception is rendered unnecessary, and is eliminated. The bill also moves the remaining principal-agent exception from section 502(c) of the GLBA to the list of general exceptions in 502(e), which is redesignated as 502(f).

Customer Service and Consolidated Statements

Among the general exceptions to the notice and opt-out requirements in the GLBA are disclosures for servicing customer accounts and resolving customer disputes or inquires. These exceptions are intended to permit financial institutions to share information in response to customer service needs. Section 109(7) of the bill expands the general exceptions to include disclosures necessary to facilitate customer service such as maintenance and operation of consolidated customer call centers and the use of consolidated customer account statements.

Technical Amendments

Section 109 of the bill makes technical amendments to the list of general exceptions in section 502(e) of the GLBA, by splitting an existing exception that deals with disclosures to rating agencies and attorneys, and by adding a conforming statutory reference.

Section 110: Definitions

''Financial Institution''

The financial privacy requirements of subtitle A of title V of the GLBA apply to ''financial institutions,'' which are defined as institutions the business of which is engaging in activities that have been specified as ''financial activities'' under certain statutes and regulations. The GLBA, however, specifically excludes three types of entities from the definition of ''financial institution.'' They are: (1) any person or entity to the extent engaged in a financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission; (2) the institutions of the Farm Credit System; and 3) institutions chartered by Congress to engage in certain securitization or secondary market sale transactions, as long as such institutions do not sell or transfer nonpublic personal information to nonaffiliated third parties. Section 109(1) of the bill eliminates these exclusions in order to ensure consistency in the protection of consumers' nonpublic personal information under the GLBA. The bill preserves the existing general exception for disclosures in connection with securitization or secondary market sales transactions.

''Nonpublic Personal Information''

Section 110(2) of the bill revises the definition of ''nonpublic personal information'' in order to clarify that the term includes a consumer's Social Security number. This provision also clarifies that publicly available information about consumers also would be covered whether or not that information is disclosed as part of a larger list of consumers or as it pertains to an individual consumer. Under current law, this type of information is covered only if it is part of a list of more than one consumer.

''Consumer''

Under the GLBA, the term ''consumer'' is defined as an individual who obtains a financial product or service from a financial institution for personal, family, or household purposes, or such person's legal representative. Section 109(3) of the bill amends the definition of ''consumer'' to clarify that the term includes an individual who applies for, but does not necessarily obtain, such products or services from a financial institution.

Section 111: Implementing Regulations

Section 110(a) of the bill authorizes the federal regulators who have rulemaking authority under subtitle A of title V of the GLBA to issue regulations implementing the amendments made by the bill. The bill requires these agencies to include in their regulations requirements they determine are appropriate to prevent circumvention or evasion of any of the bill's requirements. Section 110(b) provides that in issuing their regulations, the agencies must follow the procedures and requirements set forth in section 504(a) of the GLBA that currently apply to their rulemaking authority. Specifically, the agencies must consult with each other and with representatives of state insurance authorities, and must issue consistent and comparable rules, to the extent possible. The statutory deadline in section 504(a)(3), which is set in relation to the date of the enactment of the GLBA, is obsolete for purposes of the regulations implementing this bill, and therefore does not apply.

Section 112: FTC Rulemaking Authority Under the Fair Credit Reporting Act (FCRA)

Section 112 of the bill amends section 621(e) of FCRA by establishing rulemaking authority for the Federal Trade Commission. This amendment creates parity with the federal banking agencies and the National Credit Union Administration, which each obtained rulemaking authority under the FCRA for their respective regulated entities pursuant to section 506 of the GLBA. Extending this authority to the FTC fills a gap in administrative enforcement under the FCRA.

Mr. SARBANES. Mr. President, I rise today to address a very important issue: the protection of every American's personal, sensitive, financial and medical information which is held by their financial institutions. I am pleased to join Senator LEAHY, the chairman of the Senate Democratic Privacy Task Force, and Senators DODD, KERRY, BRYAN, EDWARDS, ROBB, DURBIN, HARKIN, and FEINSTEIN in cosponsoring the Financial Information Privacy Protection Act.

This bill, submitted to us by the Clinton-Gore Administration, seeks to

protect a fundamental right of privacy for every American who entrusts his or her highly sensitive and confidential financial and medical information to a financial institution.

Every American should at least have the opportunity to say 'no' if he or she does not want that nonpublic information disclosed. Every American should have the right to have especially sensitive information held by his or her financial institution kept confidential unless consent is given. Every American should be allowed to make certain that the information to be shared is accurate and, if not, to have it corrected. And these rights should be enforced.

Mr. President, the Financial Information Privacy Protection Act would accomplish these objectives.

Few Americans understand that, under current Federal law, a financial institution could take information it obtained about a customer through his or her transactions, and sell or transfer that information to an affiliated party without the customer being able to object. And that customer has no right to get access to or to correct that information.

The amount of information that could be disclosed is enormous. It includes, for example:

Savings and checking account balances;

Certificate of deposit maturity dates and balances;

Checks an individual writes;

Checks deposited into a customer's account;

Stock and mutual fund purchases and sales;

Life insurance payouts; and

Health insurance claims.

Today's technology makes it easier, faster, and less costly than ever for institutions to have immediate access to large amounts of customer information; to analyze that data; and to send that data to others. Banks, securities firms, and insurance companies are increasingly affiliating and cross-marketing and, in the process, they are selling the products of affiliates to existing customers. This can entail the warehousing of large amounts of highly sensitive customer information and selling it to or sharing it with other companies, for purposes unknown to the customer. While cross-marketing can bring new and beneficial products to receptive consumers, it can also result in unwanted invasions of personal privacy.

Surveys show that the public is widely concerned about privacy. Major corporations have bumped up against privacy concerns when expanding their marketing services. Citizen groups have expressed serious concerns about the privacy implications of financial institutions' sharing or selling the information they collect without the knowledge of the party involved.

Along with medical records, financial records rank among the kinds of personal data Americans most expect will be kept from prying eyes. As with medical data, though, the privacy of even highly sensitive financial data has been increasingly put at risk by mergers, electronic data-swapping and the move to an economy in which the selling of other people's personal information is highly profitable—and legal.

On January 19, 1999, I introduced the Financial Information Privacy Act of 1999 (S. 187) to provide consumers with important privacy protections for their financial information. Some of these protections are reflected in this bill, including a right for consumers to object, or opt out, of their financial institutions sharing with affiliates customer information, such as account transactions, balances and maturity dates as well as rights for the consumer to have access to and to correct mistakes in information that would be shared.

The Gramm-Leach-Bliley Act, enacted last November, contained some limited federal financial privacy protections for consumers. While an important beginning, these protections failed to meet the expectations of Americans and did not contain the important protections that I have just referred to.

When the President signed the Gramm-Leach-Bliley Act, he observed that the privacy protections contained in the new legislation were inadequate. In his State of the Union Address this year, the President reiterated the need for stronger privacy legislation. Last Sunday, the President announced a proposal for improved financial privacy protections. He said, ''We can't let breakthroughs in technology break down walls of privacy.'' I agree and applaud the Clinton-Gore Administration's proposal as an important step forward.

The Financial Privacy Protection Act reflects the Administration's proposal and contains important financial privacy protections.

The Act would provide an ''opt out'' for affiliate sharing, allowing customers to object to a financial institution's sharing customer financial data with any affiliated firms.

It also would provide an ''opt in'' for sharing some types of ''sensitive information.'' A financial institution would need to have a consumer's affirmative consent before releasing his or her medical information or personal spending habits, reflected on checks written and credit card charges, to either an affiliate or an unaffiliated third party.

The Act also provides consumers with rights of access and correction. A consumer would be able to see the information to be released and correct material errors.

The Act also requires financial institutions to make privacy notices available to consumers who request them and makes other important improvements to the law.

As we proceed in an age of technological advances and cross-industry marketing of financial services, we need to be mindful of the privacy concerns of the American public. I ask myself the question, ''Whose information is this, the individual's or the institution's?'' I believe it is the individual's.

Consumers who wish to keep their sensitive financial and medical information private should be given a right to do so. The passage of the Financial Information Privacy Act would be a step toward that goal.

Mr. DODD. Mr. President, after numerous unsuccessful attempts, last year, Congress enacted legislation to modernize our nation's financial services laws. This important legislation will help to provide consumers greater choices for financial products and services and will also ensure that U.S. financial services companies are better equipped to handle the challenges of competing in a global marketplace.

As part of the financial services modernization legislation, limited provisions were included to help protect consumers' personal financial privacy. While these provisions were constructive, I believe that Congress must continue to press for the strongest possible privacy protections for financial services consumers.

I rise today in support of legislation, the Financial Information Privacy Protection Act of 2000, which affords additional privacy protections for financial services consumers.

Although it does not fully address my concerns with respect to the protection of financial and medical information, this legislation is a modest, but important step, in ensuring what I believe to be fundamental for all financial consumers, whether they execute their transactions in person, by mail or phone, or online. Consumers should have the ultimate control over the sharing of their personal financial information.

This legislation provides that among affiliates of financial institutions as well as to unaffiliated third parties, consumers would be afforded the opportunity to ''op-out'' of the sharing of their personal financial information.

Additionally, this legislation gives enhanced protection to consumers' medical records. Under this legislation, financial institutions would be required to obtain an affirmative consent from a consumer before the consumer's medical information could be shared among affiliates. Although I believe this is an important component in safeguarding the privacy of medical information, I continue to believe that it is critical we pass comprehensive medical privacy legislation this year so that consumers can be assured that their medical information is protected regardless of the context in which it generated or used.

As we continue to wrestle with finding the proper balance between the providing new financial products and services while at the same time providing consumers with the strongest possible protections for their personal financial and medical information, This legislation is a positive step in the right direction.

By Mr. GRAMS (for himself, Mr. SESSIONS, and Mr. ALLARD):

S. 2514. A bill to improve benefits for members of the reserve components of the Armed Forces and their dependents; to the Committee on Armed Services.

FAIRNESS FOR THE MILITARY RESERVE ACT OF 2000

● Mr. GRAMS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2514

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 ''Fairness for the Military Reserve Act of 2000''.

SEC. 2. TRAVEL BY RESERVES ON MILITARY AIRCRAFT OUTSIDE CONTINENTAL UNITED STATES.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS OCONUS.—(1) Subsection (a) of section 18505 of title 10, United States Code, is amended—

(A) by inserting ''annual training duty or'' before ''inactive-duty training'' both places it appears; and

(B) by inserting ''duty or'' before ''training if''.

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

''§ 18505. Space-required travel: Reserves traveling to annual training duty or inactive-duty training OCONUS''.

(b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF SELECTED RESERVE AND GRAY AREA RETIREES.—(1) Chapter 1805 of such title is amended by adding at the end the following new section:

''§ 18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents

''(a) ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—The Secretary of Defense shall prescribe regulations to provide persons described in subsection (b) with transportation on aircraft of the Department of Defense on a space-available basis under the same terms and conditions (including terms and conditions applicable to travel outside the United States) as apply to members and former members of the armed forces entitled to retired pay.

''(b) ELIGIBLE PERSONS.—Subsection (a) applies to the following persons:

''(1) A person who is a member of the Selected Reserve in good standing (as determined by the Secretary concerned).

''(2) A person who is a member or former member of a reserve component under age 60 who, but for age, would be entitled to retired pay under chapter 1223 of this title.

''(c) DEPENDENTS.—A dependent of a person described in subsection (b) shall be provided transportation under this section on the same basis as dependents of members and former members of the armed forces entitled to retired pay.

''(d) LIMITATION ON REQUIRED IDENTIFICATION.—Neither the 'Authentication of Reserve Status for Travel Eligibility' form (DD Form 1853) nor any other form, other military identification and duty orders or other forms of identification required of active duty personnel, may be required to be presented by persons requesting space-available transportation within or outside the continental United States under this section.

''(e) DEPENDENT DEFINED.—In this section, the term 'dependent' has the meanings given that term in subparagraphs (A), (B), (C), (D), and (I) of section 1074(2) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by striking the item relating to section 18505 and inserting the following:

''18505. Space-required travel: Reserves traveling to annual training duty or inactive-duty training OCONUS.

''18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents.''.

(c) EFFECTIVE DATE.—The regulations required under section 18506 of title 10, United States Code, as added by subsection (b), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 3. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by inserting after section 12603 the following new section:

''§ 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training

''(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from that Reserve's residence to be eligible for billeting in Department of Defense facilities on the same basis and to the same extent as a member of the armed forces on active duty who is traveling under orders away from the member's permanent duty station.

''(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in the regulations the means for confirming a Reserve's eligibility for billeting under subsection (a).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12603 the following new item:

''12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.

(b) EFFECTIVE DATE.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.

SEC. 4. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking ''but not more than'' and all that follows and inserting ''but not more than—

''(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

''(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the Reserve Components Equity Act of 2000; and

''(C) 90 days in the year of service that includes the date of the enactment of the Reserve Components Equity Act of 2000 and in any subsequent year of service.''.

SEC. 5. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) Members of reserve components of the armed forces not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), but only during the period that begins on the date of the release and is equal to twice the length of the period served on active duty under such call or order to active duty.''.

(b) DEPENDENTS.—Paragraph (5) of such section, as redesignated by subsection (a)(1), is amended by striking ''and (3)'' and inserting ''(3), and (4)''.

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.●

By Mr. ROCKEFELLER:

S. 2515. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001; to the Committee on Finance.

MEDIKIDS HEALTH INSURANCE ACT OF 2000

● Mr. ROCKEFELLER. Mr. President, I am pleased and proud to introduce the MediKids Health Insurance Act of 2000. Congressman STARK is introducing a companion bill in the House.

This legislation is, without a doubt, ambitious. It is a deliberate effort to try to ignite a national commitment to the goal of insuring all of our children. For some, that is an idealistic proposition that does not seem achievable. With this bill, I want to call on the public and my colleagues to consider once again the clear and convincing case for investing the necessary resources in the health of our children—and therefore, in the well-being of their families and our entire country. I will continue to work hard on every possible step to achieve this ultimate goal, but with this legislation, I urge lawmakers, health care professionals, and citizens to recognize the imperative of reaching that goal sooner rather than later.

Our children are not only our future, they are also our present. What we do for them today will greatly affect what happens tomorrow. Yet even though we recognize these facts, we still have not found a way to guarantee health coverage for children. Without health insurance, many of these children go without health care all together.

Children are the least expensive segment of our population to insure. They are also the least able to have control over whether or not they have health insurance. Yet we now have over 11 million uninsured children in this country. And this number is steadily climbing higher and higher every year.

Our success in expanding Medicaid and passing the State Children's Health Insurance Program was a meaningful, significant start at closing the tragic gap represented by millions of uninsured children. However, Congress

cannot point to these programs and declare that our work is done. We still have much more to do. The percent of children in low-income families without health insurance has not changed in recent years. Even with perfect enrollment in S–CHIP and Medicaid, there would still be a great number of children without health insurance.

This is partially due to our increasingly mobile society, where parents frequently change jobs and families often move from state to state. When this occurs there is often a lapse in health coverage. Also, families working their way out of welfare fluctuate between eligibility and ineligibility for means-tested assistance programs. Another reason for the number of uninsured children is that the cost of health insurance continues to increase, leaving many working parents unable to afford coverage for themselves or their families. All of this adds up to the fact that many of our children do not have the consistent and regular access to health care which they need to grow up healthy.

That is why I am introducing the MediKids Health Insurance Act of 2000. This bill would automatically enroll every child at birth into a new, comprehensive federal safety net health insurance program beginning in 2002. The benefits would be tailored to the needs of children and would be similar to those currently available to children under Medicaid. A small monthly premium would be collected from parents at tax filing, with discounts to low-income families phasing out at 300% of poverty. The children would remain enrolled in MediKids throughout childhood. When they are covered by another health insurance program, their parents would be exempt from the premium. The key to our program is that whenever other sources of health insurance fail, MediKids would stand ready to cover the health needs of our next generation. By the year 2020, every child in America would be able to grow up with consistent, continuous health insurance coverage. Like Medicare, MediKids would be independently financed, would cover benefits tailored to the needs of its target population, and would have the goal of achieving nearly 100% health insurance coverage for the children of this country—just as Medicare has done for our nation's seniors and disabled population. It's time we make this investment in the future of America by guaranteeing all children the health coverage they need to make a healthy start in life. The MediKids Health Insurance Act would offer guaranteed, automatic health coverage for every child with the simplest of enrollment procedures and no challenging outreach, paperwork, or redetermination hoops to jump through. It would be able to follow children across state lines, or tide them over in a new location until their parents can enroll them in a new insurance program. Between jobs or during family crises such as divorce or the death of a parent, it would offer extra security and ensure continuous health coverage to the nation's children. During that critical period when a family is just climbing out of poverty and out of the eligibility range for means-tested assistance programs, it would provide an extra boost with health insurance for the children until the parents can move into jobs that provide reliable health insurance coverage. And every child would automatically be enrolled upon birth, along with the issuance of the birth certificate or immigration card.

As we all know, an ounce of prevention is worth a pound of cure. Providing health care coverage to children affects much more than their health—it affects their ability to learn, their ability to thrive, and their ability to become a productive member of society. I look forward to working with my colleagues and supporting organizations for the passage of the MediKids Health Insurance Act of 2000 to guarantee every child in America the health coverage they need to grow up healthy.

Mr. President, I stand before you today to deliver a message. That is that it is time to rekindle the discussion about how we are going to provide health insurance for all Americans. The bill I am introducing today—the MediKids Health Insurance Act of 2000—is a step toward eliminating the irrational and tragic lack of health insurance for so many children and adults in our country.

Partial solutions to America's ''uninsured crisis'' lie before Congress, and I recognize the sense of realism and care that are the basis for proposing incremental steps towards universal coverage. As someone involved in the tough battles in years past to achieve universal coverage, I will continue to do all I can to make whatever progress can be made each and every year.

But I also believe it is important to not lose sight of the ideal—and our capacity to reach that ideal—of the United States of America joining every other industrialized nation by ensuring that its citizens have basic health insurance. Until we succeed, millions of children and adults will suffer human and financial costs that are preventable.

Therefore, Mr. President, I offer this legislation to both enlist my colleagues in an effort to insist that all of our nation's children are insured as quickly as possible and to lay out the steps that would achieve that goal. At a time when Congress seems stalled by politics and paralysis, and is therefore failing to make any tangible progress in dealing with rising number of uninsured Americans, I hope this bill will help to build the will and momentum so desperately needed by our children for action that will change their lives and strengthen our very nation. I ask my colleagues from both sides of the aisle to join as co-sponsors.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 2515

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''MediKids Health Insurance Act of 2000''.

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

(c) FINDINGS.—Congress finds the following:

(1) More than 11 million American children are uninsured.

(2) Children who are uninsured receive less medical care and less preventive care and have a poorer level of health, which result in lifetime costs to themselves and to the entire American economy.

(3) Although SCHIP and Medicaid are successfully extending a health coverage safety net to a growing portion of the vulnerable low-income population of uninsured children, we now see that they alone cannot achieve 100 percent health insurance coverage for our nation's children due to inevitable gaps during outreach and enrollment, fluctuations in eligibility, and variations in access to private insurance at all income levels.

(4) As all segments of our society continue to become more and more transient, with many changes in employment over the working lifetime of parents, the need for a reliable safety net of health insurance which follows children across State lines, already a major problem for the children of migrant and seasonal farmworkers, will become a major concern for all families in the United States.

(5) The Medicare program has successfully evolved over the years to provide a stable, universal source of health insurance for the nation's disabled and those over age 65, and therefore provides a tested model for designing a program to reach out to America's children

(6) The problem of insuring 100 percent of all American children could be gradually solved by automatically enrolling all children born after December 31, 2001, in a program modeled after Medicare (and to be known as ''MediKids''), and allowing those children to be transferred into other equivalent or better insurance programs, including either private insurance, SCHIP, or Medicaid, if they are eligible to do so, but maintaining the child's default enrollment in MediKids for any times when the child's access to other sources of insurance is lost.

(7) A family's freedom of choice to use other insurers to cover children would not be interfered with in any way, and children eligible for SCHIP and Medicaid would continue to be enrolled in those programs, but the underlying safety net of MediKids would always be available to cover any gaps in insurance due to changes in medical condition, employment, income, or marital status, or other changes affecting a child's access to alternate forms of insurance.

(8) The MediKids program can be administered without impacting the finances or status of the existing Medicare program.

(9) The MediKids benefit package can be tailored to the special needs of children and updated over time.

(10) The financing of the program can be administered without difficulty by a yearly payment of affordable premiums through a family's tax filing (or adjustment of a family's earned income tax credit).

(11) The cost of the program will gradually rise as the number of children using MediKids as the insurer of last resort increases, and a future Congress always can accelerate or slow down the enrollment process as desired, while the societal costs for emergency room usage, lost productivity and work days, and poor health status for the next generation of Americans will decline.

(12) Over time 100 percent of American children will always have basic health insurance, and we can therefore expect a healthier, more equitable, and more productive society.

SEC. 2. BENEFITS FOR ALL CHILDREN BORN AFTER 2001.

(a) IN GENERAL.—The Social Security Act is amended by adding at the end the following new title:

''TITLE XXII—MEDIKIDS PROGRAM

''SEC. 2201. ELIGIBILITY.

''(a) ELIGIBILITY OF INDIVIDUALS BORN AFTER DECEMBER 31, 2001.—An individual who meets the following requirements with respect to a month is eligible to enroll under this title with respect to such month:

''(1) AGE.—The individual is born after December 31, 2001, and has not attained 23 years of age.

''(2) CITIZENSHIP.—The individual is a citizen or national of the United States or is permanently residing in the United States under color of law.

''(b) ENROLLMENT PROCESS.—An individual may enroll in the program established under this title only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

''(1) individuals who are born in the United States after December 31, 2001, are deemed to be enrolled at the time of birth and a parent or guardian of such an individual is permitted to pre-enroll in the month prior to the expected month of birth;

''(2) individuals who are born outside the United States after such date and who become eligible to enroll by virtue of immigration into (or an adjustment of immigration status in) the United States are deemed enrolled at the time of entry or adjustment of status;

''(3) eligible individuals may otherwise be enrolled at such other times and manner as the Secretary shall specify, including the use of outstationed eligibility sites as described in section 1902(a)(55)(A) and the use of presumptive eligibility provisions like those described in section 1920A; and

''(4) at the time of automatic enrollment of a child, the Secretary provides for issuance to a parent or custodian of the individual a card evidencing coverage under this title and for a description of such coverage.

The provisions of section 1837(h) apply with respect to enrollment under this title in the same manner as they apply to enrollment under part B of title XVIII.

''(c) DATE COVERAGE BEGINS.—

''(1) IN GENERAL.—The period during which an individual is entitled to benefits under this title shall begin as follows, but in no case earlier than January 1, 2002:

''(A) In the case of an individual who is enrolled under paragraph (1) or (2) of subsection (b), the date of birth or date of obtaining appropriate citizenship or immigration status, as the case may be.

''(B) In the case of an another individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under subsection (a), the first day of such month of eligibility.

''(C) In the case of an another individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such subsection, the first day of the following month.

''(2) AUTHORITY TO PROVIDE FOR PARTIAL MONTHS OF COVERAGE.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

''(3) LIMITATION ON PAYMENTS.—No payments may be made under this title with respect to the expenses of an individual enrolled under this title unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

''(d) EXPIRATION OF ELIGIBILITY.—An individual's coverage period under this part shall continue until the individual's enrollment has been terminated because the individual no longer meets the requirements of subsection (a) (whether because of age or change in immigration status).

''(e) ENTITLEMENT TO MEDIKIDS BENEFITS FOR ENROLLED INDIVIDUALS.—An individual enrolled under this section is entitled to the benefits described in section 2202.

''(f) LOW-INCOME INFORMATION.—At the time of enrollment of a child under this title, the Secretary shall make an inquiry as to whether or not the family income of the family that includes the child is less than 150 percent of the poverty line for a family of the size involved. If the family income is below such level, the Secretary shall encode in the identification card issued in connection with eligibility under this title a code indicating such fact. The Secretary also shall provide for a toll-free telephone line at which providers can verify whether or not such a child is in a family the income of which is below such level.

''(g) CONSTRUCTION.—Nothing in this title shall be construed as requiring (or preventing) an individual who is enrolled under this section from seeking medical assistance under a State medicaid plan under title XIX or child health assistance under a State child health plan under title XXI.

''SEC. 2202. BENEFITS.

''(a) SECRETARIAL SPECIFICATION OF BENEFIT PACKAGE.—

''(1) IN GENERAL.—The Secretary shall specify the benefits to be made available under this title consistent with the provisions of this section and in a manner designed to meet the health needs of children.

''(2) UPDATING.—The Secretary shall update the specification of benefits over time to ensure the inclusion of age-appropriate benefits as the enrollee population gets older.

''(3) ANNUAL UPDATING.—The Secretary shall establish procedures for the annual review and updating of such benefits to account for changes in medical practice, new information from medical research, and other relevant developments in health science.

''(4) INPUT.—The Secretary shall seek the input of the pediatric community in specifying and updating such benefits.

''(b) INCLUSION OF CERTAIN BENEFITS.—

''(1) MEDICARE CORE BENEFITS.—Such benefits shall include (to the extent consistent with other provisions of this section) at least the same benefits (including coverage, access, availability, duration, and beneficiary rights) that are available under parts A and B of title XVIII.

''(2) ALL REQUIRED MEDICAID BENEFITS.—Such benefits shall also include all items and services for which medical assistance is required to be provided under section 1902(a)(10)(A) to individuals described in such section, including early and periodic screening, diagnostic services, and treatment servvices.

''(3) INCLUSION OF PRESCRIPTION DRUGS.—Such benefits also shall include (as specified by the Secretary) prescription drugs and biologicals.

''(4) COST-SHARING.—

''(A) IN GENERAL.—Subject to subparagraph (B), such benefits also shall include the cost-sharing (in the form of deductibles, coinsurance, and copayments) applicable under title XVIII with respect to comparable items and services, except that no cost-sharing shall be imposed with respect to early and periodic screening and diagnostic services included under paragraph (2).

''(B) NO COST-SHARING FOR LOWEST INCOME CHILDREN.—Such benefits shall not include any cost-sharing for children in families the income of which (as determined for purposes of section 1905(p)) does not exceed 150 percent of the official income poverty line (referred to in such section) applicable to a family of the size involved.

''(C) REFUNDABLE CREDIT FOR COST-SHARING FOR OTHER LOW-INCOME CHILDREN.—For a refundable credit for cost-sharing in the case of children in certain families, see section 35 of the Internal Revenue Code of 1986.

''(c) PAYMENT SCHEDULE.—The Secretary, with the assistance of the Medicare Payment Advisory Commission, shall develop and implement a payment schedule for benefits covered under this title. To the extent feasible, such payment schedule shall be consistent with comparable payment schedules and reimbursement methodologies applied under parts A and B of title XVIII.

''(d) INPUT.—The Secretary shall specify such benefits and payment schedules only after obtaining input from appropriate child health providers and experts.

''(e) ENROLLMENT IN HEALTH PLANS.—The Secretary shall provide for the offering of benefits under this title through enrollment in a health benefit plan that meets the same (or similar) requirements as the requirements that apply to Medicare+Choice plans under part C of title XVIII. In the case of individuals enrolled under this title in such a plan, the Medicare+Choice capitation rate described in section 1853(c) shall be adjusted in an appropriate manner to reflect differences between the population served under this title and the population under title XVIII.

''SEC. 2203. PREMIUMS.

''(a) AMOUNT OF MONTHLY PREMIUMS.—

''(1) IN GENERAL.—The Secretary shall, during September of each year (beginning with 2001), establish a monthly MediKids premium. Subject to paragraph (2), the monthly MediKids premium for a year is equal to 1/12 of the annual premium rate computed under subsection (b).

''(2) ELIMINATION OF MONTHLY PREMIUM FOR DEMONSTRATION OF EQUIVALENT COVERAGE (INCLUDING COVERAGE UNDER LOW-INCOME PROGRAMS).—The amount of the monthly premium imposed under this section for an individual for a month shall be zero in the case of an individual who demonstrates to the satisfaction of the Secretary that the individual has basic health insurance coverage for that month the actuarial value of which, as determined by the Secretary, is at least actuarially equivalent to the benefits available under this title. For purposes of the previous sentence enrollment in a medicaid plan under title XIX, a State child health insurance plan under title XXI, or under the medicare program under title XVIII is deemed to constitute basic health insurance coverage described in such sentence.

''(b) ANNUAL PREMIUM.—

''(1) NATIONAL, PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 2201(a)(1) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

''(2) ANNUAL PREMIUM.—Subject to subsection (d), the annual premium under this subsection for months in a year is equal to the average, annual per capita amount estimated under paragraph (1) for the year.

''(c) PAYMENT OF MONTHLY PREMIUM.—

''(1) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, subject to subsection (d), the monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

''(2) COLLECTION THROUGH TAX RETURN.—For provisions providing for the payment of monthly premiums under this subsection, see section 59B of the Internal Revenue Code of 1986.

''(3) PROTECTIONS AGAINST FRAUD AND ABUSE.—The Secretary shall develop, in coordination with States and other health insurance issuers, administrative systems to ensure that claims which are submitted to more than one payor are coordinated and duplicate payments are not made.

''(d) REDUCTION IN PREMIUM FOR CERTAIN LOW-INCOME FAMILIES.—For provisions reducing the premium under this section for certain low-income families, see section 59B(c) of the Internal Revenue Code of 1986.

''SEC. 2204. MEDIKIDS TRUST FUND.

''(a) ESTABLISHMENT OF TRUST FUND.—

''(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'MediKids Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

''(2) PREMIUMS.—Premiums collected under section 2203 shall be transferred to the Trust Fund.

''(b) INCORPORATION OF PROVISIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), subsections (b) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

''(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

''(A) any reference in such section to 'this part' is construed to refer to title XXII;

''(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this title;

''(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this title; and

''(D) the Board of Trustees of the MediKids Trust Fund shall be the same as the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

''SEC. 2205. OVERSIGHT AND ACCOUNTABILITY.

''(a) THROUGH ANNUAL REPORTS OF TRUSTEES.—The Board of Trustees of the MediKids Trust Fund under section 2204(b)(1) shall report on an annual basis to Congress concerning the status of the Trust Fund and the need for adjustments in the program under this title to maintain financial solvency of the program under this title.

''(b) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the adequacy of the financing of coverage provided under this title. The Comptroller General shall include in such report such recommendations for adjustments in such financing and coverage as the Comptroller General deems appropriate in order to maintain financial solvency of the program under this title.

''SEC. 2206. INCLUSION OF CARE COORDINATION SERVICES.

''(a) IN GENERAL.—

''(1) PROGRAM AUTHORITY.—The Secretary, beginning in 2002, may implement a care coordination services program in accordance with the provisions of this section under which, in appropriate circumstances, eligible individuals may elect to have health care services covered under this title managed and coordinated by a designated care coordinator.

''(2) ADMINISTRATION BY CONTRACT.—The Secretary may administer the program under this section through a contract with an appropriate program administrator.

''(3) COVERAGE.—Care coordination services furnished in accordance with this section shall be treated under this title as if they were included in the definition of medical and other health services under section 1861(s) and benefits shall be available under this title with respect to such services without the application of any deductible or coinsurance.

''(b) ELIGIBILITY CRITERIA; IDENTIFICATION AND NOTIFICATION OF ELIGIBLE INDIVIDUALS.—

''(1) INDIVIDUAL ELIGIBILITY CRITERIA.—The Secretary shall specify criteria to be used in making a determination as to whether an individual may appropriately be enrolled in the care coordination services program under this section, which shall include at least a finding by the Secretary that for cohorts of individuals with characteristics identified by the Secretary, professional management and coordination of care can reasonably be expected to improve processes or outcomes of health care and to reduce aggregate costs to the programs under this title.

''(2) PROCEDURES TO FACILITATE ENROLLMENT.—The Secretary shall develop and implement procedures designed to facilitate enrollment of eligible individuals in the program under this section.

''(c) ENROLLMENT OF INDIVIDUALS.—

''(1) SECRETARY'S DETERMINATION OF ELIGIBILITY.—The Secretary shall determine the eligibility for services under this section of individuals who are enrolled in the program under this section and who make application for such services in such form and manner as the Secretary may prescribe.

''(2) ENROLLMENT PERIOD.—

''(A) EFFECTIVE DATE AND DURATION.—Enrollment of an individual in the program under this section shall be effective as of the first day of the month following the month in which the Secretary approves the individual's application under paragraph (1), shall remain in effect for one month (or such longer period as the Secretary may specify), and shall be automatically renewed for additional periods, unless terminated in accordance with such procedures as the Secretary shall establish by regulation. Such procedures shall permit an individual to disenroll for cause at any time and without cause at re-enrollment intervals.

''(B) LIMITATION ON REENROLLMENT.—The Secretary may establish limits on an individual's eligibility to reenroll in the program under this section if the individual has disenrolled from the program more than once during a specified time period.

''(d) PROGRAM.—The care coordination services program under this section shall include the following elements:

''(1) BASIC CARE COORDINATION SERVICES.—

''(A) IN GENERAL.—Subject to the cost-effectiveness criteria specified in subsection (b)(1), except as otherwise provided in this section, enrolled individuals shall receive services described in section 1905(t)(1) and may receive additional items and services as described in subparagraph (B).

''(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to individuals enrolled in the program under this section (subject to an assessment by the care coordinator of an individual's circumstance and need for such benefits) in order to encourage enrollment in, or to improve the effectiveness of, such program.

''(2) CARE COORDINATION REQUIREMENT.—Notwithstanding any other provision of this title, the Secretary may provide that an individual enrolled in the program under this section may be entitled to payment under this title for any specified health care items or services only if the items or services have been furnished by the care coordinator, or coordinated through the care coordination services program. Under such provision, the Secretary shall prescribe exceptions for emergency medical services as described in section 1852(d)(3), and other exceptions determined by the Secretary for the delivery of timely and needed care.

''(e) CARE COORDINATORS.—

''(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination services under this section, an individual or entity shall—

''(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

''(B) have entered into a care coordination agreement; and

''(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician's services).

''(2) AGREEMENT TERM; PAYMENT.—

''(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall be for one year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1).

''(B) PAYMENT FOR SERVICES.—The Secretary may negotiate or otherwise establish

payment terms and rates for services described in subsection (d)(1).

''(C) LIABILITY.—Case coordinators shall be subject to liability for actual health damages which may be suffered by recipients as a result of the care coordinator's decisions, failure or delay in making decisions, or other actions as a care coordinator.

''(D) TERMS.—In addition to such other terms as the Secretary may require, an agreement under this section shall include the terms specified in subparagraphs (A) through (C) of section 1905(t)(3).

''SEC. 2207. ADMINISTRATION AND MISCELLANEOUS.

''(a) IN GENERAL.—Except as otherwise provided in this title—

''(1) the Secretary shall enter into appropriate contracts with providers of services, other health care providers, carriers, and fiscal intermediaries, taking into account the types of contracts used under title XVIII with respect to such entities, to administer the program under this title;

''(2) individuals enrolled under this title shall be treated for purposes of title XVIII as though the individual were entitled to benefits under part A and enrolled under part B of such title;

''(3) benefits described in section 2202 that are payable under this title to such individuals shall be paid in a manner specified by the Secretary (taking into account, and based to the greatest extent practicable upon, the manner in which they are provided under title XVIII);

''(4) provider participation agreements under title XVIII shall apply to enrollees and benefits under this title in the same manner as they apply to enrollees and benefits under title XVIII; and

''(5) individuals entitled to benefits under this title may elect to receive such benefits under health plans in a manner, specified by the Secretary, similar to the manner provided under part C of title XVIII.

''(b) COORDINATION WITH MEDICAID AND SCHIP.—Notwithstanding any other provision of law, individuals entitled to benefits for items and services under this title who also qualify for benefits under title XIX or XXI or any other Federally funded program may continue to qualify and obtain benefits under such other title or program, and in such case such an individual shall elect either—

''(1) such other title or program to be primary payor to benefits under this title, in which case no benefits shall be payable under this title and the monthly premium under section 2203 shall be zero; or

''(2) benefits under this title shall be primary payor to benefits provided under such program or title, in which case the Secretary shall enter into agreements with States as may be appropriate to provide that, in the case of such individuals, the benefits under titles XIX and XXI or such other program (including reduction of cost-sharing) are provided on a 'wrap-around' basis to the benefits under this title.''.

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking ''or the Federal Supplementary Medical Insurance Trust Fund'' and inserting ''the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund''.

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking '' and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII'' and inserting '', the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund established by title XVIII''.

(3) Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(A) in paragraph (1), by striking ''or (7)'' and inserting '', (7), or (8)'', and

(B) by adding at the end the following:

''(8) ADJUSTMENT FOR MEDIKIDS.—In applying this subsection with respect to individuals entitled to benefits under title XXII, the Secretary shall provide for an appropriate adjustment in the Medicare+Choice capitation rate as may be appropriate to reflect differences between the population served under such title and the population under parts A and B.''.

(c) MAINTENANCE OF MEDICAID ELIGIBILITY AND BENEFITS FOR CHILDREN.—

(1) IN GENERAL.—In order for a State to continue to be eligible for payments under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a))—

(A) the State may not reduce standards of eligibility, or benefits, provided under its State medicaid plan under title XIX of the Social Security Act or under its State child health plan under title XXI of such Act for individuals under 23 years of age below such standards of eligibility, and benefits, in effect on the date of the enactment of this Act; and

(B) the State shall demonstrate to the satisfaction of the Secretary of Health and Human Services that any savings in State expenditures under title XIX or XXI of the Social Security Act that results from children from enrolling under title XXII of such Act shall be used in a manner that improves services to beneficiaries under title XIX of such Act, such as through increases in provider payment rates, expansion of eligibility, improved nurse and nurse aide staffing and improved inspections of nursing facilities, and coverage of additional services.

(2) MEDIKIDS AS PRIMARY PAYOR.—In applying title XIX of the Social Security Act, the MediKids program under title XXII of such Act shall be treated as a primary payor in cases in which the election described in section 2207(b)(2) of such Act, as added by subsection (a), has been made.

(d) EXPANSION OF MEDPAC MEMBERSHIP TO 19.—

(1) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b–6(c)) is amended—

(A) in paragraph (1), by striking ''17'' and inserting ''19''; and

(B) in paragraph (2)(B), by inserting ''experts in children's health,'' after ''other health professionals,''.

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under subsection (a)(1) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2001.

SEC. 3. MEDIKIDS PREMIUM.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end the following new part:

''PART VIII—MEDIKIDS PREMIUM

''Sec. 59B. MediKids premium.

''SEC. 59B. MEDIKIDS PREMIUM.

''(a) IMPOSITION OF TAX.—In the case of an individual to whom this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a MediKids premium for the taxable year.

''(b) INDIVIDUALS SUBJECT TO PREMIUM.—

''(1) IN GENERAL.—This section shall apply to an individual if the taxpayer has a MediKid at any time during the taxable year.

''(2) MEDIKID.—For purposes of this section, the term 'MediKid' means, with respect to a taxpayer, any individual with respect to whom the taxpayer is required to pay a premium under section 2203(c) of the Social Security Act for any month of the taxable year.

''(c) AMOUNT OF PREMIUM.—For purposes of this section, the MediKids premium for a taxable year is the sum of the monthly premiums under section 2203 of the Social Security Act for months in the taxable year.

''(d) EXCEPTIONS BASED ON ADJUSTED GROSS INCOME.—

''(1) EXEMPTION FOR VERY LOW-INCOME TAXPAYERS.—

''(A) IN GENERAL.—No premium shall be imposed by this section on any taxpayer having an adjusted gross income not in excess of the exemption amount.

''(B) EXEMPTION AMOUNT.—For purposes of this paragraph, the exemption amount is—

''(i) $16,300 in the case of a taxpayer having 1 MediKid,

''(ii) $19,950 in the case of a taxpayer having 2 MediKids,

''(iii) $25,550 in the case of a taxpayer having 3 MediKids, and

''(iv) $30,150 in the case of a taxpayer having 4 or more MediKids.

''(C) PHASEOUT OF EXEMPTION.—In the case of a taxpayer having an adjusted gross income which exceeds the exemption amount but does not exceed twice the exemption amount, the premium shall be the amount which bears the same ratio to the premium which would (but for this subparagraph) apply to the taxpayer as such excess bears to the exemption amount.

''(D) INFLATION ADJUSTMENT OF EXEMPTION AMOUNTS.—In the case of any taxable year beginning in a calendar year after 2001, each dollar amount contained in subparagraph (C) shall be increased by an amount equal to the product of—

''(i) such dollar amount, and

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1999' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.

''(2) PREMIUM LIMITED TO 5 PERCENT OF ADJUSTED GROSS INCOME.—In no event shall any taxpayer be required to pay a premium under this section in excess of an amount equal to 5 percent of the taxpayer's adjusted gross income.

''(e) COORDINATION WITH OTHER PROVISIONS.—

''(1) NOT TREATED AS MEDICAL EXPENSE.—For purposes of this chapter, any premium paid under this section shall not be treated as expense for medical care.

''(2) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The premium paid under this section shall not be treated as a tax imposed by this chapter for purposes of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the minimum tax imposed by section 55.

''(3) TREATMENT UNDER SUBTITLE F.—For purposes of subtitle F, the premium paid under this section shall be treated as if it were a tax imposed by section 1.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 6012 of such Code is amended by inserting after paragraph (9) the following new paragraph:

''(10) Every individual liable for a premium under section 59B.''.

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Part VIII. MediKids premium.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 2001, in taxable years ending after such date.

SEC. 4. REFUNDABLE CREDIT FOR COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

''SEC. 35. COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who has a MediKid (as defined in section 59B) at any time during the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to 50 percent of the amount paid by the taxpayer during the taxable year as cost-sharing under section 2202(b)(4) of the Social Security Act.

''(b) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit which would (but for this subsection) be allowed under this section for the taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to such amount of credit as the excess of the taxpayer's adjusted gross income for such taxable year over the exemption amount (as defined in section 59B(d)) bears to such exemption amount.''.

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ''or from section 35 of such Code''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

''Sec. 35. Cost-sharing expenses under MediKids program.

''Sec. 36. Overpayments of tax.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 5. FINANCING FROM TOBACCO LIABILITY PAYMENTS.

Amounts that are recovered by the United States in the civil action brought on September 22, 1999, under the Medical Care Recovery Act, the Medicare Secondary Payer provisions, and section 1962 of title 18, United States Code, in the United States District Court for the District of Columbia against the industry engaged in the production and sale of tobacco products and persons engaged in public relations and lobbying for such industry and that are attributable to the expenditures of the Department of Health and Human Services for tobacco-related illnesses shall be deposited in the MediKids Trust Fund established under section 2204(a) of the Social Security Act, as added by section 2(a) of the MediKids Health Insurance Act of 2000.

SEC. 6. REPORT ON LONG-TERM REVENUES.

Within one year after the date of the enactment of this Act, the Secretary of the Treasury shall propose a gradual schedule of progressive tax changes to fund the program under title XXII of the Social Security Act, as the number of enrollees grows in the out-years.

MEDIKIDS HEALTH INSURANCE ACT OF 2000—SUMMARY AND DESCRIPTION OF THE BILL

There are still 11 million uninsured children in America. Children are the least expensive segment of our population to insure, they are the least able to have any control over whether or not they have health insurance, and maintaining their health is integral to their educational success and their futures in our society.

We will soon introduce the MediKids Health Insurance Act of 2000 to end the disgrace of allowing our children to survive without the basic health protections they need to thrive.

The MediKids Health Insurance Act of 2000 will create a new Medicare type program called MediKids, tailored to the health needs of children. The MediKids program will be separate from Medicare and will have no financial impact on the existing program.

The cornerstone of the new program will be automatic enrollment into MediKids at birth. Beginning in 2002, every child will be automatically enrolled in MediKids health insurance coverage at birth, and their parents will be assessed a small annual premium with their taxes. Parents who have another source of health insurance for their children are exempt from this premium. Babies initially enrolled in MediKids who are determined to be eligible for S–CHIP or Medicaid can be enrolled into the appropriate other program.

As each year brings a new cohort of babies into the program, the program will grow to ensure a source of health insurance to every child in America by the year 2020. (Future Congresses will be able to speed up the extension of coverage to children of all ages if they find it desirable to accelerate the process of the program.) There will be no means testing, no outreach problems, and the program will exist as a safety net of health insurance for children, regardless of income. It will cover their health needs through changes in their parents' employment, marital status, or access to private insurance.

DETAILS OF THE MEDIKIDS HEALTH INSURANCE ACT OF 2000

Enrollment

Automatic enrollment into MediKids at birth for every child born after 12/31/2001.

At the time of enrollment, materials describing the coverage and a MediKids health insurance card will be issued to the parent(s) of legal guardian(s).

Once enrolled, children will remain enrolled in MediKids until they reach the age of 23.

During periods of equivalent coverage by other sources, whether private insurance, or government programs such as Medicaid or S–CHIP, there will be no premium charged for MediKids.

During any lapse in other insurance coverage, MediKids will automatically cover the child's health insurance needs (and premium will be owed for those months).

Benefits

Based on Medicare core benefits, plus the Medicaid Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefits for children.

Prescription drug benefit.

The Secretary of HHS shall further develop age-appropriate benefits as needed as the program matures, and as funding support allows.

The Secretary shall include provisions for annual reviews and updates to the benefits, with input from the pediatric community.

Premiums

Parents will be responsible for a small premium, one-fourth of the annual average cost per child, to be collected at income tax filing.

Parents will be exempt from the premium if their children are covered by comparable alternate health insurance. That coverage can be either private insurance or enrollment in other federal programs.

Families up to 150% of poverty will owe no premium. Families between 150% and 300% of poverty will receive a graduated discount in the premium. Each family's obligation will be capped at 5% of total income.

Cost-sharing (co-pays, deductibles)

No cost-sharing for preventive and well child care.

No obligations up to 150% of poverty.

From 150% to 300% of poverty, a graduated refundable credit for cost-sharing expenses.

Financing

During the first few years, costs can be fully covered by tobacco settlement monies, budget surplus, or other funds as agreed upon, such as a portion of the surplus in the child immunizations liability trust fund.

During this time, the Secretary of Treasury has time to develop a package of progressive, gradual tax changes to fund the program, as the number of enrollees grows in the out-years.

Miscellaneous

To the extent that the states save money from the enrollment of children into MediKids, they will be required to maintain those funding levels in other programs and services directed at the Medicaid population, which can include expanding eligibility for such services.

At the issuance of legal immigration papers for a child born after 12/31/01, that child will be automatically enrolled in the MediKids health insurance program.

If you would like to get more information about the legislation, or to join as an original cosponsor, please contact Deborah Veres with Senator Rockefeller at 4–7993.●

ADDITIONAL COSPONSORS

S. 764

At the request of Mr. THURMOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Virginia (Mr. ROBB) 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. 1322

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of

S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1396

At the request of Mr. FITZGERALD, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1396, a bill to amend section 4532 of title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes.

At the request of Mr. FITZGERALD, the name of the Senator from Rhode Island (Mr. REED) was withdrawn as a cosponsor of S. 1396, supra.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Missouri (Mr. BOND) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1539

At the request of Mr. DODD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1558

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1656

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1656, a bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for children program.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1776

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1776, a bill to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

S. 1777

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1777, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction of greenhouse gas emissions and to advance global climate science and technology development.

S. 1805

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Colorado (Mr. ALLARD), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1983

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor 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. 2044

At the request of Mr. INOUYE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2044, supra.

S. 2183

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2277

At the request of Mr. ROTH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2311

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2357

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home services.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from New York (Mr. SCHUMER), the Senator from Florida (Mr. GRAHAM), and the Senator New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2416

At the request of Mr. ASHCROFT, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2416, a bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State,

as the ''Harry S. Truman Federal Building.''

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2444

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2444, a bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization.

S. 2486

At the request of Mr. WARNER, the names of the Senator from Utah (Mr. HATCH) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2486, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors 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. 103

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. Con. Res. 103, a concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests.

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Montana (Mr. BURNS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. ENZI), the Senator from Washington (Mr. GORTON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as ''National Correctional Officers and Employees Week.''

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as ''Children's Internet Safety Month.''

SENATE CONCURRENT RESOLUTION 108—DESIGNATING THE WEEK BEGINNING ON APRIL 30, 2000, AND ENDING ON MAY 6, 2000, AS ''NATIONAL CHARTER SCHOOLS WEEK''

Mr. LIEBERMAN (for himself, Mr. GREGG, and Mr. KERRY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 108

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parent flexibility, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 35 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received more than $350,000,000 in grants from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.);

Whereas 32 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving approximately 350,000 students in more than 1,700 charter schools during the 1999 to 2000 school year;

Whereas charter schools can be vehicles both for improving student achievement for students who attend them and for stimulating change and improvement in all public schools and benefiting all public school students;

Whereas charter schools in many States serve significant numbers of students with lower income, students of color, and students with disabilities;

Whereas the Charter Schools Expansion Act of 1998 (Public Law 105–278) amended the Federal grant program for charter schools authorized by title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) to strengthen accountability provisions at the Federal, State, and local levels to ensure that charter public schools are of high quality and are truly accountable to the public;

Whereas 7 of 10 charter schools report having a waiting list;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system;

(2) designates the week beginning on April 30, 2000, and ending on May 6, 2000, as ''National Charter Schools Week''; and

(3) requests that the President issue a proclamation calling on the people of the United States to observe the week by conducting appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

SENATE CONCURRENT RESOLUTION 109—EXPRESSING THE SENSE OF CONGRESS REGARDING THE ONGOING PERSECUTION OF 13 MEMBERS OF IRAN'S JEWISH COMMUNITY

Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. SMITH of Oregon, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 109

Whereas on the eve of the Jewish holiday of Passover 1999, 13 Jews, including community and religious leaders in the cities of Shiraz and Isfahan, were arrested by the authorities of the Islamic Republic of Iran and accused of spying for the United States and Israel;

Whereas three of 13 defendants were tried in the first week in May 2000, in trials that were closed to all independent journalists, outside media, international observers, and family members;

Whereas no evidence was brought forth at these trials other than taped ''confessions'', and no formal charges have yet been filed;

Whereas Jews in Iran are prohibited from holding any positions that would give them access to state secrets;

Whereas the judge in the case also serves as prosecutor, chief investigator, and arbiter of punishment;

Whereas United States Secretary of State Albright has identified the case of the 13 Jews in Shiraz as ''one of the barometers of United States-Iran relations'';

Whereas countless nations and leading international human rights organizations have expressed their concern for the 13 Iranian Jews and especially their human rights under the rule of law;

Whereas President Mohammad Khatami was elected on a platform of moderation and reform;

Whereas the United States has recently made goodwill overtures toward Iran, including lifting restrictions on the import of Iranian foodstuffs and crafts, promising steps toward the return of assets frozen since 1979,

and easing travel restrictions, all in an attempt to improve relations between the two countries;

Whereas the World Bank is currently considering two Iranian projects, valued at more than $130,000,000, which have been on hold since 1993; and

Whereas Iran must show signs of respecting fundamental human rights as a prerequisite for improving its relationship with the United States and becoming a member in good standing of the world community: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should—

(1) condemn, in the strongest possible terms, the arrest of the 13 Iranian Jews and the unfair procedures employed against them leading up to, and during, their trials, and demand their immediate release; and

(2) make it clear that—

(A) Iran's treatment of the Jews on trial is a benchmark for determining the nature of current and future United States-Iran relations, and that concessions already made may be rescinded in light of Iran's conduct of these cases; and

(B) the outcome of these cases will help determine Iran's standing in the community of nations, and its eligibility for loans and other financial assistance from international financial institutions.

SENATE CONCURRENT RESOLUTION 110—CONGRATULATING THE REPUBLIC OF LATVIA ON THE TENTH ANNIVERSARY OF THE REESTABLISHMENT OF ITS INDEPENDENCE FROM THE RULE OF THE FORMER SOVIET UNION

Mr. DURBIN (for himself, Mr. HELMS, Mr. ROBB, and Mr. ABRAHAM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 110

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on May 4, 1990, of the reestablishment of full sovereignty and independence of the Republic of Latvia furthered the disintegration of the former Soviet Union;

Whereas Latvia since then has successfully built democracy, passed legislation on human and minority rights that conform to European and international norms, ensured the rule of law, developed a free market economy, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Latvia, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Latvia on the occasion of the tenth anniversary of the reestablishment of its independence and the role it played in the disintegration of the former Soviet Union; and

(2) commends Latvia for its success in implementing political and economic reforms, which may further speed the process of that country's integration into European and Western institutions.

● Mr. DURBIN. Mr. President, today marks the 10th anniversary of the declaration of independence of Latvia from the domination of the Soviet Union. Latvia's resolution on May 4th, 1990 followed closely after Lithuania's declaration in March. These courageous Baltic countries led the way to throw off the yoke of Soviet Communist imperialism, resulting in the disintegration of the Soviet Union.

The courage of the peaceful crowd that surrounded the parliament building in Riga to prevent a Soviet attack should be remembered and commended. The Latvians showed the power of peaceful resistance and risked their lives doing so.

Latvia has now become a vibrant democracy. It has established a free-market economy and the rule of law. Latvia wants to be fully integrated into Europe, and is seeking membership in the European Union and the North Atlantic Treaty Organization (NATO).

This year we also celebrate the 60th anniversary of the refusal of the United States to recognize Soviet domination of the Baltic states. The logic then and the logic now is that the United States will only recognize free and independent Baltic states. What we celebrate this year is what we must help preserve next year and the year after that. We must carry on that principle today by being sure that Latvia, Lithuania and Estonia are admitted into NATO as an unequivocal statement that we will never tolerate domination of the Baltic states again.

I support admitting the Baltic states into NATO and I hope my colleagues here in the Senate will support their entry also in the next round of NATO expansion.

That debate we will save for another day, but I am sure all my colleagues can agree on the importance of the Baltic states' contribution to the freedom and independence of the former Soviet Republics and will join me in congratulating Latvia in celebrating 10 years of that precious freedom and independence.●

SENATE RESOLUTION 303—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TREATMENT BY THE RUSSIAN FEDERATION OF ANDREI BABITSKY, A RUSSIAN JOURNALIST WORKING FOR RADIO FREE EUROPE/RADIO LIBERTY

Mr. KENNEDY (for himself, Mr. LEAHY, and Mr. GRAMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 303

Whereas Andrei Babitsky, an accomplished Russian journalist working for Radio Free Europe/Radio Liberty, a United States Government-funded broadcasting service, faces serious charges in Russia after being held captive and beaten by Russian authorities;

Whereas the mission of Radio Free Europe/Radio Liberty's bureaus in Russia is to provide Russian listeners objective and uncensored reporting on developments in Russia and around the world;

Whereas Russian authorities repeatedly denounced Mr. Babitsky for his reporting on the war in Chechnya, including his documentation of Russian troop casualties and the Russian Federation's brutal treatment of Chechen civilians;

Whereas Senate Resolutions 223 and 262 of the One Hundred Sixth Congress condemning the violence in Chechnya and urging a peaceful resolution to the conflict were adopted by the Senate by unanimous consent on November 19, 1999, and February 24, 2000, respectively;

Whereas on January 16, Mr. Babitsky was arrested by Russian police in the Chechen battle zone, was accused of assisting the Chechen forces, and was told he was to stand trial in Moscow;

Whereas Russian authorities took Mr. Babitsky to a ''filtration camp'' for suspected Chechen collaborators where he was severely beaten and then transferred to an undisclosed location;

Whereas on February 3, the Government of the Russian Federation announced that it had traded Mr. Babitsky to Chechen units in exchange for Russian prisoners, a violation of the Geneva Conventions to which Russia is a party;

Whereas on February 25, Mr. Babitsky was released by his captors in the Republic of Dagestan, only to be jailed by Russian officials for carrying false identity papers;

Whereas Mr. Babitsky says the papers were forced on him by his captors and used to smuggle him across borders;

Whereas Mr. Babitsky now faces charges from the Government of the Russian Federation of collaborating with the Chechens and carrying false identity papers and is not allowed to leave the city of Moscow;

Whereas on February 25, a senior advisor in Russia's Foreign Ministry published an article in The Moscow Times entitled ''Should Liberty Leave?'', which condemned the coverage by Radio Free Europe/Radio Liberty of the war in Chechnya, particularly reporting by Radio Free Europe/Radio Liberty correspondent Andrei Babitsky, and which stated that it would ''be better to close down the branches of Radio Liberty on Russian territory'';

Whereas on March 13, the Russian Ministry of the Press ordered Radio Free Europe/Radio Liberty's Moscow Bureau to provide complete recordings of broadcasts between February 15 and March 15, an action that Radio Free Europe/Radio Liberty described as ''designed to intimidate us and others'';

Whereas on March 14, the Russian Ministry of the Press issued a directive to prevent the broadcast of interviews from Chechen resistance leaders, an act of censorship which undercuts the ability of Radio Free Europe/Radio Liberty to fulfill its responsibilities as an objective news organization;

Whereas the treatment of Mr. Babitsky intimidates other correspondents working in Russia, particularly those covering the tragic story unfolding in Chechnya;

Whereas Russia's evolution into a stable democracy requires a free and vibrant press; and

Whereas it is imperative that the United States Government respond vigorously to the harassment and intimidation of Radio Free Europe/Radio Liberty: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that ''everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers'';

(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress; and

(6) urges the President of the United States to place these issues high on the agenda for his June 4–5 summit meeting with President Vladimir Putin of the Russian Federation.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GRAMS and Senator LEAHY in offering this Senate resolution expressing our deep concern about the continuing plight of the Russian journalist Andrei Babitsky.

Mr. Babitsky, an accomplished journalist working for Radio Free Europe/Radio Liberty, still faces serious charges in Russia after being held captive by Russian authorities, beaten, and kept in a ''filtration camp'' for suspected Chechen collaborators.

For 10 years, Mr. Babitsky has helped fulfill the mission of RFE/RL to provide Russian listeners with objective and uncensored reporting. But Russian authorities, displeased with Mr. Babitsky's courageous reporting on the war in Chechnya, accused him of assisting the Chechen forces and had him arrested in the battle zone last January.

After six weeks in captivity, Mr. Babitsky was released, and then jailed again by Russian officials for carrying false identity papers. He says the papers were forced upon him. After an international outcry arose over his case, he was again released. But he still is not allowed to leave Moscow, and he still faces charges for carrying false papers and aiding the Chechens.

In addition, Russian authorities have continued to condemn Radio Liberty's coverage of the Chechen conflict, and have suggested that Radio Liberty should be forced to abandon its facilities in Moscow and throughout the Russian Republic. The authorities have taken steps to censor Radio Liberty and to intimidate its correspondents and others.

The United States should respond vigorously to this harassment and intimidation of Radio Free Europe/Radio Liberty. The Russian government should drop its trumped-up charges against Mr. Babitsky.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

ABRAHAM (AND OTHERS) AMENDMENT NO. 3117

Mr. ABRAHAM (for himself, Mr. MACK, Mr. COVERDELL, and Mr. FITZGERALD) proposed an amendment to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

Beginning on page 203, line 8, strike all through the period on page 213, line 15 and insert the following:

''(11)(A) Reforming teacher tenure systems.

''(B) Establishing teacher compensation systems based on merit and proven performance.

''(C) Testing teachers periodically in the academic subjects in which the teachers teach.

''(b) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

''SEC. 2014. APPLICATIONS BY STATES.

''(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) CONTENTS.—Each application submitted under this section shall include the following:

''(1) A description of how the State will ensure that a local educational agency receiving a subgrant to carry out subpart 3 will comply with the requirements of such subpart.

''(2)(A) An assurance that the State will measure the annual progress of the local educational agencies and schools in the State with respect to—

''(i) improving student academic achievement and student performance, in accordance with content standards and student performance standards established under part A of title I;

''(ii) closing academic achievement gaps, reflected in disaggregated data described in section 1111(b)(3)(I), between minority and non-minority groups and low-income and non-low-income groups; and

''(iii) improving performance on other specific indicators for professional development, such as increasing the percentage of classes in core academic subjects that are taught by highly qualified teachers.

''(B) An assurance that the State will require each local educational agency and school in the State receiving funds under this part to publicly report information on the agency's or school's annual progress, measured as described in subparagraph (A).

''(3) A description of how the State will hold the local educational agencies and schools accountable for making annual progress as described in paragraph (2), subject to part A of title I.

''(4)(A) A description of how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under—

''(i) titles I and IV, part A of title V, and part A of title VII; and

''(ii) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

''(B) A description of the comprehensive strategy that the State will use as part of the effort to carry out the coordination, to ensure that teachers, paraprofessionals, and principals are trained in the utilization of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in all curriculum areas and academic subjects, as appropriate.

''(5) A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

''(6) A description of how the activities to be carried out by the State under this subpart will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

''(c) APPLICATION SUBMISSION.—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act.

''Subpart 2—Subgrants to Eligible Partnerships

''SEC. 2021. PARTNERSHIP GRANTS.

''(a) IN GENERAL.—From the portion described in section 2012(c)(2)(A), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award subgrants on a competitive basis under section 2012(c) to eligible partnerships to enable such partnerships to carry out activities described in subsection (b). The State agency for higher education shall ensure that such subgrants shall be equitably distributed by geographic area within the State, or ensure that eligible partnerships in all geographic areas within the State are served through the grants.

''(b) USE OF FUNDS.—An eligible partnership that receives funds under section 2012 shall use the funds for—

''(1) professional development activities in core academic subjects to ensure that teachers, paraprofessionals, and, if appropriate, principals have content knowledge in the academic subjects that the teachers teach; and

''(2) developing and providing assistance to local educational agencies and individuals who are teachers, paraprofessionals or principals of public and private schools served by each such agency, for sustained, high-quality professional development activities that—

''(A) ensure that the agencies and individuals are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student academic achievement and student performance; and

''(B) may include intensive programs designed to prepare such individuals who will return to a school to provide such instruction to other such individuals within such school.

''(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under section 2012.

''(d) COORDINATION.—An eligible partnership that receives a grant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this

section and the activities carried out under that section 203.

''(e) ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means an entity that—

''(1) shall include—

''(A) a private or State institution of higher education and the division of the institution that prepares teachers;

''(B) a school of arts and sciences; and

''(C) a high need local educational agency; and

''(2) may include other local educational agencies, a public charter school, a public or private elementary school or secondary school, an educational service agency, a public or private nonprofit educational organization, other institutions of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, or a business.

''Subpart 3—Subgrants to Local Educational Agencies

''SEC. 2031. LOCAL USE OF FUNDS.

''(a) REQUIRED ACTIVITIES.—

''(1) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use the subgrant to carry out the activities described in this subsection.

''(2) REQUIRED PROFESSIONAL DEVELOPMENT ACTIVITIES.—

''(A) MATHEMATICS AND SCIENCE.—

''(i) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities in mathematics and science in accordance with section 2032.

''(ii) GRANDFATHER OF OLD WAIVERS.—A waiver provided to a local educational agency under part D of title XIV prior to the date of enactment of the Educational Opportunities Act shall be deemed to be in effect until such time as the waiver otherwise would have ceased to be effective.

''(B) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities that give teachers, paraprofessionals, and principals the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards. Such activities shall be consistent with section 2032.

''(b) ALLOWABLE ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart may use the funds made available through the subgrant to carry out the following activities:

''(1) Recruiting and hiring certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size, or hiring special education teachers.

''(2) Initiatives to assist in recruitment of highly qualified teachers who will be assigned teaching positions within their fields, including—

''(A) providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subjects in which there exists a shortage of such teachers within a school or the area served by the local educational agency;

''(B) establishing programs that—

''(i) recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; and

''(ii) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession; and

''(C) implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool of teachers, such as identifying teachers certified through alternative routes, and by implementing a system of intensive screening designed to hire the most qualified applicants.

''(3) Initiatives to promote retention of highly qualified teachers and principals, including—

''(A) programs that provide mentoring to newly hired teachers, such as mentoring from master teachers, and to newly hired principals; and

''(B) programs that provide other incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success.

''(4) Programs and activities that are designed to improve the quality of the teacher force, and the abilities of paraprofessionals and principals, such as—

''(A) innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers, paraprofessionals, and principals to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2032;

''(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

''(C) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented); and

''(D) professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (C) to learn.

''(5) Activities that provide teacher opportunity payments, consistent with section 2033.

''(6) Programs and activities related to—

''(A) reforming teacher tenure systems;

''(B) establishing teacher compensation systems based on merit and proven performance; and

''(C) testing teacher periodically in the academic subjects in which the teachers teach.''

KENNEDY (AND MURRAY) AMENDMENT NO. 3118

Mr. KENNEDY (for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 2, supra; as follows:

On page 1 of the amendment in line 4, strike all after ''Reforming'' through the end of the amendment and insert the following:

''and implementing merit schools programs for rewarding all teachers in schools that improve student achievement for all students, including the lowest achieving students;

''(B) Providing incentives and subsidies for helping teachers gain advanced degrees in the academic fields in which the teachers teach;

''(C) Implementing rigorous peer review, evaluation, and recertification programs for teachers; and

''(D) Providing incentives for highly qualified teachers to teach in the neediest schools.''

CAMPBELL (AND OTHERS) AMENDMENT NO. 3119

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Ms. COVERDELL, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 252, line 12, strike ''and'' after the semicolon.

On page 252, line 18, strike the period and insert ''; and''.

On page 252, insert between lines 18 and 19 the following:

''(F) a description of how the school or consortium will encourage and use appropriately qualified seniors as volunteers in activities identified under section 3105.''.

On page 286, line 17, insert ''and appropriately qualified senior volunteers'' after ''personnel''.

On page 342, line 25, strike ''and'' after the semicolon.

On page 343, line 3, strike the period and insert ''; and''.

On page 343, between lines 3 and 4, insert the following:

''(15) drug and violence prevention activities that use the services of appropriately qualified seniors for activities that include mentoring, tutoring, and volunteering.''.

On page 351, lines 6 and 7, insert ''(including mentoring by appropriately qualified seniors)'' after ''mentoring''.

On page 351, line 22, strike ''and'' after the semicolon.

On page 352, line 2, insert ''and'' after the semicolon.

On page 352, between lines 2 and 3, insert the following:

''(iii) drug and violence prevention activities that use the services of appropriately qualified seniors for such activities as mentoring, tutoring, and volunteering;''.

On page 353, line 7, insert ''(including mentoring by appropriately qualified seniors) after ''mentoring programs''.

On page 354, line 12, insert ''and which may involve appropriately qualified seniors working with students'' after ''settings''.

On page 364, line 15, insert '', including projects and activities that promote the interaction of youth and appropriately qualified seniors'' after ''responsibility''.

On page 365, line 4, insert '', including activities that integrate appropriately qualified seniors in activities, such as mentoring, tutoring, and volunteering'' after ''title''.

On page 756, line 12, strike ''and'' after the semicolon.

On page 756, line 13, strike the period and insert ''; and''.

On page 756, between lines 13 and 14, insert the following:

''(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.''.

On page 778, line 7, strike ''or'' after the semicolon.

On page 778, between lines 7 and 8, insert the following:

''(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or''.

On page 778, line 8, strike ''(L)'' and insert ''(M)''.

On page 782, line 21, strike the period and insert '', and may include programs designed to train tribal elders and seniors.''.

On page 830, line 22, strike ''and'' after the semicolon.

On page 830, line 24, insert ''and'' after the semicolon.

On page 830, after line 24, insert the following:

''(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;''.

On page 840, line 17, strike ''and'' after the semicolon.

On page 840, line 21, insert ''and'' after the semicolon.

On page 840, between lines 21 and 22, insert the following:

''(iii) may include activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors;''.

WYDEN AMENDMENTS NOS. 3120–3121

(Ordered to lie on the table.)

Mr. WYDEN submitted two amendments intended to be proposed by him to the bill, S. 2, supra; as follows:

AMENDMENT NO. 3120

At the appropriate place, insert the following:

SEC. ___. DETENTION OF JUVENILES WHO UNLAWFULLY POSSESS FIREARMS IN SCHOOLS.

Section 4112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7112(a)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) contains an assurance that the State has in effect a policy or practice that requires State and local law enforcement agencies to detain in an appropriate juvenile community-based placement or in an appropriate juvenile justice facility, for not less than 24 hours, any juvenile who unlawfully possesses a firearm in a school, upon a finding by a judicial officer that the juvenile may be a danger to himself or herself or to the community; and''.

AMENDMENT NO. 3121

On page 489, strike lines 1 and 2 and insert the following:

''PART G—FUND FOR THE IMPROVEMENT OF EDUCATION AND RELATED PROGRAMS

''Subpart 1—Fund for the Improvement of Education

On page 515, between lines 9 and 10, insert the following:

''SEC. 5711. SHORT TITLE.

''This subpart may be cited as the 'Student Education Enrichment Demonstration Act'.

''SEC. 5712. FINDINGS.

''Congress finds that—

''(1) States are establishing new and higher academic standards for students in kindergarten through grade 12;

''(2) no Federal funding streams are specifically designed to help States and school districts with the costs of providing students who are struggling academically, with the extended learning time and accelerated curricula that the students need to meet high academic standards;

''(3) forty-eight States now require State accountability tests to determine student grade-level performance and progress;

''(4) nineteen States currently rate the performance of all schools or identify low-performing schools through State accountability tests;

''(5) sixteen States now have the power to close, take over, or overhaul chronically failing schools on the basis of those tests;

''(6) fourteen States provide high-performing schools with monetary rewards on the basis of those tests;

''(7) nineteen States currently require students to pass State accountability tests to graduate from high school;

''(8) six States currently link student promotion to results on State accountability tests;

''(9) excessive percentages of students are not meeting their State standards and are failing to perform at high levels on State accountability tests; and

''(10) while the Chicago Public School District implemented the Summer Bridge Program to help remediate their students in 1997, no State has yet created and implemented a similar program to complement the education accountability programs of the State.

''SEC. 5713. PURPOSE.

''The purpose of this subpart is to provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and agencies to develop models for high quality summer academic enrichment programs that are specifically designed to help public school students who are not meeting State-determined performance standards.

''SEC. 5714. DEFINITIONS.

''In this subpart:

''(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'elementary school', 'secondary school', 'local educational agency', and 'State educational agency' have the meanings given the terms in section 3.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(3) STUDENT.—The term 'student' means an elementary school or secondary school student.

''SEC. 5715. GRANTS TO STATES.

''(a) IN GENERAL.—The Secretary shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the agencies to assist local educational agencies in carrying out high quality summer academic enrichment programs as part of statewide education accountability programs.

''(b) ELIGIBILITY AND SELECTION.—

''(1) ELIGIBILITY.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

''(A) have in effect all standards and assessments required under section 1111; and

''(B) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111.

''(2) SELECTION.—In selecting States to receive grants under this section, the Secretary shall make the selections in a manner consistent with the purpose of this subpart.

''(c) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—Such application shall include—

''(A) information describing specific measurable goals and objectives to be achieved in the State through the summer academic enrichment programs carried out under this subpart, which may include specific measurable annual educational goals and objectives relating to—

''(i) increased student academic achievement;

''(ii) decreased student dropout rates; or

''(iii) such other factors as the State educational agency may choose to measure; and

''(B) information on criteria, established or adopted by the State, that—

''(i) the State will use to select local educational agencies for participation in the summer academic enrichment programs carried out under this subpart; and

''(ii) at a minimum, will assure that grants provided under this subpart are provided to—

''(I) the local educational agencies in the State that have the highest percentage of students not meeting basic or minimum required standards for State assessments required under section 1111;

''(II) local educational agencies that submit grant applications under section 5716 describing programs that the State determines would be both highly successful and replicable; and

''(III) an assortment of local educational agencies serving urban, suburban, and rural areas.

''SEC. 5716. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) IN GENERAL.—

''(1) FIRST YEAR.—

''(A) IN GENERAL.—For the first year that a State educational agency receives a grant under this subpart, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

''(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

''(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

''(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

''(iii) to assist the agencies in planning activities to be carried out under this subpart.

''(2) SUCCEEDING YEARS.—

''(A) IN GENERAL.—For the second and third year that a State educational agency receives a grant under this subpart, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

''(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

''(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

''(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

''(iii) to assist the agencies in evaluating activities carried out under this subpart.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing by such information as the Secretary or the State may require.

''(2) CONTENTS.—The State shall require that such an application shall include, to the greatest extent practicable—

''(A) information that—

''(i) demonstrates that the local educational agency will carry out a summer academic enrichment program funded under this section—

''(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards and that are focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

''(II) that focuses on accelerated learning, rather than remediation, so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under section 1111;

''(III) that is based on, and incorporates best practices developed from, research-based enrichment methods and practices;

''(IV) that has a proposed curriculum that is directly aligned with State content and student performance standards;

''(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

''(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

''(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities; and

''(ii) may include—

''(I) the proposed curriculum for the summer academic enrichment program;

''(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers to participate in the program; and

''(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 5715(c)(2)(A);

''(B) an outline indicating how the local educational agency will utilize other applicable Federal, State, local, or other funds, other than funds made available through the grant, to support the program;

''(C) an explanation of how the local educational agency will ensure that only highly qualified personnel who volunteer to work with the type of student targeted for the program will work with the program and that the instruction provided through the program will be provided by qualified teachers;

''(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

''(E) an explanation of the facilities to be used for the program;

''(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

''(G) an explanation of the proposed student/teacher ratio for the program, analyzed by grade level;

''(H) an explanation of the grade levels that will be served by the program;

''(I) an explanation of the approximate cost per student for the program;

''(J) an explanation of the salary costs for teachers in the program;

''(K) a description of a method for evaluating the effectiveness of the program at the local level;

''(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the adequate yearly progress goals established by the State under section 1111;

''(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement; and

''(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum.

''(c) PRIORITY.—In making grants under this section, the State educational agency shall give priority to applicants who demonstrate a high level of need for the summer academic enrichment programs.

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 50 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

''SEC. 5717. SUPPLEMENT NOT SUPPLANT.

''Funds appropriated pursuant to the authority of this subpart shall be used to supplement and not supplant other Federal, State, and local public or private funds expended to provide academic enrichment programs.

''SEC. 5718. REPORTS.

''(a) STATE REPORTS.—Each State educational agency that receives a grant under this subpart shall annually prepare and submit to the Secretary a report. The report shall describe—

''(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this subpart;

''(2) the specific measurable goals and objectives described in section 5715(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

''(3) the specific measurable goals and objectives described in section 5716(b)(2)(L) for each of the local educational agencies receiving a grant under this subpart in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

''(4) the steps that the State will take to ensure that any such local educational agency who did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report or the plan that the State has for revoking the grant of such an agency and redistributing the grant funds to existing or new programs;

''(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this subpart; and

''(6) the degree to which progress has been made toward meeting the goals and objectives described in section 5715(c)(2)(A).

''(b) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

''(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this subpart;

''(2) how eligible local educational agencies and schools used funds provided under this subpart; and

''(3) the degree to which progress has been made toward meeting the goals and objectives described in sections 5715(c)(2)(A) and 5716(b)(2)(L).

''(c) GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this subpart and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

''SEC. 5719. ADMINISTRATION.

''The Secretary shall develop program guidelines for and oversee the demonstration program carried out under this subpart.

''SEC. 5720. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—The Secretary shall make available to carry out this subpart, $25,000,000 for each of fiscal years 2001 through 2003 from funds appropriated under section 3107.

''(b) AVAILABILITY.—Any amounts made available pursuant to the authority of subsection (a) shall remain available until expended.

''SEC. 5721. TERMINATION.

''The authority provided by this subpart terminates 3 years after the date of enactment of the Student Education Enrichment Demonstration Act.

MURRAY AMENDMENT NO. 3122

Mrs. MURRAY proposed an amendment to the bill, S. 2, supra; as follows:

Beginning on page 182, strike line 20 and all that follows through page 183, line 6 and insert the following:

''Subpart 5—Class Size Reduction

''SEC. 2051. GRANT PROGRAM.

''(a) PURPOSE.—The purposes of this section are—

''(1) to reduce class size through the use of fully qualified teachers;

''(2) to assist States and local educational agencies in recruiting, hiring, and training 100,000 teachers in order to reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per regular classroom; and

''(3) to improve teaching in those grades so that all students can learn to read independently and well by the end of the 3rd grade.

''(b) ALLOTMENT TO STATES.—

''(1) RESERVATION.—From the amount made available to carry out this subpart for a fiscal year, the Secretary shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section.

''(2) STATE ALLOTMENTS.—

''(A) HOLD HARMLESS.—

''(i) IN GENERAL.—Subject to subparagraph (B) and clause (ii), from the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State an amount equal to the amount that such State received for the preceding fiscal year under this section or section 310 of the Department of Education Appropriations Act, 2000, as the case may be.

''(ii) RATABLE REDUCTION.—If the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

''(B) ALLOTMENT OF ADDITIONAL FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the amount made

available to carry out this subpart and not reserved under paragraph (1) exceeds the amount made available to the States for the preceding year under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the percentage of the excess amount that is the greater of—

''(I) the percentage the State received for the preceding fiscal year of the total amount made available to the States under section 1122; or

''(II) the percentage so received of the total amount made available to the States under section 2202(b), as in effect on the day before the date of enactment of the Educational Opportunities Act, or the corresponding provision of this title, as the case may be.

''(ii) RATABLE REDUCTIONS.—If the excess amount for a fiscal year is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

''(c) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—

''(1) ALLOCATION.—Each State that receives funds under this section shall allocate a portion equal to not less than 99 percent of those funds to local educational agencies, of which—

''(A) 80 percent of the portion shall be allocated to those local educational agencies in proportion to the number of children, age 5 through 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, who reside in the school district served by that local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of those children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

''(B) 20 percent of the portion shall be allocated to those local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by those agencies.

''(2) EXCEPTION.—Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher for a school served by that agency who is certified or licensed within the State, has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teacher teaches, that agency may use funds made available under this section to—

''(A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be done in combination with the expenditure of other Federal, State, or local funds; or

''(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

''(3) STATE ADMINISTRATIVE EXPENSES.—The State educational agency for a State that receives funds under this section may use not more than 1 percent of the funds for State administrative expenses.

''(d) USE OF FUNDS.—

''(1) MANDATORY USES.—Each local educational agency that receives funds under this section shall use those funds to carry out effective approaches to reducing class size through use of fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

''(2) PERMISSIBLE USES.—

''(A) IN GENERAL.—Each such local educational agency may use funds made available under this section for—

''(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special needs children, who are certified or licensed within the State, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach;

''(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are consistent with title II of the Higher Education Act of 1965; and

''(iii) providing professional development (which may include such activities as promoting retention and mentoring) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

''(B) LIMITATION ON TESTING AND PROFESSIONAL DEVELOPMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

''(ii) WAIVERS.—A local educational agency may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met applicable State and local certification or licensing requirements become certified or licensed if—

''(I) the agency is in an Ed-Flex Partnership State under the Education Flexibility Partnership Act of 1999; and

''(II) 10 percent or more of teachers in elementary schools served by the agency have not met the certification or licensing requirements, or the State educational agency has waived those requirements for 10 percent or more of the teachers.

''(iii) USE OF FUNDS UNDER WAIVER.—If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the conditions of the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in the elementary schools are certified or licensed within the State.

''(C) USE OF FUNDS BY AGENCIES THAT HAVE REDUCED CLASS SIZE.—Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in the early elementary grades to 18 or fewer children (or has already reduced class size to a State or local class size reduction goal that was in effect on November 28, 1999 if that goal is 20 or fewer children) may use funds received under this section—

''(i) to make further class size reductions in kindergarten through third grade;

''(ii) to reduce class size in other grades; or

''(iii) to carry out activities to improve teacher quality, including professional development.

''(3) SUPPLEMENT, NOT SUPPLANT.—Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds that, in the absence of funds made available under this section, would otherwise be expended for activities described in this section.

''(4) LIMITATION ON USE FOR SALARIES AND BENEFITS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers who are not hired under this section.

''(B) EXCEPTION.—Funds made available under this section may be used to pay the salaries of teachers hired under section 310 of the Department of Education Appropriations Act, 2000.

''(e) REPORTS.—

''(1) STATE ACTIVITIES.—Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides the information described in section 6122(a)(2) with respect to the activities.

''(2) PROGRESS CONCERNING CLASS SIZE AND QUALIFIED TEACHERS.—Each State and local educational agency receiving funds under this section shall publicly report to parents on—

''(A) the agency's progress in reducing class size, and increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach; and

''(B) the impact that hiring additional fully qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

''(3) PROFESSIONAL QUALIFICATIONS.—Each school receiving funds under this section shall provide to parents, on request, information about the professional qualifications of their child's teacher.

''(f) PRIVATE SCHOOLS.—If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 6142. Section 6142 shall not apply to other activities carried out under this section.

''(g) LOCAL ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

''(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 2034 a description of the agency's program to reduce class size by hiring additional fully qualified teachers.

''(i) CERTIFICATION, LICENSING, AND COMPETENCY.—No funds made available under this section may be used to pay the salary of any teacher hired with funds made available

under section 310 of the Department of Education Appropriations Act, 2000, unless, by the start of the 2000–2001 school year, the teacher is certified or licensed within the State and demonstrates competency in the content areas in which the teacher teaches.

''(j) DEFINITION.—In this section:

''(1) CERTIFIED.—The term 'certified' includes certification through State or local alternative routes.

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''Subpart 6—Funding

''SEC. 2061. AUTHORIZATION OF APPROPRIATIONS.

''(a) FISCAL YEAR 2001.—There are authorized to be appropriated to carry out this part $2,000,000,000 for fiscal year 2001, of which—

''(1) $40,000,000 shall be available to carry out subpart 4; and

''(2) $1,750,000,000 shall be available to carry out subpart 5.

''(b) OTHER FISCAL YEARS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2002 through 2005, of which $1,750,000,000 shall be available to carry out subpart 5.

''Subpart 7—General Provisions

''SEC. 2071. DEFINITIONS.

HUTCHISON (AND COLLINS) AMENDMENT NO. 3123

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 545, strike lines 5 through 9, and insert the following:

''(L) education reform projects that provide single gender schools and classrooms as long as comparable educational opportunities are offered for students of both sexes;''.

MANUFACTURED HOUSING IMPROVEMENT ACT

GRAMM (AND SARBANES) AMENDMENT NO. 3124

Mr. GORTON (for Mr. GRAMM (for himself and Mr. SARBANES)) proposed an amendment to the bill (S. 1452) to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; as follows:

On page 41, line 20, strike ''appoint'' and insert ''recommend''.

On page 44, beginning on line 14, strike '', subject to the approval of the Secretary, by the administering organization'' and insert ''by the Secretary, after consideration of the recommendations of the administering organization under paragraph (2)(A)(ii)(I),''.

On page 44, line 23, strike ''may'' and all that follows through page 45, line 2, and insert ''shall state, in writing, the reasons for failing to appoint under subparagraph (B)(i) of this paragraph any individual recommended by the administering organization under paragraph (2)(A)(ii)(I)''.

On page 46, strike lines 3 through 5 and insert the following:

sensus committee, the Secretary, in appointing the members of the consensus committee—

''(I) shall ensure

On page 46, line 11, strike ''the Secretary''.

On page 48, strike lines 17 through 22, and insert the following:

''(iii) ETHICS IN GOVERNMENT ACT OF 1978.—

''(I) IN GENERAL.—Subject to subclause (II), the Ethics in Government Act of 1978 (5 U.S.C. App.) shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

''(II) FINANCIAL DISCLOSURE.—The Secretary shall collect from each member of the consensus committee the financial information required to be disclosed under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.). Notwithstanding section 552 of title 5, United States Code, such information shall be confidential and shall not be disclosed to any person, unless such disclosure is determined to be necessary by—

''(aa) the Secretary;

''(bb) the Chairman or Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate; or

''(cc) the Chairman or Ranking Member of the Committee on Banking and Financial Services of the House of Representatives.

''(III) PROHIBITION ON GIFTS FROM OUTSIDE SOURCES.—

''(aa) IN GENERAL.—Subject to item (bb), an individual who is a member of the consensus committee may not solicit or accept a gift of services or property (including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value), if the gift is solicited or given because of the status of that individual as a member of the consensus committee.

''(bb) EXCEPTIONS.—The Secretary shall by regulation establish such exceptions to item (aa) as the Secretary determines to be appropriate, which shall include an exception for de minimus gifts.

On page 55, line 2, insert ''with respect to a proposed revised standard submitted by the consensus committee under paragraph (4)(A)'' after ''paragraph (5)''.

On page 55, line 5, strike ''proposed standard or regulation'' and insert ''proposed revised standard''.

On page 55, strike lines 7 and 8, and insert the following:

''(A) the proposed revised standard—

On page 55, line 18, strike ''or regulation''.

On page 55, line 19, strike ''or regulation''.

On page 55, lines 21 and 22, strike ''standards or regulations proposed by the consensus committee'' and insert ''standard''.

On page 71, strike line 3 and insert the following:

Act.

''(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the legislative hearing regarding S. 1756, the National Laboratories Partnership Improvement Act of 1999; and S. 2336, the Networking and Information Technology Research and Development for Department of Energy Missions Act, which had been previously scheduled for Tuesday, May 9, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C. has been cancelled.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–7875.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1584, a bill to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; S. 1685 and H.R. 2932, a bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; S. 1998, a bill to establish the Yuma Crossing National Heritage Area; S. 2247, a bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; S. 2421, a bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley Heritage Area in Connecticut and Massachusetts; and S. 2511, a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

The hearing will take place on Thursday, May 18, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.

The hearing will take place on Thursday, May 25 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those

wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, May 4, 2000, in executive session, to mark up the FY 2001 defense authorization bill.

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

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, May 4, 2000, in executive session, to mark up the FY 2001 defense authorization bill.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 4, 2000, at 9:30 a.m. on the nominations of members of the Federal Aviation Management Advisory Council (8 nominees).

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

JOINT COMMITTEE ON TAXATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Joint Committee on Taxation by authorized to meet during the session of the Senate on Thursday, May 4, 2000 to hear testimony on Medicare Governance: The Health Care Financing Administration's Role and Readiness in Reform.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 4, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's use of current and proposed stewardship contracting procedures, including authorities under section 347 of the 1999 omnibus appropriations act, and whether these procedures assist or could be improved to assist forest management activities to meet goals of ecosystem management, restoration, and employment opportunities on public lands.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Immigration be authorized to meet to conduct a hearing on Thursday, May 4, 2000, at 2 p.m., in Dirksen 226.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 4, 2000, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Thursday, May 4, 2000, at 10 a.m. for a hearing entitled ''Has Government Been 'Reinvented'?''

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

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Production and Price Competitiveness of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, May 4, 2000, at 2 p.m., in SR–332, to conduct a subcommittee hearing on carbon cycle research and agriculture's role in reducing climate change.

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

PROPOSED ''REMEDIES'' IN THE MICROSOFT ANTITRUST CASE

Mr. GORTON. Mr. President, I would like to take a few minutes to talk about the proposed remedies submitted last Friday by the U.S. Department of Justice and 17 States in the antitrust suit against Microsoft. As my colleagues know, the Department of Justice and the States have asked the court to break Microsoft into two separate companies, and to require significant Government regulation of the two companies.

Let's begin by reviewing the charges in the case. First, the Government has alleged that Microsoft entered into a series of agreements with software developers, Internet Service Providers, Internet content providers, and online services like AOL, that foreclosed Netscape's ability to distribute its Web browsing software. Despite claims by Government lawyers and outside commentators that this was the strongest part of the Government's case, the trial court—even Judge Jackson—disagreed. The court ruled that Microsoft's agreements did not deprive Netscape of the ability to reach PC users. Indeed, the trial court pointed out the many ways in which Netscape could, and did, distribute Navigator. Direct evidence of this broad distribution can be found in the fact that the installed base of Navigator users increased from 15 million in 1996 to 33 million in late 1998—the very period in which the Government contends that Microsoft foreclosed Netscape's distribution.

The second charge involves what the Government alleged was the unlawful ''tying'' of Internet Explorer to Windows. The Government argued that this ''tying'' was one of the primary means by which Microsoft foreclosed Netscape's ability to distribute Navigator. The trial court agreed with the Government, finding that Microsoft violated Section 1 of the Sherman Act in its design of Windows 95 and 98. The court's conclusion is astounding in two respects. First, as I mentioned, the trial court determined that Microsoft had not deprived Netscape of distribution opportunities. Second, and even more important, the trial court's conclusion is in direct contradiction to that of the District of Columbia Circuit Court of Appeals. In June, 1998—before the antitrust trial even began—that court of appeals rejected the charge that the inclusion of Internet Explorer in Windows 95 was wrongful. In its June, 1998 decision, the appeals court stated that ''new products integrating functionalities in a useful way should be considered single products regardless of market structure.'' Despite the fact that trial courts are obliged to follow the rulings of appellate courts, the trial court in the Microsoft case has singularly failed to do so.

In its third charge, the Government alleged that Microsoft held a monopoly in Intel-compatible PC operating systems, and maintained that monopoly through anticompetitive tactics. The trial court agreed, and determined that there were three anticompetitive tools employed by Microsoft: (1) the series of agreements that the trial court itself held did not violate antitrust law; (2) the inclusion of Internet Explorer in Windows, which the Appellate Court already determined was not illegal; and (3) a random assortment of acts involving Microsoft's discussions with other firms, such as Apple and Intel—none of which led to agreements. In relying on these three factors, the trial court seems to have concluded that, while Microsoft's actions, taken individually, might not constitute violations of antitrust law, the combination of these lawful acts constitutes a violation of law. This approach to antitrust liability has generally been rejected by courts, in part because it fails to provide guidance allowing businesses to

understand their legal obligations. Such a rule effectively chills desirable competitive conduct.

Finally, the trial court agreed with the Government's allegation that Microsoft unlawfully attempted to monopolize the market for Web browsing software. This conclusion is directly at odds with the court's own previous finding. In the findings of fact released in November of last year, the trial court found that Microsoft's conduct with respect to Netscape was aimed at preventing Netscape from dominating Web browsing software—not at gaining a monopoly for Microsoft. Under antitrust law, a firm cannot be found liable for attempted monopolization unless it specifically intends to monopolize the market. Seeking to prevent somebody else from acquiring a monopoly is not attempted monopolization.

To summarize, one of the Government's charges was dismissed by the trial court; another flouts a specific decision of the appellate court; and the remaining two simply provide no legal basis as antitrust violations. I am highly confident that the appeals court will once again recognize the fundamental flaws in the trial court's decision and find in favor of Microsoft.

In the meantime, however, let's examine the ''remedy'' proposed by the Department of Justice and 17 States for these fictional violations. First, and most obvious, is the Government's proposal to break Microsoft into two separate companies. Under the Government plan, Windows would be retained by the new ''Operating Systems Business,'' while the remainder of Microsoft, including its office family of products on its Internet properties, would be moved into a new ''Application Business.'' The Department of Justice plan effectively prohibits these two companies from working together for a period of 10 years and effectively freezes fundamental components of the operating system from improvement, thereby crippling in this fast-moving world of technology the very technology which is one of the principal bases of our present prosperity.

As outrageous as the proposal to break up Microsoft is, the heavyhanded regulations the Government proposes to impose on Microsoft are at least as outrageous.

Mr. President, at this point I ask unanimous consent that an article by Declan McCullagh, published in the April 29, 2000, edition of Wired News be printed in the RECORD.

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

GOVERNMENT WANTS CONTROL OF MS

(By Declan McCullagh)

Bellevue, WA—If Bill Gates was unhappy with early reports of the government's antitrust punishments, he's going to be plenty steamed when he reads the fine print this weekend.

In two lengthy filings on Friday, government attorneys said they eventually hope to carve up Microsoft into two huge chunks. But until that happens, their 40KB proposal would impose extraordinarily strict government regulations on what the world's largest software company may and may not do.

For instance: Microsoft wouldn't be able to sell computer makers discounted copies of Windows, except for foreign language translations, but would be ordered to open a ''secure'' lab where other firms may examine the previously internal Windows specifications. Microsoft wouldn't be able to give discounts to hardware or software developers in exchange for promoting or distributing other company products. For instance, Microsoft would be banned from inking a discount deal with CompUSA to bundle a copy of Microsoft Flight Simulator with a Microsoft joystick.

Microsoft would have to create a new executive position and a new committee on its board of directors. The ''chief compliance officer'' would report to the chief executive officer and oversee a staff devoted to ensuring compliance with the new government rules. If Microsoft hoped to start discarding old emails after its bad experiences during the trial, it wouldn't be able to do so. ''Microsoft shall, with the supervision of the chief compliance officer, maintain for a period of at least four years the email of all Microsoft officers, directors and managers engaged in software development, marketing, sales, and developer relations related to platform software,'' the government's proposed regulations say.

Microsoft would have to monitor all changes it makes to all versions of Windows and track any alternations that would slow down or ''degrade the performance of'' any third-party application such as Internet browsers, email client software, multimedia viewing software, instant messaging software, and voice recognition software. If it does not notify the third-party developer, criminal sanctions would apply.

State and federal government lawyers could come onto Microsoft's campus here ''during office hours'' to ''inspect and copy'' any relevant document, email message, collection of source code or other related information.

The same state and federal government lawyers would be allowed to question any Microsoft employee ''without restraint or interference.''

Mr. GORTON. Mr. President, Mr. McCullagh did an excellent job of outlining these extraordinary regulations. I will highlight a few.

Under the Department of Justice proposal, the Government would require Microsoft to create an entirely new executive position, as well as a new committee on its corporate board of directors, the function of which would be to ensure the company's compliance with the Government's new regulations.

The Department of Justice would require Microsoft to ''maintain for a period of at least 4 years the e-mail of all Microsoft officers, directors, and managers engaged in software development, marketing, sales, and developer relations related to Platform Software.''

Under the proposed remedy, Microsoft would also be required to give the Government ''access during office hours'' to inspect and demand copies of all ''books, ledgers, accounts, correspondence, memoranda, source code, and other records and documents in the possession or under the control of Microsoft'' relating to the matters contained in the final judgment. Not only that, the Government, ''without restraint or interference'' from Microsoft, could demand to question any officers, employees, or agents of the company.

Together with the other sanctions, these proposals would guarantee that every Microsoft competitor would know everything the two Microsofts plan long before the plans became reality. Mr. President, that is a death sentence.

The function of relief in an antitrust case is to enjoin the conduct found to be anticompetitive and to enhance competition. Any objective review of the ''remedies'' proposed by the Department of Justice and States, however, can only lead to the conclusion that the Government is not seeking relief from anticompetitive behavior but to punish Microsoft with unwarranted sanctions for allegations by threatening its very existence.

There is no question that the Department of Justice initiated this antitrust action at the behest of Microsoft's competitors. Those competitors have said they sought Government intervention because it would be ''too expensive'' to pursue private litigation. This unjustified case has been too expensive—way too expensive—but not in the way the competitors envisioned. In the 10 days following the breakdown of settlement talks, there was a $1.7 trillion loss in market capitalization. The damages from that huge loss were not limited to Microsoft—a broad range of companies, including many of Microsoft's competitors, were affected. More importantly, so, too, were millions of American investors.

As one would expect, the millions of Americans who hold Microsoft shares have taken a bath in recent weeks. The day after the trial court issued its ''Findings of Law'' on April 3, Microsoft stockholders lost $80 billion in assets. The decline in Microsoft stock helped fuel a 349-point slide in the NASDAQ, the biggest 1-day drop in the history of the exchange. The pain wasn't limited to individual Microsoft shareholders, however. At least 2,000 mutual funds and countless pension funds include Microsoft shares.

I find it curious that the Vice President of the United States criticizes as the ''risky scheme'' tax proposals in this body that would reduce taxes by $12 billion in 1 year and $150 billion in 5 years. Yet the very administration that he supports has caused a loss in the pockets of very real American citizens of far in excess of that amount.

The ''risky scheme'' is the Microsoft lawsuit and we have now suffered damages from that risk. It is unfortunate that those who were so anxious to bring the heavy hand of Government into this incredibly innovative and successful industry didn't listen to some of the more cautious voices, such as that of Dr. Milton Friedman, who warned early on to be careful what you wish. Dr. Friedman recently reinforced that sentiment in a statement to the National Taxpayers Union:

Recent events dealing with the Microsoft suit certainly support the view I expressed a year ago—that Silicon Valley is suicidal in calling Government in to mediate in the disputes among some of the big companies in the area of Microsoft. The money that has been spent on legal maneuvers would have been much more usefully spent on research in technology. The loss of the time spent in the courts by highly trained and skilled lawyers could certainly have been spent more fruitfully. Overall, the major effect has been a decline in the capital value of the computer industry, Microsoft in particular, but its competitors as well. They must rue the day they set this incredible episode in operation.

One of the biggest tragedies of this case is that it has all been done in the name of consumer benefit. So far, the only real harm to consumers I have seen has come from the resources wasted on the case itself and from the market convulsions that resulted from the mere specter of the Government's punitive relief proposal.

DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 504, S. 2370.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2370) to designate the Federal building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, as chairman of the Environment and Public Works Committee, I was very proud to report out just a couple weeks ago a bill to designate the federal building at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse.'' When I first joined this committee, the chairman's seat was occupied by the Senator from New York. His generosity and kindness in helping me, a freshman Senator from the other side of the aisle, is something I will always remember and for which I will be forever grateful. I have since come to rely on his advice, counsel and wisdom on issues ranging from transportation to Superfund, as have so many of my colleagues.

Our friend, Senator DANIEL PATRICK MOYNIHAN, is someone who has served this nation with great integrity and true patriotism. He is the only person in our nation's history to serve in four successive administrations as a member of the Cabinet or sub-Cabinet. He served two Republicans and two Democrats—but he would rather tell you that he simply served four Presidents of the United States. He was Ambassador to India, as well as the President of the United Nations Security Council. And since 1977, he has been the cerebral center of the United States Senate.

He is among the most intelligent Senators ever to serve in this body. He has taught at MIT, Harvard, Syracuse, and Cornell, and has been the recipient of over 60 honorary degrees. Few can match his resume and none can surpass his commitment to this nation. He will be sorely missed.

The building to be named for DANIEL PATRICK MOYNIHAN is a magnificent structure in New York City that will be a fitting tribute to the distinguished Senator. Completed in 1994 and built to last 200 years, the courthouse is an extraordinary work of art inside and out. It will serve as an enduring monument to our good friend Senator MOYNIHAN and his 47-year career in public service.

Mr. WARNER. Mr. President, I rise today to lend my support for the naming of the Pearl Street courthouse in New York City as humble tribute to our colleague, the distinguished senior Senator from New York, DANIEL PATRICK MOYNIHAN, who regrettably announced his retirement from this body at the conclusion of the 106th Congress.

It is only fitting that any recognition of the senior Senator from New York's achievements should first underscore his limitless passion in reflecting the highest ideals befitting the dignity, enterprise, vigor and stability of the American government. His singular vision of the role of a United States Senator and his deep desire to live up to that lofty image is only part of what makes my friend and colleague the paragon of public service which he has been for this body, his constituents and the American people for nearly a quarter century.

Since his election to the United States Senate in 1976, Senator MOYNIHAN has imprinted an indelible impression upon our Nation's Capital in so many estimable ways. His virtues extend far beyond my capabilities of statesmanship but, given that the pending matter is the naming of a federal building in his honor, I will limit myself to simply discussing his unique role in shepherding the physical transformation of the federal landscape in Washington, D.C.

During his tenure in Congress, Senator MOYNIHAN has made a consistent commitment to build government buildings well and help achieve the potential L'Enfant envisioned here 200 years ago.

There's a fitting symmetry to Senator MOYNIHAN's career in Washington. He started out nearly four decades ago in the Kennedy Administration, and his service at the White House end of Pennsylvania Avenue continued in the Johnson and Nixon years. Since 1977, he's served on this end in the U.S. Capitol as the Senator from New York.

It fell to him, as one of Kennedy's cadre of New Frontiersman, to write a prescription for then-failing Pennsylvania Avenue, whose shabbiness had caught the President's eye during the inaugural parade. True to his scholar's training, Senator MOYNIHAN went back to basics to prepare an eloquent appreciation of L'Enfant's conception of Pennsylvania Avenue, ''the grand axis of the city, as of the Nation . . . leading from the Capitol to the White House, symbolizing at once the separation of powers and the fundamental unity in the American government.''

Little wonder, then, that Senator MOYNIHAN today can look back with satisfaction at what has happened to the avenue. He was there at the beginning.

When news came that President Kennedy had been shot, Senator MOYNIHAN was having lunch with fellow White House aides to arrange a briefing for congressional leaders concerning the new plan for Pennsylvania Avenue.

Senator MOYNIHAN started out, as he once wrote, ''at a time of the near-disappearance of the impulse to art'' in public building, witnessing a ''steady deteriorating in the quality of public buildings and public spaces, and with it a decline in the symbols of public unity and common purpose with which the citizen can identify, of which he can be proud, and by which he can know what he shares with his fellow citizens.'' He called the new Rayburn House Office Building ''perhaps the most alarming and unavoidable sign of the declining vitality of American government that we have yet witnessed.''

In his 1962 report which he drafted for President Kennedy, ''Guiding Principles for Federal Architecture,'' Senator MOYNIHAN outlined three broad principles which still affect federal architecture today: (1) An official style must be avoided; (2) Government projects should embody the finest contemporary American architectural thought; and (3) Federal buildings should reflect the regional architectural traditions of their specific locations.

Senator MOYNIHAN's deep rooted passion for public architecture has abated not an iota in the years since he wrote that document. In an interview he gave as a freshman Senator newly assigned to the Environment and Public Works Committee, he was quoted as saying, ''I like buildings, I like things,'' he explained simply, ''and the government builds things.'' Later as chairman, he used his vantage point to become one of the capital's most persuasive, powerful voices for rationality and beauty in the things our government builds.

Recently, he was asked about the capital's esthetic transformation, to which he asked a rhetorical question: ''Do we realize we look up and we have the most beautiful capital on earth?''

I thank Senator MOYNIHAN. I have been privileged to serve with you to help transform Pennsylvania Avenue into the great thoroughfare of the city of Washington, DC.

His 1962 vision is Y2K's reality. I sincerely hope that the courthouse we name in his honor reflects the legacy of federal architecture he leaves and the great vision of this Nation he always espoused.

Mr. BAUCUS. Mr. President, I rise to speak in favor of S. 2370. S. 2370 names

the new Foley Square Courthouse at 500 Pearl Street, New York City, after Senator DANIEL PATRICK MOYNIHAN. But even more, I wish to pay tribute to a colleague, a mentor, and a friend.

When Senator MOYNIHAN retires from the Senate at the end of this year, he will be deeply and perhaps uniquely missed because he has contributed so much to our debates and, in fact, to our lives. There will be plenty of time for extended tributes later.

Each Senator will stand up and explain in his own words the work and wonder of Senator MOYNIHAN, particularly as the session draws to a close, and I hope to participate in those tributes at that time.

The bill we are considering today is also a fitting tribute for two reasons: First, one of the many special contributions that PAT MOYNIHAN has made to our Nation is the contribution to our public architecture.

Thomas Jefferson said:

Design activity and political thought are indivisible.

In keeping with this, PAT MOYNIHAN has sought to improve our public places so they reflect and uplift our civic culture.

Senator MOYNIHAN, himself, said it well back in 1961. We all know he has held many important positions in Government, in fact, so many I don't think any of us can remember them all. But only recently did I learn that he once was the staff director of something called the Ad Hoc Committee on Federal Office Space.

That is right. He was. In addition to everything else, he once wrote a document called the ''Guiding Principles for Federal Architecture'' back in 1961. And that remains in effect today. It is one page long. It says that public buildings should not only be efficient and economical but also should ''provide visual testimony to the dignity, enterprise, vigor, and stability of the American Government.''

For many years, he has worked with energy and vision to put the goals expressed in the guidelines into practice.

As an assistant to President Kennedy, he was one of the driving forces behind the effort to renovate Pennsylvania Avenue, to finally achieve Pierre L'Enfant's vision.

He followed through. There is the Navy Memorial, Pershing Park, the Ronald Reagan Building, and Ariel Rios. And there are other projects. Along with John Chafee, he had the vision to restore Union Station—a magnificent building—and then to complement it with the beautiful Thurgood Marshall Judiciary Building.

It is absolutely remarkable, leaving a lasting mark on our public places that bring us together as American citizens.

In fact, it is no exaggeration to say that DANIEL PATRICK MOYNIHAN has had a greater positive impact on American public architecture than any statesman since Thomas Jefferson.

That brings me to my second point. The new courthouse in Foley Square bears PAT MOYNIHAN's mark. It is the Nation's largest courthouse, for the Nation's oldest Federal court.

Senator MOYNIHAN was the principal sponsor of the bill authorizing its construction back in 1987. And characteristically, he followed through, paying close attention to details.

At times, the courthouse has been controversial. But no one can deny its grandeur. It preserves history, uses space to great effect, and it features a graceful sculpture in the form of a fountain designed by Maya Lin, who also designed the Vietnam War Memorial.

The building itself is designed by a very distinguished American firm, Kohn Pederson Fox, and it was designed, as Senator MOYNIHAN himself has said, ''with dignity and presence.''

I am sure Senator MOYNIHAN will correct me later if I am wrong, but I believe in St. Paul's Cathedral in London there is an inscription memorializing the architect of the cathedral, Sir Christopher Wren. It reads:

If you would see his memorial, look about you.

If, years from now, you stand outside the Capitol and look west, down Pennsylvania Avenue, or you stand on the steps of the Jacob Javits Federal Building in New York City and look east at the courthouse that will bear his name, you can say the same about Senator DANIEL PATRICK MOYNIHAN:

If you would see his memorial, look about you.

Mr. President, this bill is a fitting tribute to a distinguished scholar, an outstanding Senator, and a great American. I urge its adoption.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I rise just to say I have no words at this moment for what my beloved colleague said. We have been 22 years together on the Committee on the Environment and Public Works and on the Finance Committee. He will succeed me soon, I hope, as chairman of the Finance Committee. He has my profound and lasting gratitude for what he has just said. I am sure he will continue in that mode.

I thank my dear colleague.

Mr. SCHUMER. Mr. President, I rise today to applaud my colleagues for their unanimous support of S. 2370, a bill to name the stunning Federal Courthouse at 500 Pearl Street in Manhattan after Senator DANIEL PATRICK MOYNIHAN, the champion of this project and an esteemed Member of this body. I also rise to honor Senator MOYNIHAN, who against the wishes of his fellow New Yorkers, myself included, plans to retire at the end of this year. I honor PAT MOYNIHAN for all he has accomplished throughout his 47-year career in public service as legislator, scholar, reformer, teacher, and last, but definitely not least, builder.

It is especially for his role as builder that we honor him today. The Federal Courthouse at 500 Pearl Street embodies the same spirit as Senator MOYNIHAN's previous architectural endeavors—an extraordinary work of art, inside and out. Completed in 1994, the Courthouse was designed by the distinguished architectural firm of Kohn Pederson Fox with a dignity worthy of the weighty judicial matters considered within its walls. It is a magnificent structure of solid granite, marble, and sturdy oak, built to last 200 years, adorned with public art from notable contemporary artists Ray Kaskey and Maya Lin.

Senator MOYNIHAN has always been an important force for architecture in New York. He was responsible for the restoration of the spectacular Beaux-Arts Custom House at Bowling Green in Lower Manhattan and beloved in Buffalo for reawakening that city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best-known early American skyscrapers by the architect Louis H. Sullivan—a building which MOYNIHAN helped restore and then chose as his Buffalo office. MOYNIHAN has also spurred a powerful popular movement in Buffalo to build a new signature Peace Bridge over the Niagara River.

But the project for which he is best known is his beloved Pennsylvania Station. In 1963, PAT MOYNIHAN was one of a group of prescient New Yorkers who protested the tragic razing of our City's spectacular Penn Station—a glorious public building designed by the nation's premier architectural firm of the time, McKim, Mead & White.

It was PAT MOYNIHAN who recognized years ago that across the street from what is now a dingy basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects, in much the same grand design, as the old Penn Station. MOYNIHAN recognized that we could use the Farley Building to once again create a train station worthy of our great City. I had offered a bill last year to name that new train station after him, but Senator MOYNIHAN, with characteristic modesty, asked that the station keep the Farley name. And I, with characteristic persistence, introduced another bill to name the new Federal Courthouse at 500 Pearl Street after him.

Not coincidentally, the Courthouse's presence and elegance befit Senator MOYNIHAN, who was most responsible for its creation. Senator MOYNIHAN toiled for nearly a decade prodding the Congress, General Services Administration, three New York City mayors, and anyone else he needed, to see this spectacular Courthouse built. The Courthouse at 500 Pearl Street will serve as a fitting tribute and provide an enduring monument in the heart of the City that PAT MOYNIHAN and I both love so dearly, a monument for the millions of New Yorkers and their fellow Americans who love and admire Senator DANIEL PATRICK MOYNIHAN.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any additional statements relating to the bill be printed the RECORD.

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

The bill (S. 2370) was read the third time and passed, as follows:

S. 2370

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

SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE.

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the ''Daniel Patrick Moynihan United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Daniel Patrick Moynihan United States Courthouse.

E. ROSS ADAIR FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 505, H.R. 2412.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2412) to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the ''E. Ross Adair Federal Building and United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2412) was read a third time and passed.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. GORTON. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 248, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 248) to designate the week of May 7, 2000, as ''National Correctional Officers and Employees Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 248) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

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 beings 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.

HONORING MEMBERS OF THE ARMED FORCES AND FEDERAL CIVILIAN EMPLOYEES

Mr. GORTON. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 103, and that the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 103) honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States security interests.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. 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 in relation to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 103) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 103

Whereas the United States Armed Forces conducted military operations in Southeast Asia during the period (known as the ''Vietnam era'') from February 28, 1961, to May 7, 1975;

Whereas during the Vietnam era more than 3,403,000 American military personnel served in the Republic of Vietnam and elsewhere in Southeast Asia in support of United States military operations in Vietnam, while millions more provided for the Nation's defense in other parts of the world;

Whereas during the Vietnam era untold numbers of civilian personnel of the United States Government also served in support of United States operations in Southeast Asia and elsewhere in the world;

Whereas May 7, 2000, marks the 25th anniversary of the closing of the period known as the Vietnam era; and

Whereas that date would be an appropriate occasion to recognize and express appreciation for the individuals who served the Nation in Southeast Asia and elsewhere in the world during the Vietnam era: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the service and sacrifice of the members of the Armed Forces and Federal civilian employees who during the Vietnam era served the Nation in the Republic of Vietnam and elsewhere in Southeast Asia or otherwise served in support of United States operations in Vietnam and in support of United States national security interests throughout the world;

(2) recognizes and honors the sacrifice of the families of those individuals referred to in paragraph (1) who lost their lives or remain unaccounted for or were injured during that era, in Southeast Asia or elsewhere in the world, in defense of United States national security interests; and

(3) encourages the American people, through appropriate ceremonies and activities, to recognize the service and sacrifice of those individuals.

NATIONAL CHARTER SCHOOLS WEEK

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 108 submitted earlier by Senators LIEBERMAN and GREGG.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 108) designating the week beginning on April 30, 2000, and ending on May 6, 2000, as ''National Charter Schools Week.''

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The concurrent resolution (S. Con. Res. 108) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 108

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parent flexibility, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 35 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received more than $350,000,000 in grants from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.);

Whereas 32 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving approximately 350,000 students in more than 1,700 charter schools during the 1999 to 2000 school year;

Whereas charter schools can be vehicles both for improving student achievement for students who attend them and for stimulating change and improvement in all public schools and benefiting all public school students;

Whereas charter schools in many States serve significant numbers of students with lower income, students of color, and students with disabilities;

Whereas the Charter Schools Expansion Act of 1998 (Public Law 105–278) amended the Federal grant program for charter schools authorized by title X, part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) to strengthen accountability provisions at the Federal, State, and local levels to ensure that charter public schools are of high quality and are truly accountable to the public;

Whereas 7 of 10 charter schools report having a waiting list;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system;

(2) designates the week beginning on April 30, 2000, and ending on May 6, 2000, as ''National Charter Schools Week''; and

(3) requests that the President issue a proclamation calling on the people of the United States to observe the week by conducting appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

PERSECUTION OF 13 IN IRAN'S JEWISH COMMUNITY

Mr. GORTON. I ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 109 introduced earlier today by Senators SCHUMER, BROWNBACK, and others.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 109) expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. Mr. President, I rise today to denounce—in the strongest terms possible—the sham trial of 13 Jews in Iran accused of espionage. And I want to thank my colleagues for voting unanimously for a Concurrent Resolution urging President Clinton to condemn this mockery of justice and violation of fundamental human rights, and make clear to Iran that the United States and the world is watching the fate of these men very closely.

Leaders in Tehran must know that the treatment of the Jews on trial will go far in determining the nature of Iran's relations with the U.S., and its standing in the community of nations.

The 13 Iranian Jews, mostly community and religious leaders in the cities of Shiraz and Isfahan, were arrested more than a year ago by the Iranian authorities and accused of spying for the U.S. and Israel. These espionage charges are, of course, preposterous.

Indeed, how could they be true? Jews in Iran are prohibited from holding any positions that would grant them access to state secrets or sensitive materials. And most of these men live hundreds of miles from Tehran.

This mockery of truth and justice reached new lows this week. After a year in prison—isolated, no contact with family or friends, no contact with even a lawyer—three of these men were dragged from the darkness of one of Iran's harshest prisons and stuck in front of cameras to publicly ''confess'' to their charges.

No-one is fooled. In fact, the world is appalled.

These men were presumed guilty before their trials even began. That's because they are in the hands of the hard-line Clerics in Iran, who run the Revolutionary Courts. And, as we know, In Iran, the Clerics are never wrong.

This is an Inquisition, not a trial.

What we are really witnessing is a high-stakes attempt at a bait and switch. After forcing confessions to capital crimes, the Revolutionary Court judge—who, by the way, also serves as prosecutor, chief investigator, and jury—may dole out ''light'' sentences on the 13 men, to show how ''forgiving'' the Clerics are.

Our Resolution makes it perfectly clear that these innocent men should not be used as pawns in a shifty battle of egos in Iran. They should be released immediately.

The case of the 13 Jews is showing the world how far Iran needs to go before they may even begin to expect to be welcomed into the community of nations.

That is why countless nations and all leading international human rights organizations have expressed their concern for the 13 Iranian Jews, and have denounced the abuse of their fundamental human rights.

The United States recently presented Iran with goodwill overtures, such as lifting restrictions on many Iranian imports and easing travel restrictions between our two countries. We learned this week that goodwill gestures are meaningless.

Truth be told, Iran has continued to display nothing but hostility and contempt for the United States and everything for which we stand.

At a minimum, Iran must show signs of respecting human rights as a prerequisite for our improving relations with them. I am pleased that Secretary of State Albright has identified the case of the 13 Jews in Iran as ''one of the barometers of United States-Iran relations.''

The same standards should hold true for international financial institutions. Iran's quest for $130 million from the World Bank must not be taken seriously unless and until Iran begins to show a basic understanding of basic rules of justice.

Much has been made of President Mohammad Khatami's popular reform movement, and there is significant optimism that a kinder, gentler Iran is slowly emerging from the darkness of a 20-year hardline clerical dictatorship. Indeed, Khatami has received a huge mandate from the people of Iran over the past four years.

However, Iran must fully understand that normalized relations with the United States is only a pipedream if persecution such as that enacted upon the 13 Jews accused of spying goes unchallenged. If it does not, then what kind of reform movement are we really witnessing?

Colleagues, I thank you for supporting this Resolution urging the President to use all his resources to convince President Khatami that this farcical trial leading to a pre-ordained outcome will send US-Iran relations back to ground zero. Three of these men have already been tried and convicted without a shred of evidence. There are 10 more left to go. They should not spend one more day in prison. They should be released right now.

Today, the voice of the United States Senate has spoken. And we have said unanimously: ''Iran, the world is watching.''

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The concurrent resolution (S. Con. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 109

Whereas on the eve of the Jewish holiday of Passover 1999, 13 Jews, including community and religious leaders in the cities of

Shiraz and Isfahan, were arrested by the authorities of the Islamic Republic of Iran and accused of spying for the United States and Israel;

Whereas three of 13 defendants were tried in the first week in May 2000, in trials that were closed to all independent journalists, outside media, international observers, and family members;

Whereas no evidence was brought forth at these trials other than taped ''confessions'', and no formal charges have yet been filed;

Whereas Jews in Iran are prohibited from holding any positions that would give them access to state secrets;

Whereas the judge in the case also serves as prosecutor, chief investigator, and arbiter of punishment;

Whereas United States Secretary of State Albright has identified the case of the 13 Jews in Shiraz as ''one of the barometers of United States-Iran relations'';

Whereas countless nations and leading international human rights organizations have expressed their concern for the 13 Iranian Jews and especially their human rights under the rule of law;

Whereas President Mohammad Khatami was elected on a platform of moderation and reform;

Whereas the United States has recently made goodwill overtures toward Iran, including lifting restrictions on the import of Iranian foodstuffs and crafts, promising steps toward the return of assets frozen since 1979, and easing travel restrictions, all in an attempt to improve relations between the two countries;

Whereas the World Bank is currently considering two Iranian projects, valued at more than $130,000,000, which have been on hold since 1993; and

Whereas Iran must show signs of respecting fundamental human rights as a prerequisite for improving its relationship with the United States and becoming a member in good standing of the world community: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should—

(1) condemn, in the strongest possible terms, the arrest of the 13 Iranian Jews and the unfair procedures employed against them leading up to, and during, their trials, and demand their immediate release; and

(2) make it clear that—

(A) Iran's treatment of the Jews on trial is a benchmark for determining the nature of current and future United States-Iran relations, and that concessions already made may be rescinded in light of Iran's conduct of these cases; and

(B) the outcome of these cases will help determine Iran's standing in the community of nations, and its eligibility for loans and other financial assistance from international financial institutions.

MANUFACTURED HOUSING IMPROVEMENT ACT

Mr. GORTON. I ask unanimous consent the Senate proceed to consideration of Calendar No. 517, S. 1452.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A Senate bill (S. 1452) to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety for manufactured homes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Manufactured Housing Improvement Act of 2000''.

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

(c) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

''SEC. 602. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

''(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

''(b) PURPOSES.—The purposes of this title are—

''(1) to facilitate the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department of Housing and Urban Development;

''(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

''(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

''(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

''(5) to protect owners of manufactured homes from unreasonable risk of personal injury and property damage;

''(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

''(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

''(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.''.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking ''dealer'' and inserting ''retailer'';

(2) in paragraph (12), by striking ''and'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

''(15) 'consensus committee' means the committee established under section 604(a)(3);

''(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

''(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

''(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

''(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

''(20) 'monitoring'—

''(A) means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations recommended by the consensus committee and promulgated in accordance with section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

''(B) may include the periodic inspection of retail locations for transit damage, label tampering, and retailer compliance with this title; and

''(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated under this title.''.

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking ''dealer'' each place it appears and inserting ''retailer'';

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking ''dealer'' each place it appears and inserting ''retailer'';

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking ''dealer'' and inserting ''retailer'';

(B) in subsection (b)(3), by striking ''dealer or dealers'' and inserting ''retailer or retailers''; and

(C) in subsections (d) and (f), by striking ''dealers'' each place it appears and inserting ''retailers'';

(4) in section 616 (42 U.S.C. 5415), by striking ''dealer'' and inserting ''retailer''; and

(5) in section 623(c)(9), by striking ''dealers'' and inserting ''retailers''.

SEC. 4. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) ESTABLISHMENT.—

''(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

''(A) shall—

''(i) be reasonable and practical;

''(ii) meet high standards of protection consistent with the purposes of this title; and

''(iii) be performance-based and objectively stated, unless clearly inappropriate; and

''(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

''(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

''(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

''(i) terminate on the date on which a contract is entered into under subparagraph (B); and

''(ii) require the administering organization to—

''(I) appoint the initial members of the consensus committee under paragraph (3);

''(II) administer the consensus standards development process until the termination of that agreement; and

''(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

''(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

''(C) PERFORMANCE REVIEW.—The Secretary—

''(i) shall periodically review the performance of the administering organization; and

''(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

''(3) CONSENSUS COMMITTEE.—

''(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall function as a single committee, and which shall, in accordance with this title—

''(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

''(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with this subsection; and

''(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

''(B) MEMBERSHIP.—The consensus committee shall be composed of—

''(i) 21 voting members appointed, subject to approval by the Secretary, by the administering organization from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

''(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

''(C) DISAPPROVAL.—The Secretary may disapprove, in writing with the reasons set forth, the appointment of an individual under subparagraph (B)(i).

''(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

''(i) PRODUCERS.—Seven producers or retailers of manufactured housing.

''(ii) USERS.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

''(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—Seven general interest and public official members.

''(E) BALANCING OF INTERESTS.—

''(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee—

''(I) the administering organization in its appointments shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

''(II) the Secretary may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

''(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

''(F) ADDITIONAL QUALIFICATIONS.—

''(i) FINANCIAL INDEPENDENCE.—An individual appointed under subparagraph (D)(ii) may not have—

''(I) a significant financial interest in any segment of the manufactured housing industry; or

''(II) a significant relationship to any person engaged in the manufactured housing industry.

''(ii) POST-EMPLOYMENT BAN.—An individual appointed under clause (ii) or (iii) of subparagraph (D) shall be subject to a ban disallowing compensation from the manufactured housing industry during the 1-year period beginning on the last day of membership of that individual on the consensus committee.

''(G) MEETINGS.—

''(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

''(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

''(H) INAPPLICABILITY OF OTHER LAWS.—

''(i) ADVISORY COMMITTEE ACT.—The consensus committee shall not be considered to be an advisory committee for purposes of the Federal Advisory Committee Act.

''(ii) TITLE 18.—The members of the consensus committee shall not be subject to section 203, 205, 207, or 208 of title 18, United States Code, to the extent of their proper participation as members of the consensus committee.

''(iii) ETHICS IN GOVERNMENT ACT OF 1978.—The Ethics in Government Act of 1978 shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

''(I) ADMINISTRATION.—The consensus committee and the administering organization shall—

''(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

''(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

''(J) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

''(i) provide reasonable staff resources to the consensus committee; and

''(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

''(I) the support is necessary to ensure the informed participation of the consensus committee members; and

''(II) the costs of providing the support are reasonable.

''(K) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which an administration agreement under paragraph (2)(A) is completed with the administering organization.

''(4) REVISIONS OF STANDARDS AND REGULATIONS.—

''(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

''(i) consider revisions to the Federal manufactured home construction and safety standards and regulations; and

''(ii) submit to the Secretary in the form of a proposed rule (including an economic analysis), any proposed revised standard or regulation approved by a ⅔ majority vote of the consensus committee.

''(B) PUBLICATION OF PROPOSED REVISED STANDARDS AND REGULATIONS.—

''(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard or regulation under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, publish such proposed revised standard or regulation in the Federal Register for notice and comment. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard or regulation and any such comments shall be submitted directly to the consensus committee, without delay.

''(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS AND REGULATIONS.—If the Secretary rejects the proposed revised standard or regulation, the Secretary shall publish in the Federal Register the rejected proposed revised standard or regulation, the reasons for rejection, and any recommended modifications set forth.

''(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

''(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard or regulation published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

''(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revisions proposed by the consensus

committee, which the Secretary shall, not later than 7 calendar days after receipt, publish in the Federal Register a notice of the recommended revisions of the consensus committee to the standards or regulations, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards or regulations could become effective.

''(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS AND REGULATIONS.—If the Secretary rejects the proposed revised standard or regulation, the Secretary shall publish in the Federal Register the rejected proposed revised standard or regulation, the reasons for rejection, and any recommended modifications set forth.

''(5) REVIEW BY THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard or regulation, as submitted by the consensus committee under paragraph (4)(A).

''(B) TIMING.—Not later than 12 months after the date on which a standard or regulation is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard or regulation under subparagraph (C).

''(C) PROCEDURES.—If the Secretary—

''(i) adopts a standard or regulation recommended by the consensus committee, the Secretary shall—

''(I) issue a final order without further rulemaking; and

''(II) publish the final order in the Federal Register;

''(ii) determines that any standard or regulation should be rejected, the Secretary shall—

''(I) reject the standard or regulation; and

''(II) publish in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard or regulation; or

''(iii) determines that a standard or regulation recommended by the consensus committee should be modified, the Secretary shall—

''(I) publish in the Federal Register the proposed modified standard or regulation, together with an explanation of the reason or reasons for the determination of the Secretary; and

''(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(D) FINAL ORDER.—Any final standard or regulation under this paragraph shall become effective pursuant to subsection (c).

''(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to publish notice of the action in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed standard or regulation is submitted to the Secretary under paragraph (4)(A)—

''(A) the recommendations of the consensus committee—

''(i) shall be considered to have been adopted by the Secretary; and

''(ii) shall take effect upon the expiration of the 180-day period that begins upon the conclusion of such 12-month period; and

''(B) not later than 10 days after the expiration of such 12-month period, the Secretary publish in the Federal Register a notice of the failure of the Secretary to act, the revised standard or regulation, and the effective date of the revised standard or regulation, which notice shall be deemed to be an order of the Secretary approving the revised standards or regulations proposed by the consensus committee.

''(b) OTHER ORDERS.—

''(1) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

''(2) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

''(A) the Secretary shall—

''(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

''(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin;

''(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

''(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

''(i) publish in the Federal Register the proposed regulation or interpretative bulletin and the written comments of the consensus committee, along with the response of the Secretary to those comments; and

''(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(3) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

''(A) approve the proposal and publish the proposed regulation or interpretative bulletin for public comment in accordance with section 553 of title 5, United States Code; or

''(B) reject the proposed regulation or interpretative bulletin and—

''(i) provide to the consensus committee a written explanation of the reasons for rejection; and

''(ii) publish in the Federal Register the proposed regulation and the written explanation for the rejection.

''(4) EMERGENCY ORDERS.—If the Secretary determines, in writing, that such action is necessary in order to respond to an emergency that jeopardizes the public health or safety, or to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation, following a request by the Secretary, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

''(A) provides to the consensus committee a written description and sets forth the reasons why emergency action is necessary and all supporting documentation; and

''(B) issues the order and publishes the order in the Federal Register.

''(5) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.'';

(2) in subsection (d), by adding at the end the following: ''Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards.'';

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

''(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—'';

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 5. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

''SEC. 605. MANUFACTURED HOME INSTALLATION.

''(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency.

''(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

''(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(3) FACTOR FOR CONSIDERATION.—

''(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factor described in section 604(e)(4).

''(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factor described in section 604(e)(4).

''(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

''(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(2) ENFORCEMENT OF INSTALLATION STANDARDS.—

''(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program

that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

''(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

''(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

''(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

''(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

''(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

''(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

''(B) the training and licensing of manufactured home installers; and

''(C) inspection of the installation of manufactured homes.''.

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

''(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);''.

SEC. 6. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting ''to the Secretary'' after ''submit''; and

(B) by adding at the end the following: ''The Secretary shall submit such cost and other information to the consensus committee for evaluation.'';

(2) in subsection (d), by inserting '', the consensus committee,'' after ''public''; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 7. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

''(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.''.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

''(c) DEFINITIONS.—In this section:

''(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term 'government-sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

''(2) FHA MANUFACTURED HOME LOAN.—The term 'FHA manufactured home loan' means a loan that—

''(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

''(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.''.

SEC. 8. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

''SEC. 620. AUTHORITY TO COLLECT FEE.

''(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

''(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

''(A) conducting inspections and monitoring;

''(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

''(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

''(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

''(E) administering the consensus committee as set forth in section 604; and

''(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

''(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

''(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

''(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(d) MODIFICATION.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

''(1) as specifically authorized in advance in an annual appropriations Act; and

''(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

''(e) APPROPRIATION AND DEPOSIT OF FEES.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

''(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.''.

SEC. 9. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by section 5(b) of this Act) the following:

''(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and''; and

(2) by adding at the end the following:

''(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

''(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection.

''(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

''(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.''.

SEC. 10. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 12. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this Act.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

AMENDMENT NO. 3124

Mr. GORTON. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRAMM and Mr. SARBANES, proposes an amendment numbered 3124.

On page 41, line 20, strike ''appoint'' and insert ''recommend''.

On page 44, beginning on line 14, strike '', subject to the approval of the Secretary, by the administering organization'' and insert ''by the Secretary, after consideration of the recommendations of the administering organization under paragraph (2)(A)(ii)(I),''.

On page 44, line 23, strike ''may'' and all that follows through page 45, line 2, and insert ''shall state, in writing, the reasons for failing to appoint under subparagraph (B)(i) of this paragraph any individual recommended by the administering organization under paragraph (2)(A)(ii)(I)''.

On page 46, strike lines 3 through 5 and insert the following:

sensus committee, the Secretary, in appointing the members of the consensus committee—

''(I) shall ensure

On page 46, line 11, strike ''the Secretary''.

On page 48, strike lines 17 through 22, and insert the following:

''(iii) ETHICS IN GOVERNMENT ACT OF 1978.—

''(I) IN GENERAL.—Subject to subclause (II), the Ethics in Government Act of 1978 (5 U.S.C. App.) shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

''(II) FINANCIAL DISCLOSURE.—The Secretary shall collect from each member of the consensus committee the financial information required to be disclosed under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.). Notwithstanding section 552 of title 5, United States Code, such information shall be confidential and shall not be disclosed to any person, unless such disclosure is determined to be necessary by—

''(aa) the Secretary;

''(bb) the Chairman or Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate; or

''(cc) the Chairman or Ranking Member of the Committee on Banking and Financial Services of the House of Representatives.

''(III) PROHIBITION ON GIFTS FROM OUTSIDE SOURCES.—

''(aa) IN GENERAL.—Subject to item (bb), an individual who is a member of the consensus committee may not solicit or accept a gift of services or property (including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value), if the gift is solicited or given because of the status of that individual as a member of the consensus committee.

''(bb) EXCEPTIONS.—The Secretary shall by regulation establish such exceptions to item (aa) as the Secretary determines to be appropriate, which shall include an exception for de minimus gifts.

On page 55, line 2, insert ''with respect to a proposed revised standard submitted by the consensus committee under paragraph (4)(A)'' after ''paragraph (5)''.

On page 55, line 5, strike ''proposed standard or regulation'' and insert ''proposed revised standard''.

On page 55, strike lines 7 and 8, and insert the following:

''(A) the proposed revised standard—

On page 55, line 18, strike ''or regulation''.

On page 55, line 19, strike ''or regulation''.

On page 55, lines 21 and 22, strike ''standards or regulations proposed by the consensus committee'' and insert ''standard''.

On page 71, strike line 3 and insert the following:

Act.

''(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.''.

Mr. GORTON. I ask unanimous consent the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3124) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1452), as amended, was read the third time and passed, as follows:

S. 1452

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Manufactured Housing Improvement Act of 2000''.

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

(c) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

''SEC. 602. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

''(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

''(b) PURPOSES.—The purposes of this title are—

''(1) to facilitate the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department of Housing and Urban Development;

''(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

''(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

''(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

''(5) to protect owners of manufactured homes from unreasonable risk of personal injury and property damage;

''(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

''(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

''(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.''.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking ''dealer'' and inserting ''retailer'';

(2) in paragraph (12), by striking ''and'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

''(15) 'consensus committee' means the committee established under section 604(a)(3);

''(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction

and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

''(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

''(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

''(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

''(20) 'monitoring'—

''(A) means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations recommended by the consensus committee and promulgated in accordance with section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

''(B) may include the periodic inspection of retail locations for transit damage, label tampering, and retailer compliance with this title; and

''(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated under this title.''.

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking ''dealer'' each place it appears and inserting ''retailer'';

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking ''dealer'' each place it appears and inserting ''retailer'';

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking ''dealer'' and inserting ''retailer'';

(B) in subsection (b)(3), by striking ''dealer or dealers'' and inserting ''retailer or retailers''; and

(C) in subsections (d) and (f), by striking ''dealers'' each place it appears and inserting ''retailers'';

(4) in section 616 (42 U.S.C. 5415), by striking ''dealer'' and inserting ''retailer''; and

(5) in section 623(c)(9), by striking ''dealers'' and inserting ''retailers''.

SEC. 4. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) ESTABLISHMENT.—

''(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

''(A) shall—

''(i) be reasonable and practical;

''(ii) meet high standards of protection consistent with the purposes of this title; and

''(iii) be performance-based and objectively stated, unless clearly inappropriate; and

''(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

''(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

''(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

''(i) terminate on the date on which a contract is entered into under subparagraph (B); and

''(ii) require the administering organization to—

''(I) recommend the initial members of the consensus committee under paragraph (3);

''(II) administer the consensus standards development process until the termination of that agreement; and

''(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

''(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

''(C) PERFORMANCE REVIEW.—The Secretary—

''(i) shall periodically review the performance of the administering organization; and

''(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

''(3) CONSENSUS COMMITTEE.—

''(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall function as a single committee, and which shall, in accordance with this title—

''(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

''(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with this subsection; and

''(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

''(B) MEMBERSHIP.—The consensus committee shall be composed of—

''(i) 21 voting members appointed by the Secretary, after consideration of the recommendations of the administering organization under paragraph (2)(A)(ii)(I), from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

''(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

''(C) DISAPPROVAL.—The Secretary shall state, in writing, the reasons for failing to appoint under subparagraph (B)(i) of this paragraph any individual recommended by the administering organization under paragraph (2)(A)(ii)(I).

''(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

''(i) PRODUCERS.—Seven producers or retailers of manufactured housing.

''(ii) USERS.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

''(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—Seven general interest and public official members.

''(E) BALANCING OF INTERESTS.—

''(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee—

''(I) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

''(II) may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

''(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

''(F) ADDITIONAL QUALIFICATIONS.—

''(i) FINANCIAL INDEPENDENCE.—An individual appointed under subparagraph (D)(ii) may not have—

''(I) a significant financial interest in any segment of the manufactured housing industry; or

''(II) a significant relationship to any person engaged in the manufactured housing industry.

''(ii) POST-EMPLOYMENT BAN.—An individual appointed under clause (ii) or (iii) of subparagraph (D) shall be subject to a ban disallowing compensation from the manufactured housing industry during the 1-year period beginning on the last day of membership of that individual on the consensus committee.

''(G) MEETINGS.—

''(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

''(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

''(H) INAPPLICABILITY OF OTHER LAWS.—

''(i) ADVISORY COMMITTEE ACT.—The consensus committee shall not be considered to be an advisory committee for purposes of the Federal Advisory Committee Act.

''(ii) TITLE 18.—The members of the consensus committee shall not be subject to section 203, 205, 207, or 208 of title 18, United States Code, to the extent of their proper participation as members of the consensus committee.

''(iii) ETHICS IN GOVERNMENT ACT OF 1978.—

''(I) IN GENERAL.—Subject to subclause (II), the Ethics in Government Act of 1978 (5 U.S.C. App.) shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

''(II) FINANCIAL DISCLOSURE.—The Secretary shall collect from each member of the consensus committee the financial information required to be disclosed under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.). Notwithstanding section 552 of title 5, United States Code, such information shall be confidential and shall not be disclosed to any person, unless such disclosure is determined to be necessary by—

''(aa) the Secretary;

''(bb) the Chairman or Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate; or

''(cc) the Chairman or Ranking Member of the Committee on Banking and Financial Services of the House of Representatives.

''(III) PROHIBITION ON GIFTS FROM OUTSIDE SOURCES.—

''(aa) IN GENERAL.—Subject to item (bb), an individual who is a member of the consensus committee may not solicit or accept a gift of services or property (including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value), if the gift is solicited or given because of the status of that individual as a member of the consensus committee.

''(bb) EXCEPTIONS.—The Secretary shall by regulation establish such exceptions to item (aa) as the Secretary determines to be appropriate, which shall include an exception for de minimus gifts.

''(I) ADMINISTRATION.—The consensus committee and the administering organization shall—

''(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

''(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

''(J) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

''(i) provide reasonable staff resources to the consensus committee; and

''(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

''(I) the support is necessary to ensure the informed participation of the consensus committee members; and

''(II) the costs of providing the support are reasonable.

''(K) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which an administration agreement under paragraph (2)(A) is completed with the administering organization.

''(4) REVISIONS OF STANDARDS AND REGULATIONS.—

''(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

''(i) consider revisions to the Federal manufactured home construction and safety standards and regulations; and

''(ii) submit to the Secretary in the form of a proposed rule (including an economic analysis), any proposed revised standard or regulation approved by a ⅔ majority vote of the consensus committee.

''(B) PUBLICATION OF PROPOSED REVISED STANDARDS AND REGULATIONS.—

''(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard or regulation under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, publish such proposed revised standard or regulation in the Federal Register for notice and comment. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard or regulation and any such comments shall be submitted directly to the consensus committee, without delay.

''(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS AND REGULATIONS.—If the Secretary rejects the proposed revised standard or regulation, the Secretary shall publish in the Federal Register the rejected proposed revised standard or regulation, the reasons for rejection, and any recommended modifications set forth.

''(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

''(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard or regulation published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

''(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revisions proposed by the consensus committee, which the Secretary shall, not later than 7 calendar days after receipt, publish in the Federal Register a notice of the recommended revisions of the consensus committee to the standards or regulations, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards or regulations could become effective.

''(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS AND REGULATIONS.—If the Secretary rejects the proposed revised standard or regulation, the Secretary shall publish in the Federal Register the rejected proposed revised standard or regulation, the reasons for rejection, and any recommended modifications set forth.

''(5) REVIEW BY THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard or regulation, as submitted by the consensus committee under paragraph (4)(A).

''(B) TIMING.—Not later than 12 months after the date on which a standard or regulation is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard or regulation under subparagraph (C).

''(C) PROCEDURES.—If the Secretary—

''(i) adopts a standard or regulation recommended by the consensus committee, the Secretary shall—

''(I) issue a final order without further rulemaking; and

''(II) publish the final order in the Federal Register;

''(ii) determines that any standard or regulation should be rejected, the Secretary shall—

''(I) reject the standard or regulation; and

''(II) publish in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard or regulation; or

''(iii) determines that a standard or regulation recommended by the consensus committee should be modified, the Secretary shall—

''(I) publish in the Federal Register the proposed modified standard or regulation, together with an explanation of the reason or reasons for the determination of the Secretary; and

''(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(D) FINAL ORDER.—Any final standard or regulation under this paragraph shall become effective pursuant to subsection (c).

''(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) with respect to a proposed revised standard submitted by the consensus committee under paragraph (4)(A) and to publish notice of the action in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed revised standard is submitted to the Secretary under paragraph (4)(A)—

''(A) the proposed revised standard—

''(i) shall be considered to have been adopted by the Secretary; and

''(ii) shall take effect upon the expiration of the 180-day period that begins upon the conclusion of such 12-month period; and

''(B) not later than 10 days after the expiration of such 12-month period, the Secretary publish in the Federal Register a notice of the failure of the Secretary to act, the revised standard, and the effective date of the revised standard, which notice shall be deemed to be an order of the Secretary approving the revised standard.

''(b) OTHER ORDERS.—

''(1) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

''(2) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

''(A) the Secretary shall—

''(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

''(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin;

''(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

''(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

''(i) publish in the Federal Register the proposed regulation or interpretative bulletin and the written comments of the consensus committee, along with the response of the Secretary to those comments; and

''(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(3) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

''(A) approve the proposal and publish the proposed regulation or interpretative bulletin for public comment in accordance with section 553 of title 5, United States Code; or

''(B) reject the proposed regulation or interpretative bulletin and—

''(i) provide to the consensus committee a written explanation of the reasons for rejection; and

''(ii) publish in the Federal Register the proposed regulation and the written explanation for the rejection.

''(4) EMERGENCY ORDERS.—If the Secretary determines, in writing, that such action is necessary in order to respond to an emergency that jeopardizes the public health or safety, or to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation, following a request by the Secretary, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

''(A) provides to the consensus committee a written description and sets forth the reasons why emergency action is necessary and all supporting documentation; and

''(B) issues the order and publishes the order in the Federal Register.

''(5) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.'';

(2) in subsection (d), by adding at the end the following: ''Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards.'';

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

''(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—'';

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 5. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

''SEC. 605. MANUFACTURED HOME INSTALLATION.

''(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency.

''(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

''(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall be consistent with—

''(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(3) FACTOR FOR CONSIDERATION.—

''(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factor described in section 604(e)(4).

''(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factor described in section 604(e)(4).

''(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

''(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(2) ENFORCEMENT OF INSTALLATION STANDARDS.—

''(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

''(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

''(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

''(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

''(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

''(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

''(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

''(B) the training and licensing of manufactured home installers; and

''(C) inspection of the installation of manufactured homes.''.

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

''(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);''.

SEC. 6. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting ''to the Secretary'' after ''submit''; and

(B) by adding at the end the following: ''The Secretary shall submit such cost and other information to the consensus committee for evaluation.'';

(2) in subsection (d), by inserting '', the consensus committee,'' after ''public''; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 7. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

''(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.''.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

''(c) DEFINITIONS.—In this section:

''(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term 'government-sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development,

the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

''(2) FHA MANUFACTURED HOME LOAN.—The term 'FHA manufactured home loan' means a loan that—

''(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

''(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.''.

SEC. 8. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

''SEC. 620. AUTHORITY TO COLLECT FEE.

''(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

''(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

''(A) conducting inspections and monitoring;

''(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

''(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

''(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

''(E) administering the consensus committee as set forth in section 604; and

''(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

''(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

''(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

''(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

''(d) MODIFICATION.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

''(1) as specifically authorized in advance in an annual appropriations Act; and

''(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

''(e) APPROPRIATION AND DEPOSIT OF FEES.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

''(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.

''(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.''.

SEC. 9. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by section 5(b) of this Act) the following:

''(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and''; and

(2) by adding at the end the following:

''(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

''(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection.

''(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

''(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.''.

SEC. 10. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 12. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this Act.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

ORDERS FOR MONDAY, MAY 8, 2000

Mr. GORTON. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 1 p.m. on Monday, May 8. I further ask consent that on Monday, 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 begin a period of morning business until 3 p.m., with Senators speaking for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee, 1 to 2 p.m.; Senator THOMAS or his designee, 2 to 3 p.m.

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

PROGRAM

Mr. GORTON. For the information of all Senators, the Senate will convene at 1 p.m. on Monday. It will be in a period of morning business until 3 p.m. Following the morning business, Senator LOTT will be recognized to offer the Lott-Gregg amendment to the Elementary and Secondary Education Act. Debate on that teacher quality amendment is expected to consume the remainder of Monday's session. By previous consent, Senator LIEBERMAN will offer his substitute amendment on Tuesday morning. Any votes in relation to the Lott-Gregg amendment will not occur until Tuesday, at a time to be determined.

ADJOURNMENT UNTIL 1 P.M. MONDAY, MAY 8, 2000

Mr. GORTON. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Monday, May 8, 2000, at 1 p.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE NEIGHBOR TO NEIGHBOR ACT, MAY 4, 2000

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. DUNN. Mr. Speaker, the generous hearts of Americans know no income or class boundaries. Tens of millions of people give annually to support charities such as their local churches, youth and family organizations, and medical research programs. It is a testament to the willingness of families to give back to the community on which they rely on for so much.

Yet, under current law, only a small portion of individuals who contribute to charities receive a tax benefit for their gifts. This is because the deduction that is provided for a gift to charity is only available to taxpayers who itemize on their returns. These filers represent only 30 percent of all taxpayers.

Today, along with Senator PAUL COVERDELL, I rise to introduce the Neighbor to Neighbor Act. This important proposal will extend the charitable deduction to non-itemizers and will grant them tax relief on the first dollar of their gift. Under the bill, joint filers will receive dollar-for-dollar deduction on their donations up to $1,000 and individuals will receive a deduction on their donations up to $500. The Neighbor to Neighbor Act will benefit 67 million charitable givers and will for the first time encourage and reward contributions made by all taxpayers. According to the Joint Committee on Taxation, this bill will provide $52 billion in tax relief over the next 10 years. Most importantly, since the overwhelming majority of non-itemizers are low- and middle-income Americans, this is genuinely broad-based tax relief.

One important element of charitable giving is being able to plan a contribution with the tax deduction in mind. For most taxpayers who now receive the deduction, however, this means performing an estimate of future tax liability and making contributions accordingly. This can be an inefficient and imprecise method.

The Neighbor to Neighbor Act will eliminate the complexities of this current system by allowing both itemizers and non-itemizers the ability to contribute to charities through April 15th and deduct that contribution from the previous year's taxes. As a result, taxpayers will have the ability to contribute after they receive their tax information at the beginning of the year and can precisely calculate their liability and give back accordingly.

The Neighbor to Neighbor Act acknowledges the important role that all Americans play in building strong communities through private charities. By every measure, these groups are more effective at instilling strong values in our youth and transforming society from the ground up. I urge my colleagues in both the House and Senate to support this important bill.

RECOGNITION OF EQUAL PAY DAY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize California's Equal Pay Day, May 11, 2000. This day allows us to fully recognize the value of women's skills and significant contributions to the labor force.

It has been over 35 years since the passage of the Equal Pay Act and title VII of the Civil Rights Act, but women in America still suffer the consequences of inequitable pay differentials.

The Institute for Women's Policy Research has reported that, the average 25-year-old woman will earn $523,000 less than the average 25-year-old man will over the next 40 years, if current wage patterns continue. In 1998, women earned 73 cents, to every dollar earned by men. This is an overwhelming difference of 27 percent less.

Today, working women constitute a large segment of this Nation's work force, and a vast majority of households are dependent on the wages of working mothers. These women deserve fair and equal pay. Often, working families are just one paycheck away from economic hardships. Fair and equal pay for women would go a long way toward strengthening the security of families today and enhancing the prospects of retirement tomorrow.

May 11, 2000, will symbolize the day on which the wages paid to American women this year, when added to their incomes in 1999, will finally equal the 1999 earnings of American men.

Mr. Speaker, I move that we recognize women for their lasting contributions to the American work force and urge my colleagues to continue their work to bring fair and equal pay to all U.S. citizens.

REBELS IN SIERRA LEONE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. HALL of Ohio. Mr. Speaker, today I am outraged at the news that rebels in Sierra Leone murdered seven United Nations peacekeepers on May 3, and that more than 40 others remain hostages.

By coincidence, on that same date this House approved the thoughtful legislation proposed by our colleague, Mr. GEJDENSON. His bill, which I was honored to co-sponsor, is an investment in Sierra Leone's peace process that is overdue and one which, I hope, will help end the violence there. It funds the effort other nations have joined to disarm and rehabilitate the soldiers—many of them young children—who battled each other for eight long years until the July 1999 peace agreement. It funds a truth and reconciliation commission that aims to heal the wounds of civilians who have been caught up in the war but have no hope for justice under the peace agreement. And it takes other needed steps.

Mr. Speaker, I visited Sierra Leone last year with Congressman FRANK WOLF. We were both horrified by the butchery of innocent people who had lost their hands, legs, ears and noses to machete-wielding rebels. Neither of us will ever forget what we saw in the capital's amputation camp; I am particularly haunted by one charming toddler who will struggle all her life because one of the rebels chopped off her hand. ''Give us a hand,'' the country's president had said in his election campaign. Rebels, driven by greed for the nation's tremendous diamond wealth and for power, twisted President Kabbah's campaign slogan around, telling their victims as they dismembered them, ''go and ask Kabbah for your hand.''

We also were dismayed to learn of the United States' role in pressing Sierra Leone's elected government to sign a peace agreement that indemnified the rebels who had committed these atrocities. Not only would no one be prosecuted for war crimes, the leader of the rebels would be put in charge of the nation's considerable wealth—wealth he had diverted into the coffers of his rebel forces.

No one, save a regional coalition led nobly by Nigeria, had come to Sierra Leone's aid in any significant way during this war. We sent bandages and food, of course, but our country failed to expend the effort needed to stop this war. We had lots of excuses—''we were busy in Kosovo,'' a country no less middle-class than Sierra Leone. Or, ''it was Africa, and we still feel the loss of our men and our prestige in Somalia.'' It may have been clever political calculus for our government to figure this peace agreement was the best Sierra Leone's people could get, but the day we made that decision was a dark one for America's honor.

Most observers have been awed by Sierra Leoneans' willingness to accept peace without justice. I too was persuaded by the people I heard there and in this country. Perhaps Sierra Leoneans knew best that this was their best hope for peace if they could live with this shameful agreement, our country should not stand in their way.

But now Sierra Leoneans have neither justice nor peace. Atrocities against civilians continue, with well-documented instances of girls being kidnaped to serve as sex slaves and domestic servants; of villages being attacked and looted; of random murders. U.N. peacekeeping troops have not been immune from the on-going violence: they have been stripped of their weapons—of armored personnel carriers, helicopters, and rocket-propelled grenades, as well as rifles and ammunition. In fact, the Kenyans who died yesterday were trying to resist rebels' attempt to grab still more weapons.

It is clear to me, Mr. Speaker, that as long as rebles can continue stealing Sierra Leone's natural resources—its diamonds—they will continue their attacks. Diamonds transformed

this band of 400 ruffians into a well-equipped fighting force 25,000 strong, a force that one retired Green Beret told me was one of the best in the world. Diamonds still drive rebel troops and commanders and despite the 10-month-old peace agreement that bans continue mining, diamonds are still being mined today. And, despite all they know about how rebels are using their profits, diamond traders still look the other way and buy the rebels' stones—and they still transform them into symbols of love and commitment for unsuspecting Americans to treasure.

When we returned in December, Mr. WOLF and I called for the United Nations to sanction these bloody diamonds—as it did when rebels in Angola broke the peace agreement they had signed. This step is needed not only to punish the rebels; it is also essential to protecting the U.N. peacekeepers who are the victims of this diamond wealth.

While the United States contributes no troops to this U.N. effort, we are paying tens of millions of dollars for it and we have an obligation to insist that it be well equipped, adequately manned, and protected to the full extent of the United Nations' ability. However, although we got kind words from the Secretary General and Ambassador Holbrooke and don't doubt their efforts to bring lasting peace to Sierra Leone, the United Nations has not yet seriously considered this step.

Next week, in honor of the peacekeepers who have died in Sierra Leone, and in hope of protecting more from meeting that fate, I plan to introduce a Sense of the Congress resolution:

It will condemn rebels for murdering the Kenyan troops serving as U.N. peacekeepers, and the countless Sierra Leonean civilians who continue to suffer death and gross human rights violations at rebels' hands.

It will call on our country's diplomats to remind the rebels' leaders that last year's peace agreement does not provide them amnesty for war crimes committed since it was signed.

And it will call the United States to bring before the United Nations Security Council a resolution sanctioning the sale of diamonds by Sierra Leone's rebels.

Sierra Leone is a country blessed by its natural resources, by its fertile land, and by its hard-working people. Until there is real peace, though, its diamonds will be a curse—and Sierra Leone will be a ward of the international community, dependent on the charity of Americans and others. In a country as rich as Sierra Leone, there should be no need for the charity of outsiders.

In the past decade, more than $10 billion in diamond wealth has fallen into the hands of rebel forces in Sierra Leone and three other African nations. At the same time, these same forces were using their money to inflict suffering that our country spent $2 billion to ease. Clearly, we cannot stop Sierrra Leone's suffering with food and medicine alone. We have to end the deadly trade in conflict diamonds if we don't want to see this ''genocide'' continue. As the consumer of 65 percent of the world's diamonds, we owe it to Africans to help them break this terrible link. As stewards of our own government's funds, we owe it to Amrican taxpayers to cut off the funding for the weapons that have inflicted Sierra Leoneans' wounds—and the death blows to seven U.N. peacekeepers.

I urge our colleagues to join me today in my outrage, and to join me next week in supporting this Sense of the Congress resolution.

IDEA FULL FUNDING ACT OF 2000

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to express my opposition to H.R. 4055, which authorizes over $160 billion in new federal spending for programs imposed on local school districts by the Individuals with Disabilities Education Act (IDEA). While I share the goal of devoting more resources to educating children with learning disabilities, I believe that there is a better way to achieve this laudable goal than increasing spending on an unconstitutional, failed program that thrusts children, parents, and schools into an administrative quagmire. Under the system set up by IDEA, parents and schools often become advisories and important decisions regarding a child's future are made via litigation. I have received compliments from a special education administrator in my district that unscrupulous trial lawyers are manipulating the IDEA process to line their pockets at the expenses of local school districts. Of course, every dollar a local school district has to spend on litigation is a dollar the district cannot spend educating children.

IDEA may also force local schools to deny children access to the education that best suits their unique needs in order to fulfill the federal command that disabled children be educated ''in the least restrictive setting,'' which in practice means mainstreaming. Many children may thrive in a mainstream classroom environment, however, some children may be mainstreamed solely because school officials believe it is required by federal law, even though the mainstream environment is not the most appropriate for that child.

On May 10, 1994, Dr. Mary Wagner testified before the Education Committee that disabled children who are not placed in a mainstream classroom graduate from high school at a much higher rate than disabled children who are mainstreamed. Dr. Wagner quite properly accused Congress of sacrificing children to ideology.

Increasing IDEA spending also provides incentives to over-identify children as learning disabled, thus unfairly stigmatizing many children and, in a vicious cycle, leading to more demands for increased federal spending on IDEA. Instead of increasing spending on a federal program that may actually damage the children it claims to help, Congress should return control over education to those who best know the child's needs: parents. In order to restore parental control to education, I have introduced the Family Education Freedom Act (H.R. 935), which provides parents with a $3,000 per child tax credit to pay for K–12 education expenses. My tax credit would be of greatest benefit to parents of children with learning disabilities because it would allow them to devote more of their resources to ensure their children get an education that meets the child's unique needs.

In conclusion, I would remind my colleagues that parents and local communities know their children so much better than any federal bureaucrat, and they can do a better job of meeting a child's needs than we in Washington. There is no way that the unique needs of my grandchildren, and some young boy or girl in Los Angeles, CA or New York City can be educated by some sort of 'Cookie Cutter' approach. Thus, the best means of helping disabled children is to empower their parents with the resources to make sure their children receive an education suited to their child's special needs, instead of an education that scarifies that child's best interest on the altar of the ''Washington-knows-best'' ideology.

I therefore urge my colleagues to join with me in helping parents of special needs children to provide their children with an education by repealing federal mandates that divert resources away from helping children and, instead, embrace my Family Education Freedom Act.

SUPPORT SPECIAL EDUCATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TANCREDO. Mr. Speaker, yesterday, the House overwhelmingly approved H.R. 4055, the IDEA Full Funding Act, which will allow the federal government to fully fund their share of special education. The bill provides a $2 billion yearly increase in special education spending, beginning with $7 billion for fiscal year 2001 and ending with $25 billion for fiscal year 2010.

In 1975, Congress promised every child in America a quality education, and it has failed to fulfill that promise.

Special education should be a top priority of America and this Congress as we prepare our children for the next century. No child in Colorado or America should be left behind simply because of their disability.

Currently, the state of Colorado receives $28.4 million to educate special education students—even though the federal government promised to pay $145.7 million. If the federal government met its 40 percent commitment to IDEA, the state would receive $117 million more a year.

This is money that could go to pay for more computers, increased pay for teachers or smaller classrooms.

It is time for promises made to be promises kept. With millions of dollars being wasted on unauthorized or inefficient government programs, there is no excuse for failing to fulfill the promise to fund 40 percent of special education programs.

With better accountability of programs within the budget process, we would already have the funds available for special education.

Instead, we are on the path of underfunding and depriving special education students the quality education they deserve.

Again, I would like to thank my colleagues for their support of H.R. 4055 and thank Chairman GOODLING for his hard and dedicated work on this bill.

HONORING THE SOUTH BAY NATIONAL DAY OF PRAYER BREAKFAST

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today in recognition of the second annual South Bay National Day of Prayer Breakfast. This Judeo-Christian event was created to recognize the value of prayer and reflection in our daily lives.

This important occasion is patterned after the National Day of Prayer Breakfast in Washington, DC. Congress established the National Day of Prayer Breakfast in 1952 as a time for personal reflection and rededication of individuals, communities, and the nation to God.

I commend the business, religious, and community leaders who are responsible for organizing this event in the South Bay. This is a meaningful event for individuals of all backgrounds and faiths to come together as a community and reflect.

Although this is only the second year that the South Bay National Day of Prayer Breakfast is being held, it has quickly become a tradition. I look forward to its continued success.

HONORING JULIE JOHNSON-WILLIAMS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, this week, Julie Johnson-Williams will be honored as the founding President and Member-Emeritus at Women for WineSense 10th Anniversary Conference in Sonoma County, California.

In 1981, Julie Johnson-Williams co-founded Frog's Leap Winery, one of the finest wineries in Napa Valley and its third California-Certified Organic Vineyard. Julie has been an active member in the Napa Valley Vintners Association, the California Wine Institute and the Winemaking Families and Grapegrowers' Appreciation Day. As an avid gardener, Julie creatively nurtures the vines, orchards and vegetable plots that delight the visitors of Frog's Leap.

As a Public Health nurse with a Nursing Award for Academic Excellence from Columbia University School of Nursing, Julie brings a commitment to healthy lifestyles to the world of wine. She now reaches beyond illness to the territory of the ''well'' in her Women for WineSense efforts. In particular, Julie has focused her activities to educate and empower women to make responsible lifestyle decisions, and to take a proactive stance in community and occupational arenas.

Julie's civic and philanthropic activities are built on her educational and career endeavors. As a parent, she is an on-going classroom volunteer in the St. Helena Unified School District. She has been a volunteer fund-raiser for the Shasta-Diablo Planned Parenthood group. As a health professional, Julie has a particular concern for the prevention of alcohol and drug abuse and has been an active member of numerous boards that address this issue.

Julie can truly be called a ''Renaissance Woman.'' She has endless energy for her family, community and the vineyard she loves. Julie accomplishes so much and with great aplomb. Her generosity and talent greatly benefit the varied communities she serves.

Ten years ago, Julie founded the premier worldwide grassroots organization for women interested in wine. Women for WineSense continues to serve as a moderate, non-biased, non-profit educational and promotional organization to ensure all women and men have accurate information on the cultural, social and health effects of moderate wine consumption.

Mr. Speaker, I join the other Women for WineSense members in honoring Julie Johnson-Williams as their Founding President and Woman of the Year 2000.

TRIBUTE TO MR. AND MRS. JACK QUINN, SR.

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. QUINN. Mr. Speaker, I am honored to rise today to pay tribute and officially recognize a very special Golden Anniversary occurring in my Congressional District this weekend. In fact, this very well may be the speech I am most proud to give, because today I rise to honor my parents, Jack and Norma Quinn.

On May 6, 1950, Jack Quinn married Norma Ide at the Holy Family Church in South Buffalo. My father then went to work with the South Buffalo Railroad, where he spent over 32 years. Never one to shy away from hard work, he then took a new job with the Erie County Library System, where he spent an additional 16 years.

For the pass 44 years, Jack and Norma Quinn have made their home on East Frontier in the Village of Blasdell.

While Jack worked at the Railroad and later with the Library system, Norma maintained part-time work, but focused intently on her role as a full-time Mother. Mr. Speaker, believe me, it must not have been easy raising the five Quinn boys.

As a community, we pause to honor and recognize those couples whose dedication, commitment and love for each other has carried them through fifty years of marriage. These couples serve as a positive example to our entire community that strong marriages based on love, mutual respect, and caring devotion will stand the test of time.

Throughout these past fifty years, their steadfast commitment to one another, strength, and devotion to our family has never faltered.

To commemorate this momentous occasion, our family will have a small, private ceremony where our parents will renew their vows.

Mr. Speaker, today I join with my four brothers, Kevin, Jeff, Tom and Mike, our wives and children, and our entire Quinn Family in special recognition and loving tribute to my parents on this Golden Anniversary. I thank them for their example of commitment to God, family, and to one another.

TRIBUTE TO CYNTHIA G. ROTH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CALVERT. Mr. Speaker, I take the floor today to honor Cynthia G. Roth, the recipient of the 2000 ATHENA Award.

The ATHENA Foundation Award Programs originated in 1980 by Martha Mayhood Mertz, who realized that in the 75 years of presenting community awards, her Lansing Regional Chamber of Commerce, of Michigan, had only once honored a woman. Mertz recognized that focus had to be given to the incredible professional women in our communities and they had to be incorporated into leadership positions in the local Chambers of Commerce.

Cynthia G. Roth, of my own district of Western Riverside, California, has worked with Greater Riverside Chambers of Commerce for 23 years. She started with the Chamber as a receptionist and is now the President and Chief Executive Officer, where she oversees a budget of $1.1 million, supervises a staff of 15 and promotes the Riverside region. Cynthia's 23 years with the Greater Riverside Chambers of Commerce epitomizes the ATHENA philosophy of leadership that celebrates relationships and services to the community.

Mr. Speaker, my district is fortunate to have the dynamic and dedicated community leader in Cynthia. She has given her time and talents to promote the businesses, schools and community organizations of Riverside. Moreover, she has been an exceptional motivator and inspiration to all young women around her.

Cynthia's outstanding work makes me proud to call her a community member and fellow American. I know that all of Riverside, including myself, are grateful for her contribution to the betterment of our community and salute her on May 10th with the 2000 ATHENA Award.

I look forward to continuing to work with her and the many professional women of Riverside County for the good of our community. I would like to close with the ATHENA Foundation motto by Plato: ''What is honored in a country will be cultivated there.''

SUPPORTING A NATIONAL CHARTER SCHOOLS WEEK

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. HOYER. Mr. Speaker, I rise in support of H. Con. Res. 310, supporting a National Charter Schools Week. I commend my distinguished colleague from Indiana, Mr. ROEMER, for highlighting the charter school movement and urging the Congress and the Administration to demonstrate support for our nation's charter schools.

Mr. Speaker, from 1989 to 1999, the number of students enrolled in public schools increased by 6.7 million, and the U.S. Census projects that our nation's school-age population will continue to grow throughout the century. In fact, many states have seen double-digit increases in school-age population. As

this population continues to grow, our commitment to finding new and innovative ways to meet the changing needs of educating our youth needs to grow as well.

Charter schools offer our communities the ability to enroll their children in schools that enjoy autonomy over its operation and freedom from regulations that other public schools must follow, but also are held accountable for improving student achievement. Nearly two-thirds of newly created charter schools seek to realize an alternative vision of schooling, and one-fourth were founded primarily to serve a special target population. Many charter schools also serve a large number of lower income students, minority populations and students with disabilities.

Not only does this resolution acknowledge the charter school movement's progress and future promise, but it also encourages the President to issue a proclamation to demonstrate support for charter schools and establishes a National Charter Schools Week. Our nation's 1700 charter schools and the 350,000 students who attend them deserve our support and recognition. I want to thank Mr. ROEMER for his continued leadership on this important education issue and your dedication to providing flexibility to our nation's schools.

HONORING EUGENE BRUNS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the wonderful men and women of the Michigan State Police. Day after day, these brave people work to maintain safe streets for our children to live and play. On April 10, the Michigan State Police will recognize one of their own, as they gather to celebrate the retirement of Sergeant Eugene Herbert Bruns from State Police Lapeer Post #38.

Eugene Bruns was born in 1940 in Frankenmuth, Michigan, and graduated from Frankenmuth High in 1958. On March 9, 1964, Eugene enlisted in the Michigan State Police. He completed his requirements within 8 weeks and began his career at Warren Post #24. He was reassigned to East Lansing Post #11 in 1966, where he served as 1st District Recruiter. In March of 1972, Eugene was promoted to Detective Sergeant of Lapeer Post #38, serving the entire Thumb area of the state. He remained at the Post, accepting an assignment as Desk Sergeant in 1981, and has served there ever since.

During his 35-year tenure with the State Police, Eugene was the well-deserving recipient of numerous honors and citations, and his actions have benefited law enforcement officials from all over the country. In 1968, he was awarded for Meritorious Service for his work on a check fraud complaint that resulted in several arrests in Texas. A 1974 narcotics case recovered thousands of dollars of property, firearms, and drugs. And in 1978, a simple discovery of a stolen snowmobile led to the uncovering of a three state criminal ring. For his diligent work over the course of several decades, Lapper Post #38 recognized Eugene in 1994 as Trooper of the Year.

In addition to being a member of the Michigan State Police Troopers Association, Eugene has become a vital part of the Lapeer community, as shown by his work with the Lions Club and Kiwanis Club of Lapeer. He has also expressed his dedication to his fellow Troopers by serving three two-year terms on the State Police Hardship Fund Committee.

Mr. Speaker, as a Member of Congress, I consider it my duty and my privilege to protect and defend human dignity and the quality of life for our citizens. I am extremely grateful to have a person like Eugene Bruns who shares these beliefs, and has made it his life's work to see this task achieved. I ask my colleagues in the 106th Congress to please join me in congratulating Eugene, and wishing him the very best in his retirement.

TEXAS HOME SCHOOL APPRECIATION WEEK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. PAUL. Mr. Speaker, as this is Texas Home School Appreciation week, I am pleased to take this opportunity to salute those Texas parents who have chosen to educate their children at home. While serving in Congress, I have had the opportunity to get to know many of the home schooling parents in my district. I am very impressed by the job these parents are doing in providing their children with a quality education. I have also found that home schooling parents are among the most committed activists in the cause of advancing individual liberty, constitutional government, and traditional values. I am sure my colleagues on the Education Committee would agree that the support of home schoolers was crucial in defeating the scheme to implement a national student test.

Home schooling is becoming a popular option for parents across the country. In Texas alone, there are approximately seventy five thousand home schooling families educating an average of three children per household. Home schooling is producing some outstanding results. For example, according to a 1997 study the average home schooled student scores near the ninetieth percentile on standardized academic achievement tests in reading, mathematics, social studies, and science! Further proof of the success of home schooling is the fact that in recent years, self-identified home schoolers have scored well above the national average on both the Scholastic Aptitude Test (SAT) and the American College Test (ACT). These high scores are achieved by home schooling children, regardless of race, income-level, or gender.

Contrary to media-generated stereotypes portraying home schooled children as isolated from their peers, home schooled children participate in a wide variety of social, athletic, and extra-curricular activities. Home schooling parents have formed numerous organizations designed to provide their children ample opportunity to interact with other children. In fact, recent data indicates that almost 50% of home schooled children engage in extra-curricular activities such as group sports and music classes, while a third of home schooled children perform volunteer work in their communities.

Mr. Speaker, to be a home schooling parent takes a unique dedication to family and education. In many cases, home school families must forgo the second income of one parent, as well as incurring the costs of paying for textbooks, computers, and other school supplies. Home schooling parents must pay these expenses while, like all American families, struggling to pay state, local, and federal taxes.

In order to help home schoolers, and all parents, devote more of their resources to their children's education, I have introduced the Family Education Freedom Act (H.R. 935). This bill provides all parents a $3,000 per child tax credit for K–12 education expenses. This bill would help home school parents to provide their children a first-class education in a loving home environment.

The Family Education Freedom Act will also benefit those parents who choose to send their children to public or private schools. Parents who choose to send their children to private school may use their tax credit to help cover the cost of tuition. Parents who choose to send their children to public schools may use their tax credit to help finance the purchase of educational tools such as computers or extracurricular activities like music programs. Parents may also use the credit to pay for tutoring and other special services for their children.

Mr. Speaker, the best way to improve education is to return control over education resources to the people who best know their children's unique needs: those children's parents. Congress should empower all parents, whether they choose to home school or send their child to a public or private school, with the means to control their child's education. That is why I believe the most important education bill introduced in this Congress is the Family Education Freedom Act.

In conclusion, I wish to once again commend the accomplishments of those parents who have chosen to educate their children at home. I also urge my colleagues to help home schoolers, and all parents, ensure their children get a quality education by cosponsoring the Family Education Freedom Act.

IN TRIBUTE TO ROBBI AND RICKEY GELB

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Robbi and Rickey Gelb, who were recently honored by Haven Hills Inc. for their service on behalf of domestic violence victims.

A National Crime Victimization Survey indicated that in 1996 there were about 1 million rapes, sexual assaults, robberies, aggravated assaults and simple assaults committed by someone in an intimate relationship with the victim. Eight of 10 of the victims were women.

Despite that frightening statistic, a 1998 report by the U.S. Department of Justice indicates that the rate of domestic violence in many categories has been declining over the past decade. I believe the downward trend is directly attributable to the outreach efforts by such organizations as Haven Hills and supporters such as Robbi and Rickey Gelb, in conjunction with stronger laws to deal with the problem and greater community awareness.

Haven Hills has helped more than 80,000 women and their children confront domestic violence during the past 22 years. When its phenomenal success required new facilities, the Gelbs stepped forward. The new building the Gelbs helped acquire will house administrative offices and support and services to many more victims of domestic violence.

Robbi and Rickey Gelb are successful business people in the California's San Fernando Valley and have a long record of community involvement. They have donated community facilities; generously support the Mid-Valley Jeopardy Foundation, which provides services and facilities for at-risk youth; and have provided wheelchairs to needy students in the Los Angeles Unified School District.

Rickey Gelb serves on numerous committees and organizations dedicated to making the community better, including a committee to build a memorial and monument to honor police officers and firefighters. In addition, Rickey Gelb is a Commissioner for the City of Los Angeles, and a member of the Encino Chamber of Commerce, the L.A. Department of Transportation Mobile Action Committee and the Mayor's Job Recovery Corporation.

The Gelbs have been married for 34 years and have two grown children, Geoffrey and Lisa.

Mr. Speaker, I know my colleagues will join me in congratulating Robbi and Rickey Gelb for a lifetime of dedication to their community and for their deserved recognition from Haven Hills Inc.

IN HONOR OF THE 88TH BIRTHDAY OF PERRY COMO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUCINICH. Mr. Speaker, today I celebrate the 88th birthday of Perry Como, a great entertainer and Grammy Award winner.

Perry Como was born the seventh son in a family of thirteen children on May 18, 1912 in Canonsburg, Pennsylvania. He began working at the age of ten in a barbershop, sweeping and sharpening. By age fourteen, he had his own shop with two barbers working for him.

In 1933, Perry Como was encouraged by a friend to audition for a vocalist part with Freddy Carlone's Dance Band. Although he would earn less than a quarter of the income he made as a barber, Como accepted the job when he was offered the position. When he left Canonsburg to tour with the band, his girlfriend, Roselle Belline, went with him. The couple married on July 31, 1933.

Throughout the next years, Perry toured the country, first with Freddy Carlone's Band, and later with the Ted Weems Band. While performing with the Ted Weems Band in Chicago, Perry left the stage in the middle of a performance to be with his wife as she gave birth to their first child, a son named Ronnie. The Como's later adopted another son, David, and a daughter, Terri.

In 1941, Ted Weems joined the Armed Forces and his orchestra disbanded. Perry Como was offered his own nightly 15-minute radio show for CBS in New York. This break led to a contract with RCA Victor that would begin Perry Como's recording career. Two years after signing with RCA Victor, Perry had his first major hit with Till the End of Time.

Perry Como had a series of popular hits in the forties and fifties. In 1958, he won the first Best Male Vocal Grammy award for the song *Catch a Falling Star*. His radio show, which had transferred to television in the late forties, was also successful, running from 1948–1950 as the Chesterfield Supper Club, then from 1950–59 as the Perry Como Show. From 1960 through 1963, Perry Como hosted the Kraft Music Hall.

My fellow colleagues, join with me in celebrating the notable and inspiring career of Perry Como on the momentous occasion of his 88th birthday.

TRIBUTE TO ELIAS KARMON

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SERRANO. Mr. Speaker, today I pay tribute to and wish a happy 90th birthday to Mr. Elias Karmon, an outstanding individual who has devoted his life to his family and to serving the community.

Mr. Karmon served as President of the Bronx Chamber of Commerce for four consecutive terms after serving on its Boards since 1953 and holding the positions of Treasurer, Second Vice President and First Vice President. His dinner attendance record of 930 people at the Chamber's annual dinner in 1979, with David Rockefeller as the guest of honor, has never been equaled.

Mr. Speaker, along with Dr. Ramon S. Velez and Michael Munoz, Mr. Karmon created the South Bronx Board of Trade, an organization aiding the businesses of the borough, particularly minority-owned enterprises. Today, as honorary Chairman, he still continues his activities with the organization. As Chairman of the Building Fund Committee of the Bronx Board of Realtors, Karmon was instrumental in negotiating the purchase of its present building in 1992. Karmon is also the Chairman of the Annual Essay Contest, a contest he initiated in 1975 among students of the public and private high schools in the Bronx and in Manhattan, for the Bronx-Manhattan Association of Realtors.

A civic leader in the Bronx for 60 years, Karmon has been active in many business, civic, health, service and humanitarian organizations. To name a few, in 1949 he founded the Prospect Avenue and Neighborhood Businessmen's Association, Inc. and served as its president for 12 years. In 1954 Karmon served as Chairman of the Bronx Urban League Advisory Board, being a founding member of the Bronx Branch. His involvement with Einstein College began around 1955 with the organizational committee that brought about this College of Medicine. Karmon and his late wife, Sylvia, are members of the Albert Einstein College of Medicine. One of the founders of the Ponce de Leon Federal Bank in 1959, he stills serves on the board and is presently its Treasurer.

Mr. Speaker, Karmon is currently President of EMK Enterprises, Inc., a real estate firm located on Prospect Avenue Since 1904. He takes pride in never having left our beloved South Bronx. He is listed in Who's Who in American Jewry.

The business, professional, religious and civic organizations to which he has belonged and continues to belong, like the honors and awards he has received, are almost beyond counting. Few men of business of the 20th century have been so honored for so many things. Mr. Karmon is a talented leader who will continue to show us dedication, leadership, and wisdom. He is truly a source of inspiration to all who know him.

Mr. Speaker, I ask my colleagues to join me in wishing a happy 90th birthday to Elias Karmon.

HONORING MICHAELA K. RODENO, WOMEN FOR WINESENSE WOMAN OF THE YEAR—2000

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, this week, Michaela Rodeno will be honored as a co-founder at the Women for WineSense 10th Anniversary Conference in Sonoma County, CA.

As a leader in the California wine industry, Michaela used her organizing and business acumen to found Women for WineSense, a national organization promoting wine as a part of a healthy, balanced lifestyle. Michaela has a long history of involvement in wine industry issues. She has served on the boards of the California Wine Institute and the Napa Valley Vintners Association. She is currently on the board of the American Vintners Association and in 1999 was elected chair of their Meritage Association.

Michaela is chief executive officer for St. Supery Vineyards and Winery in Rutherford, CA. Michaela dedicates her personal and professional talents to local charities, the arts and women's support organizations. In 1998, she chaired the Napa Valley Wine Auction, the largest grossing wine auction in the United States, raising a record $3.8 million. She speaks at professional conferences around the world to promote the wine and tourism industries of the Napa Valley as well as conferences that promote and foster women's success in the business sector.

Ten years ago, Michaela founded the premier worldwide grassroots organization for women interested in wine. Women for WineSense continues to serve as a moderate, non-biased, non-profit educational and promotional organization to ensure all women and men have accurate information on the cultural, social, and health effects of moderate wine consumption.

Mr. Speaker, today we honor an industry visionary and community leader. Michaela Rodeno's professional and civic dedication has encouraged and supported many individuals in our community and beyond. I join the other members of Women for WineSense in honoring Michaela K. Rodeno as co-founder and Woman of the Year 2000.

TRIBUTE TO LAYLA WILLIS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TANCREDO. Mr. Speaker, ''We have a lot of fun. We don't sweat the small stuff.'' That is the message of Layla Willis, a resident of Evergreen, CO, who was recently named ''Mother of the Year'' by Working Mother magazine.

By balancing her full time job, which requires frequent travel, with the daily tasks of raising three children, Layla has set an example for all working mothers to follow.

The message she brings forth rings true in all our lives. Many times we have to stop and dwell on issues or problems that will have a minimal impact in the grand scheme of our lives. But the growth and development of our children and grandchildren is significant and deserves our utmost attention.

Today, it is imperative in most homes that both parents work. My wife and I both worked full time jobs, as did my mother, but we can all stop and take steps to ensure that, regardless of this, our children never feel neglected. Layla has shown us all that it can be done in today's hectic lifestyles.

I would also like to commend Layla for her commitment in providing all children with a well rounded after school curriculum. With working parents, many children have a void in their lives when they leave school. Layla realizes that students need tutoring for school subjects, and other extra curricular activities that develop skills such as arts and crafts, sports and reading.

I urge all parents in Colorado and America who must work, to follow Layla's example, make your family the number one priority and stop sweating the small stuff.

HONORING CALIFORNIA DISTINGUISHED SCHOOLS

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize several exceptional elementary schools within my district. The California Distinguished Schools Program will honor Robinson Elementary of Manhattan Beach Unified, Rancho Vista Elementary of Palos Verdes Peninsula Unified, Tulita Elementary of Redondo Beach Unified, and Edison Elementary of Torrance Unified in an awards ceremony tomorrow. Started in 1985, the California Department of Education program recognizes a school's commitment to providing a superior education.

A total of 233 California grade schools were chosen for the annual awards. These schools were recognized with having the most up to date technology, balanced and rigorous curricula, and qualified, talented faculty. Most importantly, they are schools with the utmost student-teacher interaction as well as school-community interaction.

These schools value the cultural diversity of the local communities and make it a priority in their classes. They pay close attention to the needs of each student, emphasizing the importance of academics and the community.

I commend these schools for providing local children a quality education. Their commitment to parental participation, professional development, community involvement, and academic achievement is exemplary. Education is important to the future of our nation. I wish these schools continued success.

IDEA FULL FUNDING ACT OF 2000

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. QUINN. Mr. Speaker, I rise in strong support of H.R. 4055, the IDEA Full Funding Act. Since the Individuals With Disabilities Education Act became law in 1975, the federal government has not lived up to its promise of providing 40 percent of the extra cost for state and local governments to educate these children.

I am proud to have participated in the effort over the past four years to increase IDEA funding by $2.6 billion, or 115 percent. These important increases have only brought the federal contribution to 12.6 percent of the average per pupil expenditure to educate children with disabilities. We must do better. This legislation will authorize increases in special education spending by $2 billion a year until we reach the federal commitment of 40 percent by the year 2010.

As a former schoolteacher in Orchard Park, New York, I am acutely aware of the burdens placed upon local school systems to educate special needs students. We owe it to these children to live up to our financial commitment. If the federal government lives up to its commitment to fund IDEA, the state and local school districts are then free to spend their money on classroom modernization, technology initiatives, hiring more teachers and buying new textbooks for students. This legislation ensures that special education students are given the proper resources, while at the same time, releases funding to help all students.

Mr. Speaker, I urge my colleagues to support H.R. 4055, the IDEA Full Funding Act.

TRIBUTE TO RAYMOND L. ORBACH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CALVERT. Mr. Speaker, I rise today to join with the California Inland Empire Council Boy Scouts of America in saluting Dr. Raymond L. Orbach as their Distinguished Citizen of the Year—2000.

Dr. Raymond L. Orbach has been Chancellor at the University of California, Riverside for eight years, where he is also Distinguished Professor of Physics. At UCR, Chancellor Orbach has made community service and partnerships the focal point of his administration. The major part of that focal point is the students themselves. In fact, to remain in touch with the student population, he teaches the calculus-based freshman Physics course at UCR every winter quarter.

Chancellor Orbach has been and continues to be a shining example of a person with passion and principles, who has strived to change the cultural and political direction of our nation. His approach and policy has been a simple one, that a community's strength comes from just that—the community. We must first start close to home and then radiate out if we hope to have fulfilling lives and impact others.

We have a vast system of public higher education in this country; a network of great state universities and colleges. Today we enjoy academic excellence in America as it is enjoyed nowhere else in the world. Chancellor Orbach is responsible for that part of America's incredible educational experiment known as UCR.

Every student at UC Riverside is the beneficiary of this man, who is deeply committed to educating our nation's young people and ensuring that they have a bright future. In fact, a New York Times Magazine article, in May of 1999, lauded Chancellor Orbach for his passion and principles. He is one person, making a difference. Chancellor Orbach reminds us what we, as Americans, ought to be. What we, as Americans, are capable of achieving.

Since 1910, the Boy Scout has been the epitome of the good American citizen. He has been instilled with the drive to ''help other people at all times,'' and to keep himself ''physically strong, mentally awake, and morally straight.'' To do this he must be: trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

Chancellor Orbach has gone above and beyond the Boy Scout protocol. I ask all of my colleagues in Congress to please join me in honoring the Chancellor for his courage, innovation, and commitment to the youth of tomorrow as he is recognized on May 8th.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. HOYER. Mr. Speaker, each year on the 24th of April we commemorate the anniversary of the Armenian Genocide. As we begin a new century, it is critical that we redouble our efforts to battle the forces of hatred and intolerance that perpetuate the persecution of people because of their ethnic, racial or religious identity. The massacre of Armenians in Turkey during and after the World War One is recorded as the first state-ordered genocide against a minority group in the 20th Century. Tragically, Mr. Speaker, it was not the last. In the 85 years since this unspeakable tragedy, the world has witnessed decades of genocide and ethnic cleansing, wholesale persecution of people simply because of who they are—European Jews, Bosnian Muslims, the Tutsis of Rwanda, Kosovar Albanians.

Mr. Speaker, as we reflect on the magnitude of the Armenian genocide and those that followed in the past century, the words of Helen Keller ring true. ''No loss by flood and lightening, no destruction of cities and temples by the hostile forces of nature has deprived man

of so many noble lives and impulses as those which his intolerance has destroyed,'' she said.

Mr. Speaker, we honor the memory of the Armenian people who perished and express our condolences to their descendants. We stand with them and together reflect upon the meaning and lessons of their suffering and sacrifice. We must reflect, we must learn, but we must also be prepared to act. Let us vow in this century and for all future generations to make the words ''never again'' ring true.

Mr. Speaker, while we remember their tragic history we also marvel at the strength and determination of the Armenian people. Independent Armenian statehood has been restored to guarantee the security and future of the nation and serves as an inspiration to Armenian people everywhere. Since gaining its independence Armenia has made great strides in fortifying democratic institutions and promoting a market economy, but the road has not been easily traveled and the way ahead will not be without challenge. Mr. Speaker, we also honor the memory of Armenia's leaders who were killed by a shameless band of assassins last year. We express our condolences to their families and to the people of Armenia.

Mr. Speaker, I am confident that the Armenian people will continue to strengthen their democracy and prosper. It is my fervent hope that the parties to the conflict in Nagorno-Karabakh will renew and redouble their efforts to reach a negotiated settlement and to help bring peace and prosperity to the entire region—now and for generations to come.

HONORING BISHOP WALTER EMILE BOGAN, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KILDEE. Mr. Speaker, today I honor one of Flint, Michigan's top citizens. On April 14, The Great Lakes Ecclesiastical Jurisdiction of Michigan will perform a sacred and heartfelt ceremony, as they consecrate and install Bishop Walter Emile Bogan, Sr. as their Jurisdictional Bishop. Bishop Bogan, who pastors the Harris Memorial Church of God in Christ in Burton, Michigan, succeeds another great man, Bishop C.L. Anderson, Jr., who was called back to the Lord on September 15, 1999.

Walter Emile Bogan has long been considered one of Flint's favorite sons. He was born in the city in 1948, the eldest sibling of William and Norma Bogan. During a youth revival conducted by his grandfather, Walter heard his first calling, and received baptism on August 27, 1967. Two months later, he accepted his call to the ministry and became ordained in August 1969 by his late father-in-law and mentor, Bishop C.J. Johnson, Sr. He continued his studies at such institutions as Moody Bible Institute, Morehouse College, Charles Stewart Mott Community College, and the University of Michigan. He also began a career with the General Motors Corporation, becoming the first African-American Journeyman Pipefitter for Chevrolet Metal Fabrication.

In July of 1970, Bishop Bogan was appointed by Bishop J.O. Patterson, Sr. as International Assistant Chief Adjutant and Vice President of the International Youth Department for the Church of God in Christ. He has also served as District Superintendent of the Progressive District and Special Administrative Assistant to Bishop Anderson. The insight and guidance Bishop Bogan received from his experiences and from the associations with the elder Bishops that prepared him for the tasks that were to come. They also allowed him to become a stronger leader and role model, able to create as tremendous an impact as he had received.

As Jurisdictional Bishop, Bishop Bogan will oversee approximately 50 churches throughout Flint, Pontiac, Detroit, and other Michigan cities. Through this, he will affect thousands of people both inside and outside the churches under his care. He has already taken steps to further his agenda, which includes the development and nurturing of smaller congregations, assistance in creating new churches, an educational fund to help youth pursue higher education, and a support network for windows. In addition, Bishop Bogan plans to spread the Lord's message by feeding the hungry, provide shelter for the homeless, counsel the misguided, and much more.

Mr. Speaker, our community would not be the same without the presence of Bishop Walter Emile Bogan, Sr. Just as I consider it an honor and a pleasure to serve here as a Member of Congress, he reaffirms that the church owes him nothing, for he also considers it a pleasure to serve. I know that our community, and now our extended community will become a better place to live in because of Bishop Bogan's spiritual mission. I am pleased to ask my colleagues in the 106th Congress to join me in congratulating him on his new endeavor.

IDEA FULL FUNDING ACT OF 2000

SPEECH OF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. GALLEGLY. Mr. Speaker, I rise today in support of H.R. 4055, the (IDEA) Full Funding Act, which sets the federal government on a course to reach full funding of the Individual with Disabilities Education Act (IDEA). I am a cosponsor of this bipartisan legislation and I want to thank the House Leadership or bringing it to the floor for consideration.

Simply put, IDEA has the honorable intent of providing a quality public education for children with special needs. It requires school districts to provide programs and related services for special needs student and commits the federal government to provide 40 percent of the cost of those programs. However, since IDEA was implemented in 1975, the federal government hasn't been come close to the 40 percent if promised. The federal government currently pays only about 12.6 percent of the program's costs.

Because of the financial burden the under funded IDEA program places on school districts, the Ventura County Superintendent of Schools and other members of my local Education Advisory Council identified IDEA as their number one federal education issue. The federal government's failure to keep its promises to fund its share of IDEA is putting a back breaking strain on local school districts. This shortfall is hurting the students the act was designed to help, and every other public school student as well.

H.R. 4055 sets a schedule to meet the 40 percent commitment by fiscal year 2010. This bill will authorize increases of $2 billion each year to ensure the federal government's commitment becomes reality in 10 years.

I am pleased that we are already working toward this goal by committing to an additional $2 billion for IDA in the Fiscal Year 2001 Budget Resolution. However, the IDEA Full Funding Act will ensure we meet this goal. I hope we can pass this bill on a bipartisan basis to fully fund IDEA and finally make good on our promises.

I urge my colleagues to support this Bill.

WELCOME HOME MEMBERS OF THE 69TH PRESS CAMP HEADQUARTERS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, I am pleased to join family, friends and neighbors in welcoming home the returning members of the 69th Press Camp Headquarters from their deployment to Bosnia-Herzegovina and Hungary.

Comprised of 25 members of the California Army National Guard and the Nevada National Guard, the unit, headquartered in Fairfield, was mobilized and deployed overseas in September 1999 in support of Operation Joint Forge.

Operating the Coalition Press Information Center at The Eagle Base in Tuzla, Bosnia-Herzegovina, as well as the Media Center in Taszar, Hungary, the 69th Press Camp Headquarters performed an invaluable role keeping the world informed about NATO's military and peacekeeping operations.

Each day, they held press briefings to the international press who, in turn, kept citizens everywhere alert to the ongoing operations in Bosnia-Herzegovina. They were also responsible for publishing two publications, The American Endeavor and The Talon for the benefit of both U.S. and NATO forces.

Mr. Speaker, I note the record that the 69th Press Camp Headquarters received the Armed Forces Expeditionary Medal, the NATO Medal and the Armed Forces Reserve Medal with ''M'' Device (denoting mobilization). But these awards cannot fully convey the heartfelt thanks Americans have for the dedication and sacrifice of these Guard members.

For more than 9 months, these individuals were away from family and friends. For more than 9 months, they performed a key role in answering questions from skeptics and critics and supplying information about NATO's operations—balancing accuracy with operational security needs. They did an admirable job.

But nothing compares to the homecoming they will receive this weekend. I am pleased to join family, friends and neighbors in welcoming the members of the 69th Press Camp Headquarters and in saying ''thank you'' and ''job well done.''

TRIBUTE TO THE 4TH ANNUAL FAMILY DAY MILLENNIUM CELEBRATION

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SERRANO. Mr. Speaker, it is with joy that I pay tribute to the ''4th Annual Family Day Millennium Celebration'' on Saturday, June 3, 2000.

Family Day in the 21st Century at Crotona Park is a celebration that will take place near the lake at Crotona Park from 12 pm to 6 pm. Family Day provides an opportunity for the residents of this community to claim Crotona Park as a playground and entertainment place for the family, free of crime and vandalism.

Mr. Speaker, the Family Day celebration is an event that gives Crotona Park and the neighboring communities an opportunity to embrace and recognize the importance of their families. It also gives them the opportunity to claim ownership of Crotona Park.

The CES 4x and CS110 marching band with their cheerleaders and baton twirlers, will walk through the park demonstrating family pride and unity, accompanied by parents, teachers, and classmates.

This event is sponsored by Phipps Community Development Corporation—Crotona Park West, Friends of Crotona Park, Mount Hope Housing Corp., Mid Bronx Desperados, Aquinas Housing, New York City Department of Parks and Recreation, Partnership for Parks, Bronx Lebanon Hospital, The Bronx Healthplan, 42nd and 48th Precinct Community Affairs Dept., CES 4x, Goodwill Baptist Church, Councilman Jose Rivera, Assemblywoman Gloria Davis, Morrisania Revitalization Corp., Community Board #3 & Community Board #6, Community Action for Human Services, 105.9 Caliente Radio Station, and the GAP.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are working to make the ''4th Annual Family Day Millennium Celebration'' not just possible but successful and fun.

IN HONOR OF SEAN BOLAND, PRESIDENT OF THE CLEVELAND FEIS SOCIETY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the memory of Sean Boland, President of the Cleveland Feis Society, who helped to develop the Cleveland Feis into one on the largest traditional Irish dance competitions in the country.

Mr. Boland lived an exceptionally full life. In addition to his first job, purchasing supervisor for the Ohio Lottery Commission, he also served on the board of directors of the Michael Coleman Heritage Center, a museum in Ireland that honors internationally known Irish musicians. He was also a member of the Irish Northern Aid Society, the East and West Side Irish American clubs and has volunteered his time at events like the Irish Cultural Festival. Mr. Boland's most recent accomplishments were working with the Cleveland Memorial to the Great Hunger Committee to erect a monument in the Flats in memory of those who died in the Potato Famine and being named 1994's Irish person of the year.

America is known for being a melting pot society. Mr. Boland selflessly volunteered his time to help others feel the same pride and honor he did when looking back at the glorious Irish heritage. Mr. Boland's inspirational life has left a lasting legacy. He will be missed. He is survived by his wife of 33 years, two sons, a daughter, and many loving relatives and friends.

I ask you, fellow colleagues, to join me today in honoring, Mr. Sean Boland, a deeply dedicated, committed man who was an inspiration to us all.

MS. ARACELY GURROLA, A PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. PASTOR. Mr. Speaker, I would like to congratulate and honor a young Arizona student from my district who has achieved national recognition for outstanding volunteer service in her community. Ms. Aracely Gurrola of Phoenix has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico. An eighth grader at Lowell Elementary School, Aracely is being recognized for having initiated ''Line Up to Help,'' a fund-raising project at her school to benefit victims of Hurricane Mitch. An active community volunteer on projects such as clean-ups, food drives, and car-wash fundraisers, she felt compelled to do something special after watching news reports of the devastation Hurricane Mitch had left behind. She approached her principal and received approval to collect change from fellow students for two days as school let out. Aracely coordinated her efforts with the local St. Vincent DePaul Society, which made arrangements to get the donations into the right hands. Then she recruited several student volunteers to help her with flyers promoting the fund-raiser and to collect the money. In just two days, she collected $250 in loose change from fellow students, money that most students would usually spend on candy. Aracely should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud her for her initiative in seeking to make a positive impact on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

IN HONOR OF DEBORAH KAPLAN, ESQ., ON THE OCCASION OF HER INAUGURATION AS PRESIDENT OF THE WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mrs. MALONEY of New York. Mr. Speaker, today I pay special tribute to Deborah Kaplan, Esq. Ms. Kaplan is a dedicated lawyer who has worked tirelessly for a more just and humane society and an improved quality of life for countless New Yorkers.

Ms. Kaplan contributes greatly to the New York justice system in her current position as a Principal Court Attorney in the office of the Honorable Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives. Ms. Kaplan has also guided many litigants toward fair and just resolutions of grievances as an arbitrator for the Small Claims Court of the City of New York.

As a Senior Trial Attorney for the Criminal Defense Division of The Legal Aid Society, Ms. Kaplan is committed to helping those with the greatest need for knowledgeable legal representation. As a former president of the Brooklyn Women's Bar Association and a committee member for the First Department Committee on Character and Fitness of Applicants for Admission to the Bar, Ms. Kaplan has further dedicated herself to enhancing the quality and character of the legal profession.

Ms. Kaplan consistently displays displays a deep concern for the New York community. She serves as vice chair of the Community Advisory Council at Beth Israel Medical Center, serves as chair of the Health, Human Services Committee of Community Planning Board Six, and participates with the New York City Board of Education as a Statewide Mock Trial Coach.

In recognition of her outstanding contributions to the New York community and to the legal profession, Ms. Kaplan has received, among many, the Orion S. Maraden Award and the Honorable Sybil Hart Keeper Award. On May 5–7, 2000, Ms. Kaplan will be installed as the President of the Women's Bar Association of the State of New York.

Mr. Speaker, I salute the life and work of Ms. Deborah Kaplan, Esq., and I ask my fellow Members of Congress to join me in recognizing her contribution to the legal profession and the New York community.

HMONG VETERANS' NATURALIZATION ACT OF 2000

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. WEYGAND. Mr. Speaker, Tuesday the House passed H.R. 371, the Hmong Veterans' Naturalization Act of 2000. As a cosponsor of this legislation, I was pleased to support its passage. Many of these brave men have settled in Rhode Island where they make great contributions to their communities. It is time that we recognize the contribution of the Hmong and pass this legislation.

From 1961 to 1975, the Hmong were a significant factor in the U.S. war efforts in Laos and Vietnam. Throughout the conflict in Vietnam the United States recruited the Hmong to fight alongside U.S. soldiers, gather data, conduct reconnaissance, and participate in clandestine missions. During that time, tens of thousands of Hmong were killed or wounded fighting for American interests.

As part of the agreement between the U.S. and the Hmong soldiers, certain promises were made. Among those was the possibility of U.S. citizenship for those who served on behalf of the U.S. However, because they did not have a written language, it is nearly impossible for many of these Hmong to pass the language section of Immigration test. This bill provides the necessary relief for these courageous men.

The time has come to recognize the Hmong and honor our commitment to them.

TRIBUTE TO ZENY C. CUSTODIO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. UNDERWOOD. Mr. Speaker, the island of Guam bids farewell to an esteemed community leader. Zeny C. Custodio, a colleague in the field of public administration, was recently called to her eternal rest.

Born on April 18, 1938, in the Republic of the Philippines, Zeny eventually raised her family in Guam and made the island her home. She attended, the oldest pontifical university in the Philippines, the University of Santa Tomas, where she received a Bachelor of Arts degree and a Bachelor of Laws degree. In addition, she took special courses on International Banking laws at the University of the Philippines and the Institute of Finance and Management at Ateneo de Manila University.

Although a lawyer by profession, Zeny's legacy lies in the field of community and public service. Aside from being the first woman to be appointed as director of the Guam Department of Labor, Zeny also served the Government of Guam in a variety of capacities and positions. On separate occasions worked as a special assistant to the Chief of Customs and to former Guam Senator Elizabeth Arriola. She also served as executive director for the State Advisory Council on Vocational Education and as Segundo Suruhano at the Guam Suruhano's office. She was a board member for the Guam Visitor's Bureau and, until her retirement in 1998, the executive director of the Bureau of Women's Affairs.

Her civic activities and affiliation include leadership and membership posts with the Guam Lytico and Bodig Association, the Soroptimist International of Guam, the Guam Women's Club, the Filipino Ladies Association of Guam, the Guam Council of Women's Club, the Filipino Community of Guam, the Federation of Asian Women, the Metro Manila Association of Guam, the UST Alumni Association, the International Women's Club, the Women's Lawyer Association of the Philippines, the Kundrirana Association of the Philippines, the Cavite Association of Guam, the Batangas Association of Guam, and Beauty World Guam Limited. For her efforts on behalf of the community, she has garnered a host of honors and awards—the most prestigious of which are the Banaog Award presented other by former Philippine President Fidel Ramos and the Ancient Order of the Chamorri presented to her by the lieutenant governor of Guam, Madeleine Z. Bordallo.

On behalf of the people of Guam, I join her husband, Narcisco, and her children, Roland, Yvonne, Raymond, and Maria in celebrating her life and mourning the loss of a wife, mother, community leader, and fellow public servant. Adios, Zeny.

TRIBUTE TO THE RETIREMENT OF STANLEY SMITH AS SECRETARY-TREASURER OF THE SAN FRANCISCO BUILDING AND CONSTRUCTION TRADES COUNCIL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. PELOSI. Mr. Speaker, today I pay tribute to Stan Smith who is retiring after twenty-five years of distinguished service as Secretary-Treasurer of the San Francisco Building and Construction Trades Council.

Stan was elected president of Glaziers Union Local #718 in 1958 after only five years in the glazing trade. He was then elected Field Representative of Local #718 in 1965. In 1975, his peers elected him to his current post as Secretary-Treasurer. In this position, he has overseen all of the construction unions in San Francisco for the past quarter century and has done so with a skill that belies the complexity of the task. In addition, Stan has been an active member of the community and has served on countless boards and committees whose collective theme has been to give less fortunate members of the community new opportunities in life through the construction trades.

Stan Smith is a fighter for America's working families. Throughout his tenure with the San Francisco Building and Construction Trades Council he has made a significant contribution to organized labor and to the greater San Francisco community. I commend him for his outstanding leadership and wish him all the best in his retirement.

TRIAL OF IRANIAN JEWS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to denounce the treatment of the 13 Iranian Jews who have been charged with espionage on behalf of Israel and the United States. To begin, the legitimacy of these charges is highly questionable. The Iranian government, run by the Ayatollah and his Islamic fundamentalist regime, has historically garnered domestic support for their anti-Israel policies by making similar dubious accusations against members of their own Jewish population. The judgments handed down from these ''trials'' over the past 20 years has meant the execution of 17 Iranian Jews. Such atrocities are reminiscent of Nazi Germany and it is America's duty as a leader of the free world to condemn such acts and ensure the fair treatment of these individuals.

The evidence provided thus far has proven to me the impossibility for these individuals to receive a fair trial in their home country. Aside from the charges being apparently baseless (it seems as though they were singled out for teaching classes on Judaism and the practice of Jewish rituals), there have been pre-trial events that have effectively denied these suspects the right to counsel, the right to a speedy and fair trial, and the right against self-incrimination. Last month, the accused were brought before a judge in a closed-door session. It was then announced that the trial would be postponed with no explanation. In spite of reports to the contrary, 10 of the 13 are still being denied the right to select their own lawyers. Several of the attorneys have allegedly stated that their clients have confessed while the families consistently state this is not so. The denials of the families of the victims have led most to believe that these confessions were either coerced or never happened. To further illustrate the prejudicial nature of this legal process, it should be mentioned that one court appointed lawyer reportedly has objected to being forced to represent a Jew.

The international human rights community has advocated the release of these individuals in order to protect their most basic liberties, and I give my utmost support of this effort. Iran is struggling in the face of revolution and will continue violating the basic rights of their people in order to gag the voice of democracy that is spreading throughout the nation. The West must utterly condemn such guerrilla tactics. We must send the message that the newfound relationship between Iran and the United States will not compromise our values. Such a message is not only significant out of concern for these 13 men, but is vital to our own national security. What kind of message does it send to the Ayatollah that we are willing to bend some of our core democratic beliefs in order to placate the Iranian government? Such weakness is not what has made us a world leader. Blatant human rights violations must have a zero-tolerance level and must be confronted head on. Therefore, I strongly urge Secretary Madeline Albright and the Department of State to do all they can in order to save these innocent men.

PERSONAL EXPLANATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BACA. Mr. Speaker, due to a speaking engagement outside the Capitol I was unable to cast a vote today on H. Res. 488, the rule to waive the two-thirds requirement for same day consideration of H.R. 434.

Had I been present, I would have voted ''no.''

I share the concern of America's workers that the Caribbean Basin Initiative contained in H.R. 434 will jeopardize American jobs.

HILLSBORO HIGH SCHOOL TO COMPETE IN WE THE PEOPLE . . . NATIONAL COMPETITION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CLEMENT. Mr. Speaker, today I honor the more than 1,200 students from across the United States in Washington, DC, May 6–8, 2000, to compete in the national finals of We the People . . . The Citizen and the Constitution program. It gives me great honor to announce that a fine class of young people from my alma mater, Hillsboro High School in Nashville, will represent the state of Tennessee in this national event. These young scholars have distinguished themselves, their school, their teachers and the city of Nashville. Their knowledge, diligence and hard work have taught them the fundamental tenets of our constitutional democracy. For this they deserve both our commendation and encouragement.

The names of the students are: Chris Adams, Chira Bamarni, Aleshia Beene, Kristin Bird, Richard Brannon, Allen Brooks, Ashley Brown, Matt Burch, Vanessa Caruso, Andy Dimond, Hillary Gilmore, Alex Guth, Sarah Hatridge, Libby Herbert, Clark Herndon, Laurie Hibbett, Mary High, Kate Hilbert, Lindsey Hill, Seth Hillis, Zoe Jarman, Rachel Lee, Sam Lingo, Heather Oakley, Ben Palmquist, Stuart Parlier, Hemin Qazi, Sam Schulz, Jessica Self, Mariem Shohadaee, Hannah Skelly, Tommy Sterritt, Jessica Summers, Lauren Taub, Rebecca Tylor, Thomas Upchurch, Deborah Weinberger, and Lauren Woods.

I would also like to recognize their dedicated teacher, Mary Catherine Bradshaw, who is deserving of much of the credit for the class' achievement.

Having studied the legislative process and congressional procedure, these young people now have the opportunity to visit our nation's capitol and see for themselves the work of the people's representatives. These young scholars will now have the opportunity to carry their observations of government at work back to their homes in Nashville.

Mr. Speaker, these students deserve our support and encouragement to continue their pursuit of knowledge. I applaud their commitment to excellence and encourage them to enjoy themselves and celebrate their accomplishments. I look forward to meeting with them and encouraging them in the national competition.

FATHER JOHN TERRY CELEBRATES 25TH ANNIVERSARY OF ORDINATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to Father John Terry, V.F., of the Diocese of Scranton, Pennsylvania, who is celebrating the 25th anniversary of his ordination to the priesthood this week.

Father Terry currently serves two parishes, St. Charles Borromeo and Holy Family, located in the Sugar Notch area of my district. He was born in Scranton and raised in Jessup. After being ordained a deacon in 1974, he served for a time at St. Mary's Church of the Immaculate Conception in Wilkes-Barre, and he returned there upon his ordination to the priesthood.

Father Terry's career is notable for his interest in youth and youth programs. His passion for sports has helped him to connect with young people. In 1979, he took on the difficult assignment of serving as director of the Catholic Youth Center in Wilkes-Barre. At that time, several factors worked against the center, including a dependence on government and outside funding, a facility that needed expansion and development, and the loss of staff for budget reasons.

With goals established—and hard work day by day, week by week, year by year—the center was reborn under the leadership of Father Terry and Tony English, the executive director, to face the challenges of service to the needs of the youth in the community.

Father Terry thrived on that assignment, which introduced him to high school sports at G.A.R. High School and working with teenage youth. At one football championship game, the students hung up a huge banner portraying Father Terry with wings, and it read, ''Our Angel in the Backfield.''

At the same he directed the youth center, Father Terry served as an assistant pastor at St. Patrick's Parish in Wilkes-Barre, and was later assigned to Holy Savior and St. Christopher's Churches, followed by the parishes of Sugar Notch, where he has been for more than nine years now.

The two churches where he now serves have been completely restored and updated. The emergence of a pastoral council, with representatives from both churches, began to develop more ministries, such as a pastoral outreach to shut-ins, youth ministries, liturgy—especially addressing children, adult education and the Rite of Christian Initiation for Adults, involvement of Eucharistic ministers, readers, altar servers and ministers of hospitality. Father Terry has worked with Deacon Phil Harris to make these things possible.

Mr. Speaker, Father Terry has given his life in devotion to God and the people of the Wyoming Valley, and I am proud to join in honoring him on the 25th anniversary of his ordination. I send him my very best wishes for continued success.

HONORING CHARLES M. MONROE ON OCCASION OF HIS RETIREMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. THOMPSON of California. Mr. Speaker, today I honor Mr. Charles L. Monroe for his 38 years of dedicated service to the California Department of Fish and Game. Mr. Monroe is retiring this year from his distinguished 14-year career as the regional patrol chief for the Central Coast Region of the California Department of Fish and Game.

Charles Monroe was born on January 12, 1939 in Montrose, CO. He moved to Southern California as a child in 1947, where he resided until 1956. He later attended Lassen and Stockton Colleges in Northern California, and graduated with an A.S. degree in criminal justice from College of the Redwoods in Humbolt County, CA.

Charles Monroe's career with the Department of Fish and Game began 38 years ago when he became a seasonal aid for the Department. His first job was working on the Honey Lake Refuge in 1958. Over the years he worked his way up within the department. From 1962 through 1964 Charles worked as a Fish and Wildlife assistant in Bishop, CA and at the inland fisheries hatchery at Mt. Whitney. In 1964, he became a fish and game warden, working the Marine Patrol in Eureka, CA and the land patrol in Williams, CA. He soon became the patrol captain of Hunter Education for the Central Coast Region in 1972. Later, in 1975, Charles became patrol captain of the Northern Squad of the Central Coast Region, a post he held for 11 years. In 1986, Charles Monroe was named as regional patrol chief for the Central Coast Region of California, a distinguished title which he held for 14 years, until his recent retirement on March 31, of this year.

In addition to his career with the Department of Fish and Game, Mr. Monroe has dedicated himself to helping his community. He served for 3 years with the U.S. Coast Guard reserve and assisted in the development of the first comprehensive pollution response plan for the 12th Coast Guard District. He also served as a police officer in Susanville and Needles, CA for 4 years. He also dedicated three summers to U.S. Forest Service and the U.S. Bureau of Land Management.

Mr. Monroe's life has been one of great public service and participation. In 1973, he established the Fish and Wildlife Law Enforcement curriculum at Napa Valley College and has taught there ever since. He has regularly been an instructor at the California Department of Fish and Game Academy, as well. For the past 8 years he has served as chairman of the Napa County Criminal Justice Advisory Committee. From 1980 to 1995, Charles also served on the Napa County Chamber of Commerce Law and Fire Committee. He is known for his various committee work for Ducks Unlimited and the California Waterfowl Association, where he had numerous stints as chairman and co-chairman.

Charles Monroe is a dedicated family man. He has been married to his wife Sonia for 39 years. Together they have three children: Michelle, Chuck and Shari, as well as five grandchildren.

In his spare time, Mr. Monroe enjoys hunting, fly fishing, wildlife art, and the study of U.S. history.

Perhaps the best example of Charles Monroe's dedication to his community came in 1965 when he was awarded the California State Medal of Honor for his rescue activities during the 1964 floods in Humbolt County, CA. Obviously, Mr. Monroe is a man of great courage as well as dedication.

Mr. Speaker, it has been my great honor to represent Mr. Charles L. Monroe, first as his State Senator and now as his Congressman. Clearly, his life has been one of great public service, dedication, and commitment. For these reasons, it is necessary that we honor this man for his great work for the wildlife, people and State of California.

IN TRIBUTE TO SIMI VALLEY HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to the Simi Valley High School Academic Decathlon Team—champions this year in Ventura County and the State of California, and silver medalists in the national competition.

After winning the Ventura County and State of California titles, the Simi Valley team last month traveled to San Antonio, Texas, for the U.S. Academic Decathlon competition, competing against 37 other schools from across the United States. The rivalry was fierce. Simi Valley lost to the team from Katy, Texas, by a mere 460 points. Each team scored more than 52,000 points in the match-up.

The nine-student Simi Valley High School team is representative of the best and brightest our country has to offer. They have been accepted to such universities as Harvard and Stanford. Seniors David Bartlett, Steve Mihalovitz, Cary Opal, Jeff Robertson, Jennifer Tran, Michael Truex, Justin Underhill and Randy Xu, and junior Kevin White, are truly America's future leaders. Their coaches, Ken and Sally Hibbitts, are dedicated educators who deserve equal praise for a phenomenal job of preparing their students.

Last year, Moorpark High School became the first Ventura County team to win the national title. By winning the silver medal this year, Simi Valley High School has proven that Ventura County is an educational powerhouse. They have also proven that Ventura County students and teachers have the dedication and perseverance to be the best they can possibly be. It takes months of studying from early morning to late at night to prepare for these competitions. Jobs, friends and family are place on the back burner.

If they had won no medals, their dedication to a common goal alone would have made them champions.

Mr. Speaker, I know my colleagues will join me in congratulating the National Silver Medalists, California State Champion and Ventura County Champion Simi Valley High School Academic Decathlon Team for its impressive wins, and in wishing team members great success in their future endeavors.

TRIBUTE TO BRONX COMMUNITY COLLEGE

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SERRANO. Mr. Speaker, it is with joy that I once again pay tribute to Bronx Community College, which will hold its 22nd Anniversary Hall of Frame 10K Run on Saturday, May 6, 2000.

The Hall of Frame 10K Run was founded in 1978 by Bronx Community College's third President, Dr. Roscoe C. Brown. Its mission is to highlight the Hall of Frame for Great Americans, a national institute dedicated to those who have helped make America great.

The tradition continues under the stewardship of Dr. Carolyn G. Williams, the first female President of Bronx Community College. Dr. Williams has endorsed the race and will continue the tradition initiated by Dr. Brown to promote the physical fitness as well as to highlight higher educational opportunities.

As one who has run the Hall of Frame 10K race, I can attest to the excitement it generates. The race brings the entire city together. It is a celebration and an affirmation of life. It is a wonderful way to enable over 400 people to run in the Bronx. It is an honor for me to join once again the hundreds of racers who will run along the Grand Concourse, University Avenue, and West 181 Street, and to savor the variety of their victories. There''s no better way to see the Bronx Community.

For most of the past 22 years, Professor Henry A. Skinner has coordinated the Hall of Fame 10K race, a healthy competition which brings together runners of all ages from the greater Metropolitan area. This year he has passed the mantle to Robert Hill, assistant track and field coach at Bronx Community College.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Bronx Community Colleges''s 22nd Annual Hall of Fame 10K run possible.

10TH ANNIVERSARY TRIBUTE TO 100 WOMEN FOR MAJOR OWENS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. OWENS. Mr. Speaker, I pay special tribute to a group of dedicated community activists in my 11th Congressional District of Brooklyn, NY.

Founded in March, 1990, by Council Member Annette Robinson, Margaret Wiseman, Mary Eccles, Linda Breakenridge, Celeste Green, Sylvia Whiteside and Lorrelle Henry, 100 Women for Major Owens was organized in order to provide an opportunity for women of diverse backgrounds and cultures to work together in order to improve the quality of life for their community.

On May 5, 2000, 100 Women for Major Owens will formally celebrate its 10th Anniversary with a dinner and a special viewing of ''Grace In The Light'' at the famous Billie Holiday Theater in Brooklyn, New York. This milestone highlights the many years of service this organization has given Central Brooklyn by serving as mentors and role models for young women and their families. Through programs that range from educational seminars focusing on health care, teen pregnancy prevention, HIV–AIDS awareness, public education reform and a number of other important initiatives, the leadership has guided its members to becoming a powerful force for the residents of our community. In addition to also providing scholarships to deserving students in Brooklyn, Ms. Alice Spratley and Ms. Audrei Boyce have skillfully, since the beginning of the program administered the Congressional Awards Program which will, this year nominate several candidates for the Gold Medal.

Mr. Speaker, in celebration of their 10th Anniversary, I am honored to salute this prestigious and spirited group of leaders, their past Presidents, Ms. Celeste Green one of the founding members and first President, Ms. Bernice Carter and their current President, an outstanding educator, Ms. Verdeen Gaddy and wish them continued success.

Finally, I would like to acknowledge with deep gratitude, the officers and members of this stellar organization: Verdeen Gaddy, President; Audrei Boyce, 1st Vice President; Bernice Carter, 2nd Vice President, Norva Butler, Recording Secretary; Edena Gill, Corresponding Secretary; Eileen Graham, Financial Secretary; Theopia Green Treasurer; Evy Papillon-Juste, Chaplain; Adelaide Wyllie, Parliamentarian; Celeste Green, Historian.

Ms. Mattie Pusey, another dedicated public servant is serving as this year's Anniversary Committee Chairperson. She is being assisted by Ms. Margaret Wiseman, Ms. Annie Nicholson and Mr. Garry Tilzer of my Brooklyn Staff. Her committee consists of Ms. Ann Munroe, Ms. Adelaide Wyllie, Eddye Elijah, Erma McEachine, Martha Greene, Sylvia Whiteside, Alice Spratley, Audrei Boyce, Edena Gill, Lorraine Smith, Orette Spence and Mart Blake.

THE ANNIVERSARY OF THE REESTABLISHMENT OF LATVIAN INDEPENDENCE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SHIMKUS. Mr. Speaker, today I commemorate the Republic of Latvia on the tenth anniversary of the reestablishment of its independence from the former Soviet Union.

On May 4th 1990, the people of Latvia solidified their full sovereignty which served to further the disintegration of the Soviet Union.

Latvia has since successfully pursued policies to build democracy, protect human rights, expand the rule of law, develop a free market system and pursue a course of integration into the community of free and democratic nations, including the seeking of membership in the European Union and the North Atlantic Treaty Organization (NATO).

Latvia, together with the Republics of Estonia and Lithuania, continues to make a significant contribution toward maintaining peace and stability in the surrounding region, especially in peacekeeping operations in Bosnia and Kosovo.

In honor of Latvian Independence Day, I am introducing a concurrent resolution to commemorate this special occasion. I hope you will join me today in supporting this legislation.

Once again, I congratulate the people of Latvia on their anniversary of independence. I look forward to witnessing all of the future successes from this prosperous emerging democracy.

25 GRAND RAPIDS GIRL SCOUTS HONORED WITH ORGANIZATION'S HIGHEST AWARD

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. EHLERS. Mr. Speaker, I rise today to honor 25 young women, ages 14 through 17,

from my home city of Grand Rapids, Michigan who are being honored by the Girl Scouts with the organization's highest honor during a ceremony today in Grand Rapids. The young women will receive the Girl Scout Gold Award symbolizing outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

These future leaders have dedicated the last two years to achieving this award. To be considered for the Girl Scout Gold Award, candidates must earn four interest project patches: the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as designing and implementing a Girl Scout Gold Award project. The latter is accomplished by working closely with an adult Girl Scout volunteer. It should also be noted that these Girl Scouts accomplish all of this in addition to their school work, chores at home, and extracurricular activities.

The 25 young women receiving the Girl Scout's highest honor are: Rachel Voorhees, Carla Kaiser, Rachael Goodstein, Anne Clocklin, Nora Hauk, Holly Morris, Theresa Whitaker, Barbie Gatchel, Jennifer Bryant, Jennifer Kelly, Kelly Slezak, Elizabeth Gillis, Kim Farrell, Eda Koning, Jamie Wakely, Kate Chisholm, Jeannette Durham, Melissa Springvloed, Abby Caldwell, Katherine Muszkiewicz, Cristin McNamara, Andrea Tenkel, Nicole Flanagan, Mindy Peterson, and Libby Bode.

Mr. Speaker, it is with great delight that I honor these young women for their outstanding contributions to the Girl Scouts and our community. Their accomplishments and dedication should serve as a model for their peers and future Girl Scouts. To be the best, one must give it their all, and that is what these leaders have done. I ask my colleagues to join me in congratulating each of these young ladies in reaching this milestone. I wish each of them continued success in their future endeavors.

TRIBUTE TO OFFICER WILLIAM ''BILL'' BURGSTINER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KINGSTON. Mr. Speaker, today I rise to recognize Officer William ''Bill'' Burgstiner, United Nations police officer, of Savannah, Georgia. Officer Burgstiner is serving as a U.N. police officer in Kosovo, he is a hero by any other name. In late March, 2000, in a war torn Kosovo, an abandon baby lay by the side of a road wrapped in a bloodied blanket and bleeding from its umbilical cord. The baby's good fortune began when Officer Bill Burgstiner was returning from a meeting and driving through the village of Prilep, about 50 miles southwest of the provincial capital of Pristina.

A villager flagged him down and took Officer Burgstiner to the baby, who was lying on a step, wrapped in a blood soaked blanket. Bill used a table cloth to stop the bleeding. He then whisked the child to the Italian military hospital, rushed through the front gate and delivered Fortunato (the baby's new name) into the arms of Roberto Bramati, a doctor. Doctor Bramati credited Officer Burgstiner with saving the precious life of little Fortunato.

A Savannah native, Bill joined the Brunswick Police Department after graduating from the police academy. He served from 1990 to 1993, and helped organize the department's K–9 unit. A role model in the local community he has again shown that his compassion and strength of character crosses international borders. It is with great pleasure that I recognize Officer William ''Bill'' Burgstiner for his kind humanitarian and heroic act.

IN TRIBUTE TO CLAIRE HOPE, SBA VETERAN ADVOCATE OF THE YEAR

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Claire Hope, who has been recognized by the U.S. Small Business Administration as the 2000 Veteran Advocate of the Year.

Claire Hope is the founder and president of Claire Hope Enterprises in Camarillo, California, in my district. She has more than 30 years experience in human resources management, and has offered that experience probono to many veterans. Since 1992, she has served on the California Employer Advisory Council Veteran Committee. She specializes in assisting veterans to become small business owners.

Claire Hope is also President and Founder of the Industry Education Council of Eastern Ventura County, implementing strategic plans that included the employment of veterans. Other avenues she has used to promote employment of veterans and small business ownership by veterans include: Regional Vice President of the California Employer Advisory for six years, Committee Member of the Conejo Valley Chamber of Commerce Education Committee, and Task Force Member for Workforce Development for the Conejo Valley Community Foundation.

Claire also served as President of the Simi/Conejo Valley Employer Advisory Council (SCVEAC). In 1997, SCVEAC was chosen as the outstanding EAC in the State of California and outstanding EAC in the United States for encouraging veteran business ownership.

Claire Hope is a very capable and dedicated advocate for veterans and is very deserving of this honor.

I have the pleasure of working with Claire on Ventura County Stand Down 2000, which she founded and chairs and for which I serve as honorary co-chairman. A Stand Down is where homeless veterans gain rest for a weekend from the daily battle for survival, by sleeping in comfortable tents and taking advantage of services that could lead to jobs and housing.

Mr. Speaker, I know my colleagues will join me in congratulating Claire Hope for her recognition as the U.S. Small Business Administration Veteran Advocate of the Year and in thanking her for all her hard work and dedication on behalf of our veterans.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. WOOLSEY. Mr. Speaker, yesterday I unfortunately missed two recorded votes on suspension bills, H. Con. Res. 295, and H. Con. Res. 304. Had I been present, I would have voted ''yea'' on both resolutions.

However, I would like to share that my absence from the House floor was because I was hosting a press conference with three women from Afghanistan, Nigeria, Iran on global discrimination against women. These brave women shared their stories of discrimination and suffering living under the restrictive regimes in Iran and the Taliban government, and of being genitally mutilated as a young child in Nigeria. Their horrifying stories were true anecdotes of why the Senate must ratify CEDAW, the United Nations Convention in the Elimination of Discrimination Against Women.

CEDAW, which was first adopted by the United Nations twenty years ago, formally codifies women's equality and promotes women's inclusion in business, government and other economic and social sectors. While I am very pleased that the House International Relations Committee held a hearing on my bill that urges the Senate to ratify CEDAW (House Resolution 107) I am outraged that it is being held up by one person in the Senate. The Senate Foreign Relations Chair, Jesse Helms, had outright refused to hold a hearing on CEDAW and continues to block its consideration on the Senate floor. This means that the chamber's 99 other Senators cannot express their views on this important treaty. It is unacceptable that the democratic process is being held captive by one person. I am hopeful that today's hearing in the House International Relations Committee is a first step in reversing Congress' inaction on CEDAW and will ignite a true dialogue in the Senate on CEDAW's ability to help empower women around the world. Until then, I will continue to push Chairman HELMS and the Senate to ratify it.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

MAY 2, 2000

Rollcall vote 131, on the motion to Suspend the Rules and agree to H. Con. Res. 300, commending the successful preparation of our Nation to withstand the Y2K computer problems, I would have voted ''yea.''

Rollcall vote 132, on the motion to Suspend the Rules and pass H.R. 2932, the Golden Spike/Crossroads of the West National Heritage Area, I would have voted ''yea.''

MAY 3, 2000

Rollcall vote 133, on the motion to Suspend the Rules and agree to H. Con. Res. 295, relating to human rights violations in the Socialist Republic of Vietnam, I would have voted ''yea.''

Rollcall vote 134, on the motion to Suspend the Rules and agree to H. Con. Res. 304, expressing condemnation of the continued egregious violations of human rights in the Republic of Belarus, I would have voted ''yea.''

Rollcall vote 135, on the motion to Suspend the Rules and pass S. 1744, continued submission of certain species conservation reports, I would have voted ''yea.''

Rollcall vote 136, on the motion to Suspend the Rules and pass H.R. 1509, the Disabled Veterans' LIFE Memorial Foundation, I would have voted ''yea.''

Rollcall vote 137, on the motion to Suspend the Rules and agree to H. Con. Res. 310, supporting a National Charter Schools Week, I would have voted ''yea.''

Rollcall vote 138, on passage of H.R. 2957, the Lake Pontchartrain Basin Restoration Act, I would have voted ''yea.''

Rollcall vote 139, the motion to Suspend the Rules and pass S. 2323, the Worker Economic Opportunity Act, I would have voted ''yea.''

Rollcall vote 140, on the motion to Suspend the Rules and pass H.R. 4055, the IDEA Full Funding Act, I would have voted ''yea.''

Rollcall vote 141, on the motion to Suspend the Rules and pass H.R. 1901, the Kika de la Garza United States Border Station, I would have voted ''yea.''

IN HONOR OF THE PHILIPPINE NURSES ASSOCIATION OF OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. KUCINICH. Mr. Speaker, today I recognize the Philippine Nurses Association of America, which is holding its 21st annual convention on June 21–23, 2000 in Indianapolis, Indiana. The Philippine Nurses Association of Ohio will co-host the event along with the chapters from Michigan and Indiana. This year's convention, titled Nursing Odyssey: New Realities, New Vision, will reflect the dynamic role of nurses in a changing health care delivery system.

The Philippine Nurses Association of America was established in 1979 in response to the growing need to address the concerns and issues important to Filipino nurses within this country. The Ohio Chapter was formally established in 1992. The PNA of Ohio is a voluntary, non-profit organization encompassing the areas of Cleveland, Akron, Medina in Ohio. There are over one hundred paid members in the chapter.

The objectives of the Philippine Nurses Association reflect their commitment to community service and the promotion of activities and programs that unify the Filipino nurses of the United States and advance health care of Filipinos throughout the nation. Their contributions to the betterment of their community is noteworthy. Their dedication, caring, and love for others is most evident, and I am grateful for their service to others.

My fellow colleagues, I ask you to join with me in recognizing the important accomplishments and essential contributions of the Philippine Nurses Association of America.

RECOGNIZING AND CONGRATULATING THE BULGARIAN GOVERNMENT

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BRADY of Texas. Mr. Speaker, on behalf of myself and my colleague from Louisiana, JOHN COOKSEY, who also serves with me on the House International Relations Committee, I would like to take a moment to recognize and congratulate the Bulgarian Government—particularly Prime Minister Ivan Kostov and Deputy Prime Minister Peter Zhotev—for the significant efforts that the Government has made over the last two years to strengthen Bulgaria's economy, and in particular, Bulgaria's energy sector.

After years of economic decline and mismanagement under socialist rule, we are pleased to see that the country's economic picture is now showing solid signs of improvement. In 1999, inflation dropped to 6.2 percent and the country's economy grew by 2.5 percent. In 2000, a 4% level of growth has been targeted and appears to be achievable.

There is no doubt, that Prime Minister Kostov and his team have played a key role in making this improved picture possible through a variety of accomplishments, including turning over 70 percent of the country's economic assets to private hands, restoring 95 percent of the country's nationalized farmland to its original owners and, completing nearly 1100 privatization deals in 1999 alone (representing nearly $587 million dollars in proceeds for the Bulgarian treasury).

Additionally, the Government recently pledged, over the course of the coming year, to continue progress on a variety of tough anti-corruption, anti-crime, and judicial reform programs and to find new ways to help alleviate poverty and unemployment in the country.

The ongoing reforms and the restructuring process that are taking place in the country's energy sector are also impressive and lead to attractive foreign investment opportunities. In this sector, over the coming year, the Government plans to: continue its efforts to eliminate state subsidies; close inefficient production facilities; begin the separation of generation, transmission and distribution assets; and take actions to encourage further foreign investment in the sector.

Each of these steps/actions represent an important part of the Governments ongoing efforts to comply with IMF targets and meet the deregulation and environmental standards that will be necessary precursors to eventual European Union membership.

We would like to highlight one particularly promising project that the Government is undertaking in the country's energy sector. In conjunction with a well-known U.S. company—Entergy Corporation, this project will modernize one of Bulgaria's important energy facilities: the lignite-fired, Martiza East III plant (located in the town of Stara Zagora, approximately thirty-seven miles from the Turkish border).

Once the planned improvements and upgrades are completed at this facility, the plant will meet stringent environmental standards, which will lead to a reduction in levels of sulfur dioxide emissions by at least 90%. In addition, the implementation of the Maritza East III project will also help to ensure that Bulgaria has a sufficient reliable capacity of electricity as it moves to close down a Soviet designed nuclear power plant deemed unsafe by E.U. standards. It is our understanding that Entergy also plans to support the community around the power plant through worker training programs, environmental improvement programs and the identification of a variety of projects for social investment. The Maritza East III project will bolster the Bulgarian economy by the purchase of more than $75 million dollars worth of local goods and services and the creation of 600 construction jobs. In short, we believe this partnership between Bulgaria and Entergy is a win-win situation.

We look forward to seeing additional progress in Bulgaria over the coming year and to the country becoming an important, reliable and efficient energy hub in the Balkan region. We also look forward to a growing level of involvement in the country's energy sector by American companies.

Congratulations again to the Bulgarian Government for a job well done and to continued progress for a prosperous and peaceful future.

SALUTE TO DISTRICT OF COLUMBIA YOUTH VOLUNTEERS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. NORTON. Mr. Speaker, today I congratulate two young District of Columbia students who have achieved national recognition for exemplary volunteer service in their communities. Milton Boyd and Lakeshia Wallace have just been named honorees in the 2000 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school and one middle school student in each state, the District of Columbia and Puerto Rico.

Milton Boyd, a junior at Grant School Without Walls, developed a theatrical presentation to educate teenagers in the District about the importance of making healthy life decisions. As a result of his work, Milton was recruited to join Planned Parenthood's youth outreach campaign, which promotes non-violence, sexual awareness and abstinence, and self control.

Lakeshia Wallace, a junior at Hugh Browne Junior High School, initiated a project to deliver home cooked meals to the homeless in her community during the cold fall and winter months. As president of her local Boys and Girls Club, Lakeshia helped establish ''Project GRATE,'' which delivers food to homeless people who live and sleep on subway grates.

I ask my colleagues to join me today and applaud Milton Boyd and Lakeshia Wallace for their initiative in seeking to make their communities better places to live and for the positive impact they have had on the lives of others. Congratulations to both for their commitment and dedication to the people of the District of Columbia.

TRIBUTE TO ROBERT F. SCHUELER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. PORTMAN. Mr. Speaker, today I honor Robert F. Schueler, a dear friend and community leader who recently passed away. Bob was a faithful member of St. Saviour Church in Rossmoyne, and is survived by Virginia (Ginny), his wife of over 29 years.

Bob dedicated much of his life to public service. Since December 1, 1973, he served tirelessly as Blue Ash's Ward 4 council representative. He also served as Blue Ash's mayor from 1987 to 1991 and as vice mayor from 1985 to 1987. He was a council representative for the city of Reading for several years prior to 1973, an active member and past president of the Blue Ash Civil League, and president of the Blue Ash Republican Club. Bob was also active with the St. Patrick Council Knights of Columbus, as the president of the Hamilton County Republican Party, and as the ward chairman for Blue Ash.

Bob lived in, served, and represented Blue Ash for nearly 30 years. All of us in the Greater Cincinnati Area will remember his full devotion and service to our community.

SPACE DAY AND ITS IMPORTANCE TO COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. UDALL of Colorado. Mr. Speaker, I want to call attention to two important causes for celebration and reflection. First, today is Space Day. Here in Washington, Senator John Glenn, Sally Ride, NASA director Daniel Goldin, and others will gather to celebrate the achievements and opportunities that we have all realized through the exploration of space. The celebration also includes Space Day's third annual Webcast devoted to space, science, math, and technology, in which children all over the world will be able to participate. Space Day activities will also take place in Colorado and other states throughout the country.

This week is also the tenth anniversary of the launch of NASA's Hubble Space Telescope. Although its early life was marked by controversy, the Hubble has become one of the most important astronomical study missions ever attempted. In 1993, shuttle astronauts installed lenses—made by Ball Aerospace, in my district in Colorado—to correct the telescope's near-sighted vision. Since that time, Hubble's images have been nothing less than remarkable. Hubble itself has circled the Earth 58,000 times, made 271,000 observations, and generated 2,651 scientific papers. It has fulfilled its scientific missions to determine the age of the universe within a certain range, provide proof that massive black holes exist, and detect the farthest objects in the universe.

Not only has the Hubble telescope made these extraordinary discoveries, but its images have also helped to broaden the appeal of space to all Americans. Pictures of exploding stars and a comet hitting Jupiter are just some that have engaged our imaginations and changed the way we think about the universe.

I'm proud to note that Colorado and its 2d Congressional District in particular has played a significant role in this nation's space endeavor. But it has truly been a national endeavor, one that has benefited all Americans. I hope we will all take a moment today—Space Day—to reflect on how the advancement of science and space concerns us all.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. MOORE. Mr. Speaker, due to the failure of my pager to operate properly, I inadvertently was absent from three rollcall votes on May 2, 2000.

Had I been present, I would have voted ''aye'' on the following three roll calls: Rollcall No. 133: H. Con. Res. 295, regarding human rights and oppression in Vietnam; rollcall No. 134: H. Con. Res. 304, condemning Belarus; rollcall No. 135: requiring continued Endangered Species Act reports.

COAST GUARD GETS AN A

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BILIRAKIS. Mr. Speaker, the Government Performance Project (GPP) is aimed at expanding the public's understanding of management challenges facing the government. The GPP rates federal agencies on five areas: managing for results, financial management, human resources, information technology and, where appropriate, capital management. The grades are assigned by a team of scholars and journalists and are based on a survey and interviews with agency officials.

The GPP issued its second annual report earlier this year, and twenty federal agencies received an average grade of B-minus. In the two years that the project has been underway, only two agencies have received A's for their performance: the Coast Guard and the Social Security Administration. I want to commend these agencies, particularly the Coast Guard, for their outstanding performance.

No agency has more whole-heartedly committed itself to results-based government than has the Coast Guard. It has been working to improve its quality management for over ten years and has overhauled its strategic planning and capital asset management. Today, the Coast Guard represents one of the taxpayers' best investments, and as a result of its efforts, it has received numerous Hammer Awards.

I want to take this opportunity to salute the hardworking men and women of the United States Coast Guard.

INTRODUCTION OF THE ''QUALIFIED PERSONAL SERVICE CORPORATIONS CLARIFICATION ACT OF 2000''

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. HERGER. Mr. Speaker, during consideration of the 1986 Tax Act, Congress made a decision that enabled certain Qualified Professional Service Corporations to retain use of the cash accounting method for tax purposes.

I am introducing legislation today that is intended to ensure that companies currently eligible to use cash accounting are able to continue doing so. This is required due to state of the art changes in the type and delivery of those professional services required for developing and implementing the vital water, transportation, infrastructure, communications, and environmental projects upon which our citizens and our economy depend.

RECOGNIZING CAMP SUNSHINE DURING THEIR ANNUAL VISIT TO WASHINGTON

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CHAMBLISS. Mr. Speaker, I would like to recognize a very special group of young people visiting our Nation's Capital today, Camp Sunshine. Camp Sunshine is an organization in Georgia dedicated to children with cancer from all over the State. Julianne and I have been blessed to know this fine group over the years.

I would like to thank you, Mr. Speaker, and each of my colleagues who take the time each year to visit with these special kids. It is always a treat for me to host their visit to Washington each year and visit with them in Georgia each summer. They are indeed a very special group of bright, well-rounded young people. It is truly an honor for me to be involved with a special organization like Camp Sunshine.

My friends visiting this year include Russell Conover, Sarah Corbitt, Brad Doty, Anthony Grant, Jamaal Grayson, Tony Jones, Adam Kessler, Stephanie Kruse, Barbara Little, Joseph McConnell, Wesley Robbins, Job Steffins, Holli Tanner, Shanna Thomson, Joey Tripp, Michelle Winn, Matthew Winslow, Casimiro Ybarra, Jennifer Johnson, Ashley Palmer, Keenan Duron, and Camp Sunshine's Executive Director, Sally Hale. I would also like to send my best to Wesley Robbins and Barbara Little, who were unable to make the trip.

We had an exciting day at the Capitol, and I look forward to many more visits in the future from Camp Sunshine.

HONORING THE 70TH ANNIVERSARY OF WSJS–AM RADIO

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BURR of North Carolina. Mr. Speaker, I would like to take this opportunity to recognize WSJS–AM radio on its 70th anniversary. Since the first broadcast on Easter weekend of 1930, WSJS remains a treasured source of information and entertainment to the Winston-Salem community.

Over the years the station has changed format, its broadcast hours, its transmitter power, its frequency and even its owners. But, the trusted service and the call letters have remained the same.

Getting their start without a network affiliation, WSJS filled its air time with local programming, treating listeners to a variety of community talent—from the Winston-Salem Concert Orchestra to Jack Hawkins playing old favorites on his musical saw. Now a member of a national network conglomerate, WSJS communicates national issues with a local flavor.

Preserving 70 years of tradition, local personalities like Mike Fenley and Glenn Scott have upheld their community reputation as a classy operation. The all-talk format is supported by an enthusiastic staff that continues to attract thousands in the Piedmont Triad to the medium of news radio. On behalf of the citizens of the 5th District of North Carolina, I honor the WSJS radio station for 70 years of quality radio programming.

TRIBUTE TO MEREDITH ARENSMAN

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mrs. NORTHUP. Mr. Speaker, I rise today to congratulate and honor a young Kentucky student from my district who has achieved national recognition for exemplary volunteer service in her community. Meredith Arensman of Louisville, has been named one of my state's top honorees for The 2000 Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism.

Meredith, a senior at Louisville Collegiate School, has organized the annual Louisville Girls Leadership Conference for the past three years, and is now the event chairwoman. Meredith was approached by women in the Louisville area who were concerned about the lack of leadership programs for girls. They wanted Meredith's help in putting together a conference that would help girls choose careers and make life choices with confidence and enthusiasm. Meredith started by creating a planning committee of fellow students who shared her passion for women's rights. They selected workshop topics on mental and physical self-defense, the negative connotation surrounding feminism, and the movement of women into non-traditional careers. Meredith handled public relations, secured an event location, identified speakers and sponsors, and organized volunteers. More than 500 girls and 400 adults, including Gloria Steinem and Geraldine Ferraro, have participated in the conference. As Meredith said, ''We must work to make sure that no one is inhibited by their race, religion, or gender.''

It is my honor to pay tribute to someone who has made a difference to so many other young women. In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contributions this young citizen has made. Young volunteers like Meredith are inspiring examples to all of us and are among our brightest hopes for a better tomorrow.

Meredith should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Meredith for her initiative in seeking to make her community a better place to live and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world and deserves our sincere respect and admiration. Her actions show that young Americans can, and do, play an important role in our communities and that America's community spirit continues to hold tremendous promise for the future. Again, I offer my congratulations to Meredith for this outstanding achievement.

HONORING ARNOLD D. ANDERSON OF ONTARIO, CALIFORNIA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to celebrate the contributions that Mr. Arnold D. Anderson, of Ontario, California, has made to his community.

Over the last 62 years, Mr. Anderson has dedicated much of his time to the needs of Ontario. He has served as president of numerous civic organizations, including the Ontario Host Lion's Club, the Ontario Chamber of Commerce, and the Ontario Junior Chamber of Commerce. From 1959 to 1963, Mr. Anderson served as a Member of the Board of Trustees of the Chaffey High School Trust. For the past 34 years, Mr. Anderson has served on the Chaffey College Trust Board.

As a result of his extensive community service, Mr. Anderson has received numerous awards and honors. In the 1940's, he received several awards from the U.S. Department of Treasury and the U.S. Department of War for selling war bonds. His contributions have been commended by his Lion's Club, the California Department of Corrections, the West End YMCA, members of the California State Legislature, the San Bernardino County Board of Supervisors, and the City of Ontario.

Although recently confined to a wheelchair, Mr. Anderson has continued to make valuable contributions to those in need, placing his needs second to those of others. It is with great honor that I join the community of Ontario as the Ontario Host Lion's Club celebrates Mr. Anderson's 62 years of perfect attendance with an Honorary Lifetime Membership.

By constantly striving to improve his community, Mr. Anderson has become a true American hero, worthy of our praise and gratitude.

EXPERIMENTAL PROGRAM TO RESHAPE AIR FORCE WORKFORCE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. HALL of Ohio. Mr. Speaker, I join my colleague from Ohio, Mr. HOBSON, in introducing the Air Force Workforce Renewal Act, a bill to stabilize employment within the Air Force and bring more current technical skills into the Air Force workforce. The measure will give Air Force managers expanded use of voluntary early retirement incentives to create job openings to be filled by new employees with cutting edge technological skills.

The rapid pace of technology development and its importance to our economy and national defense is well recognized. At the same time, the Defense Department is faced with a rapidly changing and uncertain threat. The convergence of these trends means that the technical challenges faced by defense personnel will be greater than at any other time in our history. Defense employees must be capable of meeting these challenges if our armed services are to remain the most superior fighting force in the world.

Unfortunately, existing personnel laws do not give Defense Department managers the flexibility they need to keep up with rapidly changing personnel needs, especially in the scientific and technical fields. After more than ten years of much needed draw down and virtually no new hiring, the military services have been stymied in their efforts to acquire such personnel.

Since 1989, the Defense Department has reduced the size of its workforce by more than 400,000 positions, or 36 percent. To make this astounding reduction possible, only a small number of new employees have been hired in the last decade. Thus, there has been an alarmingly disproportionate reduction in younger employees. The number of employees below the age of 31 has dropped 76 percent since 1989 and more than a third of the workforce will be eligible for retirement over the next 4 years.

A crisis is looming in the Defense Department. Unless personnel practices are changed, the Pentagon will lurch from a predominantly senior workforce to one that is largely inexperienced. Without a smooth transition, vital institutional knowledge will not be passed on.

This problem is particularly acute for the Air Force because of its historically heavy reliance on science and technology. The preservation and advancement of our Air Force's high tech advantage is more important than ever as new and uncertain threats to the country develop. The Air Force's dominant role in recent operations in Iraq and Kosovo also makes the case for continued improvement of our technological edge.

To prevent a sudden workforce vacuum and allow for the orderly transfer of corporate knowledge to the next workforce, Mr. HOBSON and I have crafted a temporary, experimental

program. The measure makes a simple modification to the Voluntary Early Retirement Authority [VERA] and Voluntary Separation Incentive Pay [VSIP] programs that are already in existing law for Defense Department employees. Because of our special concern for the Air Force and the Air Force's strong support for personnel system reforms, this demonstration program would be conducted by that service.

Under the measure, for a limited time period, Air Force leaders would have the power to offer financial incentives without having to eliminate workforce numbers. The amount of the incentive that an employee could be offered will be determined by the same formula that the current VERA/VSIP law uses, which could be as much as $25,000. Under this measure, work groups with less critical skills will be given the opportunity to volunteer for early retirement so that new personnel with more essential skills may be hired.

The test program is limited to no more than 1,000 employees annually and terminates after five years.

In addition to permitting the Air Force to reshape and stabilize its workforce, it will also save substantial amounts of money because the salary of a retirement-eligible employee averages almost twice that of a replacement hire. Therefore, despite the initial outlays required for retirement incentives, the Air Force estimates the Hall-Hobson bill will save about $68,000 over a 5-year period for each senior slot opened for an entry level worker and over a seven year period, the cumulative savings could be as much as $120 million.

The measure also includes a provision that allows the Air Force to hire entry level personnel more quickly provided that they have strong academic records. It is not enough for us to create positions for new high tech employees. If we are going to get the best, we also have to make the Air Force competitive with high tech industry in hiring them. The hiring process takes too long to attract new college graduates in scientific and technical fields who can get jobs in the private sector in only a fraction of the time it takes in the military services. I am familiar with attempts by the Air Force Research Laboratory to hire new graduates that took more than a year. In many of these cases, the job prospects gave up and took other jobs.

To further strengthen the workforce, the bill also gives the Air Force the authority to hire a small number of eminent scientists from the private sector for periods of 4 years or less. These experts will bring unique cutting-edge skills into the research laboratory that will jump start new efforts in critical technology areas. The temporary nature of these positions gives the Air Force the agility to move at the pace of technology development, rotating experts through as they are needed. This provision is modeled after existing legislation for the Defense Advanced Research Project Agency [DARPA] which has been successful in infusing this defense agency with creative new scientific ideas.

This legislation is a win-win situation for everyone. The Air Force will get the skills it wants and those people considering retirement are given the financial boost that allows them to retire early. The Air Force also saves money in the long term and our country will be better positioned to maintain our national security.

Moreover, this experimental pilot program will provide valuable information that can be used to address similar workforce problems in the other services and non-defense Federal agencies.

H.R. —

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 ''Air Force Work Force Renewal Act''.

SEC. 2. TEMPORARY AUTHORITY REGARDING VOLUNTARY SEPARATION INCENTIVES AND EARLY RETIREMENT FOR EMPLOYEES OF THE DEPARTMENT OF THE AIR FORCE.

(a) SEPARATION PAY.—Section 5597(b) of title 5, United States Code, is amended by adding at the end the following: ''Under such program separation pay may also be offered for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of such Department to emerging technologies critical to the needs and goals of such Department.''.

(b) RETIREMENT UNDER CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of such title is amended by adding at the end the following new subsection:

''(o)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.''.

(c) RETIREMENT UNDER FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended by adding at the end the following new subsection:

''(d)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.''.

(d) LIMITATION OF APPLICABILITY.—The authority to provide separation pay and retirement benefits under the amendments made by this section—

(1) may be exercised with respect to not more than 1000 civilian employees of the Department of the Air Force during each calendar year; and

(2) shall expire on the date that is five years after the date of the enactment of this Act.

SEC. 3. AIR FORCE EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR TECHNICAL PERSONNEL.

(a) PROGRAM AUTHORIZED.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of the Air Force may carry out a program of experimental use of the special personnel management authority provided in subsection (b) in order to facilitate recruitment of civilian personnel to perform the following:

(1) Research and exploratory or advanced development.

(2) Acquisition of major weapons systems, excluding sustainment activities.

(b) SPECIAL PERSONNEL MANAGEMENT AUTHORITY.—(1) Under the program, the Secretary may—

(A) appoint eminent scientists and engineers from outside the civil service and uniformed services (as such terms are defined in section 2101 of title 5, United States Code) to not more than 62 positions in the Department of the Air Force without regard to the provisions of such title governing the appointment of employees in the civil service, except that the Secretary shall—

(i) provide for consideration of veterans' preference eligibility as described in section 2108 of such title; and

(ii) follow merit system principles, as established in chapter 23 of such title;

(B) prescribe the rates of basic pay for positions to which employees are appointed under subparagraph (A) at rates not in excess of the rate payable for positions at level I of the Executive Schedule under section 5312 of such title; and

(C) make payments to any employee appointed under subparagraph (A) in addition to basic pay within the limitation applicable to the employee under subsection (d)(1).

(2) Of the 62 positions described in paragraph (1)—

(A) 50 of such positions shall be allocated to organizations performing research and exploratory or advanced development; and

(B) 12 of such positions shall be allocated to organizations whose primary mission is the development and acquisition of major weapons systems, excluding sustainment activities.

(c) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed 4 years.

(2) The Secretary may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by not more than 2 years if the Secretary determines that such action is necessary to promote the efficiency of the Department of the Air Force.

(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of additional payments paid to an employee under subsection (b)(1)(C) for any 12-month period may not exceed the lesser of the following amounts:

(A) $25,000.

(B) The amount equal to 25 percent of the employee's annual rate of basic pay.

(2) An employee appointed under subsection (b)(1) is not eligible for a bonus, monetary award, or other monetary incentive for service other than payments authorized under subsection (b)(1)(C).

(e) PERIOD OF PROGRAM.—(1) The program authorized under this section shall terminate at the end of the 5-year period referred to in subsection (a).

(2) After the termination of the program—

(A) no appointment may be made under subsection (b)(1);

(B) a rate of basic pay prescribed under subsection (b)(1)(B) may not take effect for a position; and

(C) no period of service may be extended under subsection (c).

(f) SAVINGS PROVISIONS.—In the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under subsection (b)(1)—

(1) the termination of the program shall not terminate the employee's employment in that position before the expiration of the lesser of—

(A) the period for which the employee was appointed; or

(B) the period to which the employee's service is limited under subsection (c), including any extension made under paragraph (2) of that subsection before the termination of the program; and

(2) the rate of basic pay prescribed for the position under subsection (b)(1)(B) may not be reduced for so long (within the period applicable to the employee under paragraph (1)) as the employee continues to serve in the position without a break in service.

(g) ANNUAL REPORT.—(1) Not later than October 15 of each of years 2001 through 2006, the Secretary shall submit a report on the program to the Committees on Armed Services of the Senate and the House of Representatives.

(2) The annual report shall contain, for the period covered by the report, the following:

(A) A detailed discussion of the exercise of authority under this section.

(B) The sources from which individuals appointed under subsection (b)(1) were recruited.

(C) The methodology used for identifying and selecting such individuals.

(D) Any additional information that the Secretary considers helpful for assessing the utility of the authority under this section.

SEC. 4. AIR FORCE EXPERIMENTAL HIRING PROGRAM.

(a) PROGRAM AUTHORIZED.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of the Air Force may carry out a program of experimental use of the authority provided in subsections (b), (c), and (d) in order to facilitate recruitment of civilian personnel to carry out the following:

(1) Research and exploratory or advanced development.

(2) Acquisition of major weapons systems, excluding sustainment activities.

(b) CATEGORY RANKING.—(1) Notwithstanding sections 3309, 3313 3317(a), and 3318(a) of title 5, United States Code, the Secretary may provide that applicants for positions in the Department of the Air Force be evaluated according to a quality category rating system based on relative degrees of merit, rather than according to numerical ratings.

(2) Under the system described in paragraph (1), each applicant who meets the minimum qualification requirements shall be assigned to the appropriate category based on an evaluation of the quality of the applicant's knowledge, skills, and abilities relative to successful performance in the position to be filled.

(3) Within each such quality category, applicants who are eligible for veterans' preference under section 2108 of such title shall have priority over applicants who are not eligible for such preference.

(4)(A) Each applicant, other than applicants for scientific and professional positions at the GS–9 level or above, or the equivalent, who meets the minimum qualifications requirements and who is eligible for veterans' preference under section 2108(3)(C) of such title and who has a compensable service-connected disability of 10 percent or more shall have the highest priority in the quality category.

(B) Applicants for scientific or professional positions at the GS–9 level or above, or the equivalent, shall be listed within their category grouping, except that applicants who are eligible for veterans' preference under such section 2108 shall have priority over applicants who are not eligible for preference. Among preference eligibles, preference shall be given without regard to the type of preference.

Under the system described in paragraph (1), an appointing official may select any qualified applicant within the highest category, except that such an official may not pass over a preference eligible for an individual who is not a preference eligible in the same category unless the requirements of section 3312(b) or 3318(b) of title 5, United States Code, are satisfied. If fewer than 3 applicants have been assigned to the highest category, an appointing official may select any qualified applicant in the next lower category or categories, if necessary to provide a pool of at least 3 qualified applicants. An appointing official may not pass over a preference eligible applicant to select a non-preference eligible applicant in a lower category.

(c) SHORTAGE AND CRITICAL NEED HIRING AUTHORITY.—(1) Notwithstanding section 3304(b) of title 5, United States Code, the Secretary of the Air Force may appoint individuals into the competitive service to fill civilian positions in the Department of the Air Force without competition, provided public notice has been given and the positions meet one of the following criteria:

(A) There is a severe shortage of qualified candidates for the position.

(B) There is a need for expedited hiring for the position.

(C) The position is unique and has special qualifications.

(D) The position has a historically high turnover rate.

(2) The Secretary may appoint individuals with exceptional academic qualifications or special experience to positions described in paragraph (1). Individuals who qualify on the basis of education must possess a cumulative grade point average of 3.5 or higher on a 4.0 scale (or the equivalent grade point average on a different scale).

(3) Applicants who are eligible for veterans' preference under section 2108 of title 5, United States Code, shall have priority over applicants who are not eligible for such preference. Among preference eligibles, a preference eligible applicant under subparagraphs (C) through (G) of section 2108(3) of such title shall have priority over an applicant who is eligible for preference under subparagraph (A) or (B) of such section. An appointing official may not pass over a preference eligible applicant to select a non-preference eligible applicant unless the requirements of section 3312(b) or 3318(b) of such title are satisfied.

AIR FORCE WORK FORCE RENEWAL ACT

SECTION-BY-SECTION DESCRIPTION

Section 1. Designates the legislation as ''Air Force Work Force Renewal Act''

Section 2. Temporary Authority Regarding Voluntary Separation Incentives and Early Retirement for Employees of the Department of the Air Force

2(a). Permits the Air Force to offer incentive bonuses of up to $25,000 for maintaining continuity of skills among employees of the Air Force and for adapting the skills of the work force to critical emerging technologies. This is an extension of the existing Department of Defense separation pay program.

2(b). Establishes that a retiring employee of the Air Force who is under the Civil Service Retirement System (CSRS) may become eligible for an annuity after completing 25 year of service or after becoming 50 years of age and completing 20 years of service; and if the Air Force Secretary determines that the separation is necessary for the purpose of maintaining continuity of skills in the Air Force and for adapting the skills of the work force to critical emerging technologies.

2(c) Establishes the same early retirement authority as paragraph 1(b) for Air Force employees under the Federal Employees' Retirement System (FERS).

2(d) Limits the separation pay and retirement benefits established in this section to 1000 positions per calendar year for a period of five years after the date of the enactment of this Act.

Section 3. Air Force Experimental Personnel Management Program for Technical Personnel

3(a) On an experimental basis for a five-year period, to facilitate recruitment of civilian personnel, authorizes the Air Force to fill positions for 1) research and exploratory or advanced development, and 2) acquisition of major weapons systems.

3(b) Limits the hiring authority under this section to a total of 62 eminent scientists and engineers from outside the civil service and uniformed services. Of his number, 50 shall be allocated to organizations performing research and exploratory or advanced development, and 12 shall be allocated to organizations whose primary mission is the development and acquisition of major weapon systems, excluding sustainment activities. Certain civil service rules are waived. Veterans' preference is preserved.

3(c) In general, limits appointments under this section to no more than four years; however, the Secretary of the Air Force may extend an appointment an additional two years.

3(d) Limits the total annual amount of additional payments (such as bonuses or monetary awards), paid to an employee hired under this section to $25,000 or an amount equal to 25 percent of the employee's annual salary, which ever is less.

3(e) Provides that no employee may be hired under this section (or appointment extended) after the five-year experimental program expires.

3(f) Allows employees appointed under this section to finish their existing term, (without extension), following the expiration of the authority under this section.

3(g) Requires the Air Force to provide an annual report on the experimental program to the Committees on Armed Services of the Senate and the House of Representatives.

Section 4. Air Force Experimental Hiring Program

4(a) On an experimental basis for a five-year period, to facilitate recruitment of civilian personnel, authorizes the Air Force to fill positions for 1) research and exploratory or advanced development, and 2) acquisition of major weapons systems.

4(b) Provides for a system to rate candidates for employment positions under this section. Veterans' preference is preserved.

4(c) Under specific conditions, authorizes the hiring with expedited competition of individuals with exceptional academic qualifications or unique experience under this section.

PHILIP ANSCHUTZ IS AN HONOREE AT THE HORATIO ALGER ASSOCIATION OF DISTINGUISHED AMERICANS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize an exceptional man who I am honored to call my friend. Philip

Anschutz is being honored by the Horatio Alger Association of Distinguished Americans on Friday, May 5, 2000. For over 50 years, the Horatio Alger Association has honored people who have positively contributed to our society. These awardees are the top ten Americans who have made outstanding contributions in their chosen field. They are honest, hardworking, self reliant and committed to excellence.

Mr. Anschutz exemplifies everything that the Association represents. Mr. Anschutz is recognized as Colorado's number one businessman and enjoys an admired professional reputation. In 1965 he started The Anschutz Corporation. He now serves as Chairman of the Board of Qwest Communications International, Vice Chairman of the Board of Union Pacific Corporation and he also sits on the boards of Forest Oil Company, the American Petroleum Institute and the National Petroleum Council. He also is the alternate governor of the National Hockey League and the owner of the Chicago Fire and Colorado Rapids Major League Soccer teams. Mr. Anschutz also serves on boards and committees of various organizations such as, The John F. Kennedy Center for the Performing Arts, as well as, the Smithsonian Institution's National Board. Mr Anschutz has earned a strong reputation for his character and integrity. Philip and his wife Nancy are well known for civic contributions and their focus on family values. It is obvious why Mr. Anschutz was chosen as one of this year's Horatio Alger Association of Distinguished Americans. I think we all owe him a great debt of gratitude for his service and dedication to our society.

REMEMBERING THE HOLOCAUST

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. SCHAKOWSKY. Mr. Speaker, today I declare solidarity with Jews across this nation and around the world to mourn and to pay tribute to those who perished at the hands of the Nazis during the Holocaust. On Tuesday, in Israel and around the world, ceremonies were conducted, as they are annually. Today in the nation's capitol, we hold our traditional Days of Remembrance ceremony.

This year, I am keenly aware of the need to not only remember and honor the lives that were lost, but to continue to educate others about the Holocaust and the dangers of hate. For the Jewish community, Yom Ha-shoah holds a symbolic value. Through prayer and education the community remembers those who were lost, and who continue to be lost because, unfortunately, hate acts continue to occur.

The last year has been a trying one for the Jewish community and people of color in my district. Over the Fourth of July holiday last summer, Ricky Birdsong, an African American man beloved by his family and community, was shot by a white supremacist criminal on a cowardly shooting rampage. Jewish constituents of mine were shot on their way to synagogue, targeted because of their religious beliefs. Not only did these tragic occurrences scar my community emotionally, they served as a bitter reminder that hate is a dangerous reality that still persists.

Around the world this year, we have been reminded of the need to continue the battle against hate. In Iran, 13 Jews stand trial today on arbitrary and falacious charges of espionage. In China, thousands of Falun Gong are persecuted because of their spiritual beliefs. In Austria, a political leader who praised Hitler was elected to the dismay of the international community. In Africa, violence and ethnic conflict are raging. Nazi war criminals remain at large throughout the world. In Russia and elsewhere, anti-Semitic rhetoric is echoed by elected officials. People of color in this country are often unfairly targeted by law enforcement officials. Immigration policies of our country continue to neglect the human rights and needs of those with the misfortune of being born in oppressive or poor nations. The media in several nations is pervaded by anti-Semitic sentiments. Those unfortunate facts and many others, remind us of the need to adhere to our vow that never again will we tolerate the kind of abuse we witnessed. I am proud that this nation has made a practice of refusing to look the other way when hate rears its ugly face.

The Holocaust was the most horrific human atrocity the world saw during the last century and perhaps in the history of the planet. Millions of Jews and others were brutalized, raped, beaten, dehumanized, enslaved, robbed, and murdered. Men, women, children, babies, and families were ravaged by the hateful acts of the Nazi regime. There is no way for me to put into words the unspeakable horrors experienced. We can only listen to the recollections of those few remaining survivors of the Holocaust.

The Holocaust was not only the worst murder case in history, but it was also the biggest exploitation and theft. Jews and others were enslaved—worked literally to death for various companies. Millions of insurance policies were liquidated by the Nazis with the assistance of insurance companies, and millions of bank accounts were seized. I am sad to say that, to this date, there has been no restitution for the bulk of those crimes. Every year we observe Yom Ha-shoah, we are also reminded of those survivors of the Holocaust who have passed away during the previous year. Negotiations to repay stolen assets are ongoing. But, unfortunately, the process is slow and many have been deprived of at least some measure of justice after enduring so much. I hope that before this time next year we will at least be able to say that we have made real progress on this front. That will require the complete cooperation of foreign governments, and multinational corporations, who have yet to own up to their role in the crime of the last century. The fact that some still deny responsibility or refuse full compliance with negotiations only adds to the suffering and prolongs the justice that survivors deserve.

The theme of hope is strong among Jews this year. Negotiations continue in efforts toward peace between Israel and her neighbors. This year, we may see some real results and a chance for life without fear for our allies in the Middle East. I was reminded of the power of hope and the importance of celebrating life along with honoring the dead this week. Thousands participated in the ''march of the living'' at Auschwitz, where over a million Jews met their fate. I am proud to carry on the traditions of Judaism in my every day life and I am proud of the Jewish community and all of its success, despite all of the suffering. today we honor and mourn those who perished. We vow to live our lives in a way that pays tribute to their memory and ensures their fate will not be suffered by others.

CONGRATULATING STUDENTS FROM WYNDMERE HIGH SCHOOL

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. POMEROY. Mr. Speaker, on May 6th through 8th of this year, high school students from across the country will compete in the national finals of the ''We the People * * * The Citizen and the Constitution'' program. I would like to take this opportunity to congratulate the students of Wyndmere High School of Wyndmere, North Dakota, who will represent my home state in this event. These students have worked hard to reach this stage of the competition and have demonstrated a thorough understanding of the principals underlying our constitutional democracy.

We the People is the most extensive program in the country designed to teach students the history and philosophy of the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings held in the United States Congress. These mock hearings consist of oral presentations by the student participants before a panel of adult judges. The students testify as constitutional experts before a ''congressional committee'' of judges representing various regions of the country and appropriate professional fields. The students' testimony is followed by a question and answer period during which the judges test students on their depth of understanding and ability to apply their constitutional knowledge. The knowledge these students have acquired to reach the national level of this competition is truly impressive.

Mr. Speaker, I would like to recognize by name our talented representatives from Wyndmere High School, of Wyndmere, North Dakota: Brian Boyer, Mandy David, Julie Dotzenrod, Elisabeth Foertsch, Alissa Haberman, Lindsey Heitcamp, Daniel Hodgson, Jesse Nelson, Kari Schultz, Amy Score, John Totenhagen, and Bobbi Ann Ulvestad.

I would also like to recognize and thank their teacher, David Hodgson, for his critical role in these students' success and their interest in American government.

Again, Mr. Speaker, I would like to welcome the student team from Wyndmere High School to Washington, and wish them the very best of luck. They have made all of us in North Dakota very proud.

THE SAFE AND SUCCESSFUL SCHOOLS ACT OF 2000

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, Democrats want to ensure that all American children receive a quality 21st century education in public schools with up-to-date facilities and safe classrooms. That is why Democrats support The Safe and Successful Schools Act of

2000. This act would provide our schools with $1.3 billion annually for emergency school renovations.

As one of the most powerful nations in the world, Mr. Speaker, it is a tragedy that America's schools are in such desperate need of repair. The schools in my district are indicative of what is happening nationwide. For example, the roof in the gymnasium at Belmont High School in Los Angeles has multiple leaks. Garbage cans must be scattered throughout the gym to catch the rain. Two other high schools in my district, Venice and Lincoln, have extensive water damage that has left dangerous wiring and piping exposed to the children.

Americans value their children, Mr. Speaker, and they are the future of our nation. We must not abandon them and sit idly by while our schools fall apart, hampering our children's ability to learn. We must pass The Safe and Successful Schools Act and invest in the future of America.

CHERYL MILLS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Ms. NORTON. Mr. Speaker, hearings on the White House e-mails being conducted by the Committee on Government Reform have provoked serious questions as officials and former officials with impeccable reputations have had their integrity questioned without evidence of wrongdoing traceable to them. Cheryl Mills, the young White House lawyer who spoke so memorably during the Senate Impeachment hearings, did it again during the Committee's hearings today. Her words concerning what inquisitional hearings do to young people and others considering public service deserve consideration by Members of the House who, after all, serve here because of the value they themselves attach to serving the public and their country.

I submit her full statement for inclusion in the RECORD.

OPENING STATEMENT BY CHERYL MILLS, COMMITTEE ON GOVERNMENT REFORM, U.S. HOUSE OF REPRESENTATIVES, MAY 4, 2000

Mr. Chairman, Representative Waxman, Members of the Committee on Government Reform:

My name is Cheryl Mills. For almost seven years, I served in the White House Counsel's Office under President Clinton. During my tenure, I served first as Associate Counsel and later as Deputy Counsel. When I arrived on January 20, 1993, I was 27 years old; I was 34 when I left last October.

I came into government because I believed that the opportunity to serve this country was a valuable one. I believed that giving of my time, my energy, and even my soul, to try to make a difference was important. I believed that the gift of one's labor and one's love for this country was one of the purer things I, like other young people, had to give.

When I left, it had become hard for me to believe anymore. I left increasingly cynical about Congress' commitment to improving the lives of Americans. I left deeply troubled by the culture of partisanship in Washington that with each passing day was threatening the very essence of what is good, and what is right, and what is joyful about public service. When I left, it was no longer obvious to me that serving in government, with a Congress committed to oversight by investigation, was worth the high toll it exacted.

And the greatness of that injustice, is not in its harm to me. I am but one person. Rather, it is the damage that it does to the ideals of all the young people who decide never to serve. The young people who decide that no one should have to love their country enough, to have their integrity, their service and their commitment to doing the best they can, impugned by some who sit in this body. The young people who decide that their desire to serve their country and a President, is not outweighed by the risks to their reputation, their livelihood and their family. The young people who decide that too many who toil in this body have forgotten that their exalted positions are but loaned to them by the young—on the understanding that they will seek what is best for our country, not what is least.

I left because I knew that only distance and time would allow me to see again the many Members who serve honorably in Congress every day. Members who choose to work hard for their constituents on the issues that will enrich their lives. Men and women who get up each morning not thinking about how they can bring someone down, but about how they can lift us all up.

Mr. Chairman, I left because I was tired of playing a role in dramas like today, when so many issues that mattered to me that were not being addressed. You have held four days of hearings, and spent countless more dollars on depositions and document productions, but yet you have not chosen to use your oversight authority to hold one day's worth of hearings about: a man who was shot dead by an undercover New York police officer while he was getting into a cab, after refusing to buy drugs from that officer; any of the 67 cases and counting that have been overturned because officers in Los Angeles Police Department planted guns and drugs to frame people, shot an unarmed man, and quite possibly shot another man, with no criminal record, 10 times—killing him; why African American youths charged with drug offenses are 48 times more likely than white youths to be sentenced to prison.

Not to mention all the other ways in which you could spend your time making the lives of the individuals you serve better, as opposed to tearing down the staff of a President with whose vision and policies you disagree. You could choose from a myriad of issues—health care, prescription drug benefits, family medical leave, education reform, social security, judicial reform. Nothing you discover here today, will feed one person, give shelter to someone who is homeless, educate one child, provide health care for one family, or offer justice to one African American or Hispanic juvenile. You could do so much to transform our country—but instead you are compelled to use your great authority and resources to address . . . e-mails.

The energy your staff will spend poring over hearing transcripts to create a perjury referral for you to send to the Justice Department could be spent poring over the latest statistics in the Justice Department's report on the unequal treatment African American and Hispanic juveniles receive before the law. And the resources that the Justice Department will expend reviewing your allegations—causing those public servants and their families considerable pain—could instead be spent investigating why America's justice system unfortunately is still not blind.

I know I say all this at some personal peril, as my words here today will no doubt make me an even greater target of your ire. But when I got your letter last week about attending this hearing—despite having advised you of my long scheduled commitments—a letter in which you simply dismissed my prior engagement, stating that you would not ''indulge my schedule,'' I got tired and mad all over again.

And if I had not had the chance to attend a dinner that night in honor of the Robert F. Kennedy Memorial Foundation, I probably would still be mad. Because, I would not have had the chance to have my faith renewed by the example of what other men with your power have chosen to do throughout history to enhance the lives of others. I would not have been reminded of how Robert Kennedy's work on behalf of issues like race, and justice, and poverty, embodied the true spirit of his greatest words: ''It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others,or strikes out against injustice, he sends forth a tiny ripple of hope; and crossing each other from a million different centers of energy and daring, those ripples build a current, which can sweep down the mightiest walls of oppression and resistance.''

Had I not gone to that dinner, I would not have been reminded that the smallness of any person, can never overshadow the greatness of those whose acts are bigger than life. I would not have been reminded that today, too, will pass. And, that we who love our government are strong enough, and not too weary. We can outlast a culture of investigation and intimidation and idleness on behalf of issues that can truly improve the lives of Americans.

Mr. Chairman, I believe in your humanity, and in that of those who serve on your staff. That each of you has good and bad days; make good and bad judgments, render good and bad decisions. Won't you believe in the humanity of others with whom you disagree? Won't you believe that as with your mistakes, they too can make mistakes that are not conspiratorial? That they too can make a bad judgment, without that judgment being pernicious? That they too can do their best each day and expect more than a biased shake or a perjury referral from this Committee? That they too can be human, without this body using its awesome power to exploit their humanity for political gain? Can Tony Barry, a man who has served his government since 1992, expect that?

I give my last quotation to Robert Kennedy because to me, it is particularly fitting today. He said: ''The Constitution protects wisdom and ignorance, compassion and selfishness alike. But that dissent which consists simply of sporadic and dramatic acts sustained by neither continuing labor or research—that dissent which seeks to demolish while lacking both the desire and direction for rebuilding, that dissent which, contemptuously or out of laziness, casts aside the practical weapons and instruments of change and progress—that kind of dissent is merely self-indulgence. It is satisfying, perhaps, only those who make it.''

I decided that smallness government cannot win. And that it will note the weapon to defeat my ideals. That it is not powerful enough to alter my belief in the good that so many Members who serve in this body do.

I decided, that in the final analysis, I am not too tired to stand up for all of those who believe, even through the drama, that public service is worth the price.

CONGRATULATING ''WE THE PEOPLE'' FINALISTS

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BLILEY. Mr. Speaker, on May 6–8, 2000 more than 1200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from The Governor's School for Government & International Studies from Richmond will represent the state of Virginia in this national event. Through dedication and hard work, these young scholars have earned the right to compete in the national finals where they will demonstrate their through understanding of the fundamental principles and values of our constitutional democracy.

The name of the students are: Loren Bushkar, Zachary Carwile, Joshua Chiancone, John Cluverius, Madeleine de Blois, Charles Dixon, Meredith Gaglio Matthew Gayle, Mathew George, Allen Hatzis, Emily Hulburt, Maryann James, Jason Karmes, Frankie Keller, Sarah Kiesler, Lindsey Lane, Kerin Lanyi, Theresa McCulla, Andi Monson, Daniel Myers, Benjamin Neale, George Nuckolls, Jonathan Phillips, Susannah Powell, John Sells, Kelly Stover, Alex Walthall, Milo Wical

I would also like to recognize their teacher, Phillip Sorrentino, who motivated his students to strive for excellence.

The We the People . . . The Citizen and the Constitution program is designed to ensure that young people understand the history and philosophy of the Constitution and Bill of Rights. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democractic government by challenging them to apply their constitutional knowledge to everyday situations. Studying these historically significant documents has undoubtedly given the students at the Governor's School in Richmond a greater appreciation for the freedoms enjoyed by the citizens of this great nation. I applaud their diligence in exploring the meaning and significance of the very documents which serve as the foundation of our government.

I also share in their goal of fostering a greater awareness and understanding of our rights and responsiblities as Americans. I am the proud holder of the seat first held by James Madison, commonly referred to as the Father of our Constitution. Inspired by both the honor of holding this seat, as well as the enthusiasm of young students as the Liberty Middle School in Ashland, Virginia, I introduced the Liberty Dollar Bill Act, H.R. 903. This legislation, if enacted, will redesign the one dollar bill to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Articles of Amendment. I feel certain that passage of the Liberty Dollar Bill Act will make more Americans familiar with their constitutionally protected rights while also rekindling the patriotic spirit of our Founding Fathers.

The class from The Governor's School for Government & International Studies is currently conducting research and preparing for the upcoming national competition in Washington, D.C. I wish these budding constitutional experts the best of luck at the We the people . . . national finals!

THE CONSUMER FINANCIAL PRIVACY ACT—H.R. 4380

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to enhance the financial privacy rights of all Americans. This legislation, the ''Consumer Financial Privacy Act,'' implements the privacy protections that were announced by President Clinton earlier this week. I am pleased to be joined in sponsoring this legislation by Mr. DINGELL, ranking member of the Committee on Commerce, Mr. MARKEY, Mr. FRANK, Mr. KANJORSKI, and many other of my House colleagues.

Individual privacy is one of the most important issues before the Congress and an issue of urgent concern for the American people. Clearly everyone should have the right to be left alone if they choose, or to be confident that their financial, medical and other personal information will not be disclosed, sold, or used without their consent.

We live in a world of electronic communications in which intimate details of every individual's financial and private life can be instantaneously transmitted anywhere around the world. This imposes a far greater responsibility on government to protect individual privacy more than ever before. And it is a responsibility that I believe government must fully exercise.

Last year the House enacted significant financial privacy protections as part of broader financial modernization legislation. While these privacy proposals were given little chance for passage a year earlier when I first introduced them, they were adopted by the House with an overwhelming 427-to-1 vote. These financial privacy protections were significant, going well beyond the limited protections in existing law for financial transactions, and well beyond the protections available for most other consumer transactions.

But we never intended last year's legislation to be the ultimate solution on financial privacy, it was only a first step. While it provided important notice and opt-out protections to prevent the selling or sharing of private information among unaffiliated companies, it failed to extend the same protection for information shared between a financial institution and its affiliates. While it prohibited the selling of credit card and account information for marketing, it did not provide a higher level of protection for other sensitive information such as medical or health records or information about payments and transactions. Democrats were united in attempting to add these additional protections to the legislation on the House floor and again in conference. Unfortunately, we were not successful.

The legislation outlined by President Clinton on April 30, 2000, which we are introducing today, completes the promise of that previous effort, and takes another gigantic step toward achieving an absolute right of financial privacy for all Americans. It extends the principles of notice and opt-out for all information shared between a financial institution and all affiliated companies. It provides a higher level of protection, an ''opt in'' requirement, for sensitive medical and health-related information that could affect financial decisions, as well as for individualized information describing spending habits or transactions.

The bill creates new rights for consumers to find out what information is being collected about them by their financial institution and to correct or delete inaccurate or outdated information. It requires timely disclosure of an institution's privacy policies to permit consumers to comparison shop among financial service providers that offer the best protections. And it makes these private protections fully enforceable by augmenting the enforcement authority of the Federal Trade Commission and by permitting State Attorneys General to bring legal actions on behalf of state residents to prevent violations.

Mr. Speaker, I believe this is balanced and reasonable legislation that is the product of months of careful consideration. It is legislation that the American people clearly want and deserve. I invite my colleagues on both sides of the aisle who believe that every American has a right to their personal privacy to join with me in supporting this important and much needed legislation.

TRIBUTE TO THE FREE THAI

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GOSS. Mr. Speaker, on May 8, 2000, the Director of Central Intelligence will present Agency Medallions to five members of the Free Thai Movement at the George Bush Center for Intelligence. In addition Agency Medallions will be awarded to thirty-eight Free Thai members or their survivors.

In December, 1941, following the bombing of Pearl Harbor, Tokyo turned its attention to Southeast Asia. After a token resistance, Thailand's leader, Field Marshal Phibun Songkhram, signed an alliance with Japan which sanctioned a Japanese military presence throughout the country. In January, 1942, under pressure from Japan, Bangkok sent a diplomatic note to the Thai minister in Washington, M.R. Seni Pramoj, directing him formally to declare war on the United States.

Instead, Seni pocketed Bangkok's diplomatic instructions and launched a bold plan to aid the Allies in the liberation of Thailand. Under his guiding hand, and the leadership of General William Donovan's fledgling intelligence and clandestine warfare organization (the Organization of Strategic Services—OSS) the Free Thai movement was born. Seni brought young Thai student volunteeres from universities across the United States together into a ''Free Thai'' command which was to serve under Donovan's OSS.

The Free Thai were among Thailand's best and brightest. They risked their lives in abandoning scholars' robes at Cornell, Caltech and MIT in favor of jungle fatigues and rifles. Trained by the OSS, they were dispatched into Thailand by submarine, seaplane and airdrop. Some walked overland from China to make contact with a nascent resistance and prepare the way for Thailand's liberation. The

first volunteers dispatched were captured or killed, but on October 5, 1944, the OSS Detachment in Szemao, China, received a radio message from Free Thai agents who had successfully made contact with the resistance. For the remainder of the war, intelligence flowed out of Bangkok. The Free Thai volunteers, working hand-in-hand with the OSS, provided accurate information on Japanese military deployments, rescued captured Allied soldiers, and prepared the ground for the eventual Japanese surrender. We would like to recognize and commemorate their bravery.

INTRODUCTION OF CONSUMER FINANCIAL PRIVACY ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. MARKEY. Mr. Speaker, I am pleased to join today with the gentleman from New York (Mr. LAFALCE), the gentleman from Michigan (Mr. DINGELL), the gentleman from Missouri (Mr. GEPHARDT) and others to introduce the Clinton-Gore financial privacy proposal.

The American public wants stronger privacy protections. The public wants, at minimum, the right to block a financial institution from transferring information it has gathered about them to both affiliates and third parties—an across-the-board ''opt out.'' And they want a stronger level of protection for medical information and information about personal spending habits—an ''opt-in.'' The legislation we are introducing today would provide these protections.

As Chairman of the bipartisan, bicameral Congressional Privacy Caucus, I can also say that there are many Republican members in both the House and Senate who are willing to work with Democrats to enact the type of strong financial privacy protections that are contained in the President's bill. I look forward to working with them towards that end.

But the real question is: will the House and Senate Republican leadership continue to stand with the big banks, brokerage houses, and insurance companies in opposing meaningful privacy protections, or will they allow a debate out on the floor of the House and the Senate on the President's proposal to give the people some measure of control over who gets access to the most sensitive details of their personal lives? I hope that we can have early hearings and action on this bill, so that we can close down the gaps left in last year's banking bill—as the President pledged last year.

Here's what our bill would do:

First, with respect to affiliate sharing under last year's banking bill, consumers have no right to block a financial institution from transferring nonpublic personal information about them to an affiliate. The bill we are introducing today would change that by giving consumers an ''opt out'' right for both affiliates and nonaffiliated third parties.

Second, under last year's banking bill, consumers were given the right to ''opt out'' of having a financial institution transfer their personal information to nonaffiliated third parties. However, there was a giant loophole in this provision that allowed financial institutions to transfer such information with no consumer ''opt out'' if they were transferring it to another financial institution with whom they had a joint marketing agreement. This provision was put in at the behest of small banks who argued that since the large banks were allowed to do affiliate sharing with no opt out, that they should be able to contract with insurance companies or securities firms to cross-market to the consumer with no opt out as well. Since our bill now subjects affiliate sharing to the ''opt out'' requirement, it makes sense to get rid of this loophole as well.

Third, under last year's bill, there were no protections for health care information or for especially sensitive detailed information about a consumer's spending habits. Under the President's proposal, a financial institution would have to obtain the consumers' prior consent (''opt-in'') before it could obtain, receive, evaluate or consider medical information from an affiliate or third party. An opt-in would also have to be obtained before a financial institution could transfer information about a consumer's personal spending habits (i.e., every check you've ever written and to whom, every charge on your credit or debit card and for what) or any individualized description of a consumer's interests, preferences, or other characteristics.

Fourth, last year's banking bill failed to give consumers any right whatsoever to obtain access to or to correct the nonpublic personal information that a financial institution had collected about them and was disclosing to its affiliates or to nonaffiliated parties. The President's proposal would assure that consumers would have the right to obtain such access and that a financial institution would have to correct any material inaccuracies. Institutions would be permitted to charge a reasonable fee for providing a copy of such information to the consumer.

Fifth, last year's banking bill failed to give the State Attorneys General any power to enforce compliance with the Act, in contrast to many other consumer protection statutes (i.e., the Telephone Consumer Protection Act) that provide for such concurrent enforcement. The President's proposal would make financial institutions that are subject to the jurisdiction of the Federal Trade Commission (i.e., anyone who is not a bank, an insurance company, or a securities firm; someone like a check cashing service), also subject to enforcement by the state attorneys general. In addition, last year's banking bill failed to specify whether a violation of a financial institution's privacy policies would be considered to be a violation of the Act. The President's proposal would make an action a violation of the Act, and would clarify that a violation of any requirement of the Act would be considered to be an unfair or deceptive trade practice.

Sixth, last year's bill required financial institutions to give a consumer a copy of their privacy policy at the time of the establishment of a customer relationship with the consumer. The President's proposal would require that financial institutions provide a copy of their privacy policies to any consumer upon request and as part of an application for a financial product or service from the institution. This will help consumers compare the privacy policies offered by various institutions.

While this bill does not go quite as far as the legislation I introduced last year, H.R. 3320 in adopting an across-the-board opt-in requirement, it is otherwise largely patterned after that proposal, including the provisions to close the affiliate sharing and joint marketing loopholes, provide access and correction rights, and strengthen enforcement. Moreover, I believe that the Administration's proposal to adopt and across-the-board opt-out, but then establish a higher level of protection for medical information and information about personal spending habits is an equitable compromise that gets to the most sensitive information. This is a good proposal. It deserves to become law, and I urge all of my colleagues to give it their support.

TAXPAYER BILL OF RIGHTS 2000

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. MOORE. Mr. Speaker, many Americans have lost faith in our political system. Routinely, half of those eligible to vote don't. People feel our political system is at best irrelevant, and at worst shot full of corruption. Our country is better than that and deserves congressional leadership that takes responsibility for finding solutions to this problem.

Last September the House of Representatives overwhelmingly passed Shays-Meehan, which would have drastically reformed the campaign finance system. It would have gotten rid of soft money and severely limited independent expenditures, but similar efforts died in the Senate due to the actions of a very small minority.

Though Shays-Meehan remains a necessary reform, a new type of political organization threatens the integrity of our electoral process. Known as ''527s,'' and named after the provision of the tax law under which they are created, these organizations contend they can accept unlimited funds and never disclose the names of donors, the amount of contributions, or how the money is spent. This is possible because while these groups qualify as political committees under the tax code, they are not subject to the jurisdiction of the Federal Election Commission (FEC). These organizations have caught the eye of many observers, not the least of which is the Joint Committee on Taxation, which made note in a recent report of this disturbing trend in nonprofit disclosure.

When I was running for Congress, people told he how fed up they were with ''the system.'' Though the term meant different things to different people, for most it was campaign finance laws that allow precisely this type of anonymous political activity. The consequences are a public cynicism and apathy that eat away at voter participation, and cause citizens to tune out discussions of very serious issues. It has turned a whole generation of young people away from politics as a means of government and social change.

Simply put, the current campaign finance law alienates voters. I am hoping new legislation I've written will not only begin to restore the public trust, but will also take congressional seats off the 527 auction block.

The Campaign Integrity Act of 2000 (H.R. 3688), cosponsored by 51 of my House colleagues—including my good friend, LLOYD DOGGETT—would require 527s to meet the disclosure and reporting requirements of the Federal Election Campaign Act. This proposal

would rewrite the Internal Revenue Code's section 527 definition of ''political organizations'' to require public disclosure of the name, address, and other identifying information about the group; a summary of cash on hand and disbursements; an itemized list of contributors, showing name, address, occupation, employer, and amount of contribution; other receipts; and disbursements (including independent expenditures, operating expenditures, refunds, and transfers).

Violations would have stiff consequences—nothing less than loss of the organization's tax-exempt status would be at stake.

This bill will not cure the ills of the campaign finance system, but instead represents two very important and necessary goals. First of all, this act closes the 527 loophole and re-establishes in this country the principle that campaigns will be transparent and subject to scrutiny. Secondly, this bill represents a reasonable political compromise that, in the absence of more comprehensive reform, gives Congress the opportunity to make upcoming elections more open, fair, and honest.

To those who cling to ''free speech'' as an argument against reform: This legislation would not impose limitations on contributions to 527s, and therefore will not in any way interfere with the First Amendment. It would simply require full disclosure, forcing those who wish to exercise this type of expression to show their face, just like everyone else has to do.

It is high time Congress shine light on 527s and tell special interest groups that the American people are our special interest. For the sake of our democracy, Congress needs to end the era of anonymous attack ads. Congress can—and should—rise to meet that challenge.

TRIBUTE TO MRS. LIN STORY AND THE NATIONAL CHILDREN'S PRAYER CONGRESS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TRAFICANT. Mr. Speaker, today I pay tribute to a wonderful woman, Mrs. Lin Story, and the organization she has created and fostered over the past decade, the National Children's Prayer Congress.

Last night, I had the privilege and the honor to speak to over one hundred delegates, including children of all ages, to close this year's National Prayer Congress. I was touched by all I heard and saw last night as children from all over the country came together to celebrate their fellowship and oneness under God. These children worked very hard to write their own words to live by and I am submitting several of them today for the record.

Mrs. Lin Story and her husband, Reverend Roger Story, who are dear friends of mine, deserve to be commended for the effort they put forth to make this such a special week for these children. I am also submitting a beautiful passages that Lin wrote for this event. My congratulations go out to Lin on another successful National Children's Prayer Congress.

I submit the following passages for the RECORD:

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1–3, 2000

SPEECH BY RUTH BRANAM, PRAYER SERVICE AT ST. JOHN'S CHURCH

Hi! My name is Ruth Branam and I am ten years old and in 5th Grade.

The day I found out I was going to Washington, D.C., I was filled with joy and excitement. The only thing I felt bad about was those who weren't chosen. Two of them were my sister, Sarah and my friend, Leilani. They ended up being two of the most helpful people along with the Lord in preparing me to go. I prayed a lot that our trip would be poured out with God's blessings and so far, God has been incredible to my team. He has provided the money and everything else we needed. My family has been so great to me about this. I can't say how much I'm thankful.

At first the only ones I really knew were Autumn and some of the grown-ups. Then I got to know everyone else. Through our preparation meetings, we have grown together as a team. We not only learned about God but also about history. We even went on a field trip to the Ronald Reagan Library, which I really enjoyed.

I have the privilege of being home schooled by my mother and every day, we take time to pray for our leaders. God has prepared me to be able to come here and share God's love with the leaders of our country. I hope I will accomplish the mission that He sent me for.

My favorite scripture is Psalm 96, verse 6. ''Splendor and majesty are before Him. Strength and glory are in His sanctuary.'' I can't tell you how many times God has been graceful, because I lost count in the hundreds. If I could count all of them, it would go up to millions.

One of my heroes in American history would be Dr. Martin Luther King. He stood up for Christian principles and fought for his people so there would be peace between all people. We as Christians should also try to share God's love with every non-Christian and learn to be peacemakers.

Don't give up on God because He will never give up on you. He will always love you and be with you. God bless you.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1–3, 2000

SPEECH BY JILLIAN MCCANN, CAPITOL HILL PRAYER BRIEFING

Hello, my name is Jillian McCann and I am 11 years old. It is a very big honor to be here in Washington, D.C.

I would like to tell you how I came to know the Lord. When I was eight years old, I started going to a Kid's Camp in San Diego, California with my school. One day, I was at a church service and heard the pastor talking about how wonderful our Lord is. So I decided to ask Him into my heart. I felt like a whole new person. The Lord has been with me in good times and helped me through the bad.

There are many leaders having to make all sorts of decisions ranging from war and health care of seniors. They need to know the Lord and ask for guidance throughout every day. Also, we need to pray for our leaders and government, and for their loved ones to give them 100 percent encouragement.

In preparing for Washington, D.C., I learned how many people work for different committees and agencies in the U.S. government. With all these people, it's impossible for us to know all the things we need to pray for. But we have a great hope in the Lord who knows each person by name. When we pray, He meets every need no matter how big.

There are some needs in America that we can pray for such as feeding the hungry children and the organizations that help to feed the children. There are also many homeless people throughout our nation and even right here in our nation's capital. Jesus said the greatest commandment is to love the Lord your God with all your heart, and your neighbor as yourself. We not only need to pray, but we need to love others around us.

While we are here in Washington, D.C., our greatest accomplishment would be to bring a leader's heart to God. I would like to take what I learned here and use it to impact my family, friends, and community. Thank you for allowing me to have this opportunity to share my faith and beliefs with all of you today. God bless you.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1–3, 2000

SPEECH BY STEVEN KNOTT, CAPITOL HILL PRAYER BRIEFING

Hello. My name is Steven Knott and I am eleven years old. I am happy to be here in Washington, D.C. to pray for our leaders. I feel the Lord has guided me to be here.

I am blessed to live in a Christian home and attend a Christian school. My mom told me about Jesus when I was a little child. It's an unbelievable feeling that you'll never forget. Once you accept Jesus, everything will change. He will give you guidance in your life.

Right now, our country's leaders need to know the power of prayer. They need to make the right decisions to lead the country. The power of prayer is very effective. All we need to do is use it the right way. If you were a Congressman, a Senator, or a Vice President, you would need comfort or peace to make the right decisions. That's why I feel I am here, right now, to be involved in the power of prayer.

While I am here in Washington, D.C., I hope to be a good example of my Christian faith. I also want to change our nation's leaders by praying for them. I also would like to see the Washington Monument because I have always felt George Washington was a great leader and President in this country. He has always stood out to me in the way that he acted, his leadership, and his responsibility.

I have learned in my preparation meetings for Washington, D.C. that prayer can change other people's lives. I have also learned that in other countries, some people don't live as good as the life we have. Some live on the streets, some are very poor, and some are barely surviving right now.

I feel the Lord has blessed me to be here in Washington, D.C., our nation's capital, to be here in this very important event. Keep on praying. God bless you all.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1–3, 2000

SPEECH BY AUTUMN BRIM, DIPLOMATIC BANQUET

Good evening. My name is Autumn Brim and I am twelve years old. I am very pleased to be here in Washington, D.C. to pray for the leaders of our nation in person. I am very glad to have this opportunity to, in prayer, make a difference in our nation and a difference in our leaders.

I was born into a Christian family and since I can remember, I have always known Jesus was there and that we prayed to him and read the Bible. I began to take a step forward in my walk with Christ. One night while I was in bed, I felt peace and I know it was from God. It's much better to have peace like one I felt than be caught up in what the world does. As I'm getting older, I want more and more for God to be the center of my life. He wants to be my best friend and to help me through all my struggles. This is my testimony and I hope it may encourage you in your own Christian walk and even if you find

yourself struggling, just remember God will be there to help you. He wants to help everyone, including the leaders of our nation.

It is important to pray for everyone, but it is especially important to pray for our leaders because they make the choices that affect all of us. Our prayer is that the leaders will seek God's help and guidance. Our leaders need our prayers because they have the pressure of running this nation and may not always seek God's will. We need to pray that they will see that if they humble themselves before God, they will find guidance and the answers they need. They can have the peace and happiness of knowing they can share their burden with someone who will never betray them or hurt them. God loves the leaders and we need to pray that they will love God.

Some things we need to pray for the leaders are protection, health, and family. We need to pray that God will shelter them from destruction and shield them from harm. We also need to pray for their health. The leaders need to be strong and healthy so that they might call on God and guide our nation where it needs to go. Another thing to pray for is their families. That God would keep them happy and strong and give the leaders time to be with them and that their families would support them as much as they can.

The reason we came to Washington, DC is to show that we believe that God will make a difference in our nation. I once read a scripture in James that said that if we pray, we must believe God will answer us. I encourage you to believe that God will make a change in the leader's lives and in the lives of others you pray for. Christian leaders in the past such as George Washington and Abraham Lincoln who had Christian values led our nation through some hard times successfully. As we are here in Washington, DC, I encourage you to keep praying that our leaders will answer to God, for that is why we came here; to pray and listen for God's call. Listen to God and He will lead you. Have a wonderful evening and God bless you.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1–3, 2000

SPEECH BY AMANDA STEVENS, ''AMERICA'S CHILDREN PRAY''

Hi! Good evening everybody. My name is Amanda Stevens and I am very happy to be here today. I am eleven years old and I was born on July 20, 1988. I love the Lord with all my heart and that is what I am here today to talk with you about. I found the Lord at nine years old at Gateway Christian School, but the school that I go to now has brought me closer and closer to God. I told the Lord that I knew that He was there and I wanted Him to be with me always. It's amazing the different ways that people come to find Him. I have learned that God knows every action, every thought, and every move I make. He has done so much for me and I am very grateful for that. I know in my heart that no matter where I go, He will always be with me.

I started attending Harbor Church Schools halfway through the school year, just four months ago, and within the first week of attending the school, I heard about this trip to Washington, DC. I was really excited but most everyone I talked to told me not to expect to be able to go because I was new and other kids would be chosen. But I applied anyway and as I was going through the process, a voice in my heart told me ''You're going, so get ready!'' I really believe that I have been called to this and God has something great in store.

I really hope to accomplish a lot while I'm here and that people will learn from something I've done. I would be happy if I could just minister to someone and tell them about the Lord. I would like to show people that it doesn't matter if you're just a kid when God calls you to do something. You don't have to be an adult to go out and minister and make a difference. If you simply live a life pleasing to the Lord and shine His light wherever you go, people will listen to you and their lives will be changed. We are all part of the huge world wide family of God and hopefully, if we all work together, we can make a difference. Just as a farmer plants seed, we are all planting the seeds of salvation in everyone we meet, and then someone else will come along and water the seeds until it grows into something beautiful.

Unfortunately, some of our leaders today are not Christians and so we especially need to pray for them. But even Christians need prayer. Sometimes, we fall short and feel like we can't even pray for ourselves. We need to be there for our leaders when they feel like that.

I want to thank you for listening to me tonight. Each one in our group was given the assignment of writing a speech. However, I'm not here because I have to. I'm here because I want to and God has called me. I pray that you will hear the call that He is giving to you today also and that together, He will use us to change our nation. Thank you.

NATIONAL CHILDREN'S PRAYER CONGRESS, MAY 1–3, 2000

SPEECH BY DRAKE MUNOZ, DIPLOMATIC BANQUET

Good evening ladies and gentlemen, I am Drake Munoz and I am happy to be a part of the National Children's Prayer Network. I am here to pray for the leaders of this country.

When I was five years of age, I received the Lord. His Word became my manual for life. If you have a question, God will answer that question. He has also helped me through bad times. For example, one of my pets died and I got very sad, so I went to the Lord and He helped me with my problem. As you can see, once you accept the Lord Jesus Christ, your whole life will change. You will also want to go deeper into His Word. I believe that if you receive the Lord Jesus Christ, all of your sins that you have done will be washed away by His blood. If you do not know the Lord, I would encourage you today to accept Jesus as your personal Savior.

I think we do not only need to pray for the leaders of our country, but for other countries which have problems just like ours. We need to pray that their country would stay strong, and that they would keep their eyes on God. Tonight, our prayer focus has been on the nation of India. There are many differences between our two nations, yet we are a lot alike. Our lifestyle and our food may be different, but we also have something in common. We both have houses, but not made of the same material. Most important, they want to have a normal life just like us.

Right now, I would like to give a message to our current leaders in office. Remember that God gave you a great gift to lead a country as big as the United States of America. I believe that you should treat this responsibility carefully. Also that you would listen to God's direction to lead such a big country. If you have a question, ask God. He will direct you what decision you need to make. The President has a big job which a lot of people could not handle, so all us should be praying for him. I think we should all pray for his health and that his family would be okay. Also that he listens to God to run this country because without God no one can run this country or any other country.

I would like to thank you for your time and patience. I would like to end in a word of prayer.

Dear Jesus, I would like to thank you for such a wonderful day that you have given us. I would like to ask you Lord that you would put your hand over the current leaders of this country. We all know how hard they are working to run this country. It is a tough job that people think is easy, but they do not know what they have to do everyday. I would like to ask you to put your hands over the families of these leaders, that the job they are doing is not affecting their family time. We ask that you would give them the strength to continue to work hard. I ask that you put your hand over India, that they would be a better country, that they would keep strong in faith, and they would put their eyes on You. In your Precious Son's name, Amen.

WRITE IT ON THE GATE

(By Lin Story)

The gate is a place of entry. It's the door through which provision for the household enters. It is a gathering place and at times a place where businesses transactions occur. In Bible times it was a place where counsel was given and disputes were judged. The gate is also a place of exit. What happens at the gate makes a difference to those who are inside. As you stand at the gate of the White House, remember it is just like the gate of your own heart. What you allow to enter and what you allow to exit will make a great difference in the life you will lead. The Ten Commandments were given to us as an act of God's mercy. He knew we needed to be told and reminded of the way in which we were to relate to God and to our fellow man. In his mercy, he told us the truth. The Ten Commandments are not unreasonable laws given to hold us in bondage. Jesus came as a fulfillment of God's law. That means he gave the law a clear purpose. Because of Jesus our salvation comes through faith and repentance but our quality of life is found in obedience to God's law. If we will obey His law with grateful hearts then we will rejoice in the blessing of obedience. Today at the gate of this most important house we celebrate the gift of God's law. And we thank Him for the freedom that His law brings into our lives and our nation.

TRIBUTE TO MARGARET MARTIN COLE OF HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. CRAMER. Mr. Speaker, today I pay tribute to Margaret Martin Cole of Madison County, AL. Margaret is a dear friend of mine and a friend of my entire community. Today she is being awarded the Madison County Democratic Women's Division's Lifetime Achievement Award. Today's recognition sheds light on the years of good deeds Margaret has accomplished.

She has been a vital leader in the Madison County Democratic Women since she helped form the group in 1961. She has seen it all and has led the women in several capacities. In the past 39 years, she has promoted good citizenship by encouraging Alabamians to exercise their right to vote. She has done everything from serving as a poll worker to organizing Jimmy Carter's presidential campaign for Madison County. Presently, she serves as the Chair of the John F. Kennedy Scholarship Committee.

Margaret's commitment to her community is not limited to the political arena. As founder of the Gothic Guild, she has served as their President and on their Board of Directors. She has also contributed her time and manifold talents to the Historic Huntsville Foundation, the Huntsville Press Club and Trinity United Methodist Church.

I believe this is a fitting honor for one who has given so much to the betterment of our community and our nation. I commend Margaret for her lifetime of achievement and I want to express my sincere gratitude for her bold work for the Democratic party and the patriotic ideals she believes in.

A TRIBUTE TO PETTY OFFICER SYLVESTER MICHAEL SIKON

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. MASCARA. Mr. Speaker, today I pay tribute to one of our unsung heroes, Petty Officer Sylvester Michael Sikon. On February 16, 1945, Petty Officer Sikon made the ultimate sacrifice in defense of his country during World War II—he gave his life.

On Friday, May 5, 2000, a long overdue tribute will be given to this distinguished individual—a Memorial service will be held at the Arlington National Cemetery. Petty Officer Sikon will finally take his rightful place among the other heroes of this great nation.

This day would not be possible without the dedication of one person—Mr. Leo Sikon, Sylvester's cousin. Leo's tireless determination to make sure this country does not forget his cousin's sacrifice will not go unnoticed.

Leo said that a tear would come to his eye every Memorial Day because, on that day, tribute was paid to all our fallen soldiers, except his cousin. This Memorial Day, he will again shed a tear, but his tears will be for the pride he feels for a cousin who lost his life to protect freedom.

2000 NATIONAL FINALS FOR THE WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION PROGRAM

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. OXLEY. Mr. Speaker, today I rise to honor the outstanding achievements of a group of student scholars from my hometown high school in Findlay, Ohio.

On May 6–8, 2000 more than 1200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Findlay High School will represent the state of Ohio in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national final as ''the place to have your faith in the younger generation restored.''

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

Findlay High is currently researching and preparing for the upcoming national competition in Washington, D.C. I wish these young ''constitutional experts'' the best of luck at the We the People . . . national finals. It is always my pleasure meeting with these students and their instructors. Their quest for knowledge coupled with their interest in our government is to be applauded.

HONORING THE CARRAWAY METHODIST HEALTH SYSTEMS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. ADERHOLT. Mr. Speaker, today I commend the Carraway Methodist Health Systems for their leadership and vision in providing rural health care for residents of Alabama. Today I am especially mindful of the tremendous contribution of Carraway to the high quality of life enjoyed by the citizens of Winfield, Alabama. The dedication and vision begun by Doctor Ben Carraway is continued by his son Doctor Robert Carraway and the staff of the Carraway Methodist Health Care System. By investing time and money to provide health care services to Winfield beginning in 1981, Carraway has been a pillar of stability and a witness to the importance of community. Winfield Hospital, established in 1949, became Rankin Fite Memorial Hospital in 1964. Rankin Fite became part of the Carraway system in 1981 and under their leadership has enjoyed steady progress in the range of health care services available to the citizens of Winfield. The facility was renamed Winfield Carraway Hospital in 1985, and then Carraway Northwest Medical Center in 1993, and is currently serving Winfield with the help of a multi-million dollar expansion in 1998. What began as a facility of four doctors and one surgeon is now a campus of state-of-the-art care centers, including the Northwest Regional Cancer Center, and employs over three hundred fifty persons, including nineteen doctors. I thank the Carraway family and their staff for recognizing the importance of providing the highest quality health care not just for those who live in large cities but for smaller communities as well.

IN HONOR OF PRIVATE FIRST CLASS GEORGE SANTOS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. HORN. Mr. Speaker, next week committees in Congress will continue crafting the defense authorization and appropriation bills that will fund our national security needs for another year and set policies that will determine longer-term defense priorities.

Much of the attention these bills receive will focus on weapons programs and the budgetary minutiae necessary to provide for our national defense. These issues are critically important to ensure our common defense. Our men and women in uniform need the best equipment to do their jobs.

However, we must not lose sight of the personal risks and sacrifices the men and women behind this equipment face every day. The technical advances present in today's military have done much to reduce these risks, but Americans still put their lives on the line every day around the world. These brave individuals choose to serve our country for many reasons, but all share the risk and sacrifice this service brings.

Recently, the district I represent lost a young man who made the ultimate sacrifice for all of us. Private First Class George Santos was one of 19 Marines who were killed on April 8th in an accident on a routine training mission in Arizona.

Private Santos dreamed of becoming a Long Beach police officer, but first joined the Marines because it represented both a challenge and an adventure. Santos and 18 other Marines died when their Osprey aircraft crashed near Yuma, Arizona. At age 19, George Santos gave his life in service to our country. We will remember and honor that sacrifice.

Each year is filled with memorials of battles recent and not so recent. We tend to focus on particular numbers, such as the 25th anniversary of the fall of Saigon or the 50th anniversary of our victory in the Second World War. Apart from these memorials are the private ones shared by families across this land who remember children, siblings, grandparents, or friends lost in service for every one of us. As we reflect on these heroic individuals, we must remind ourselves that freedom comes with a cost. But we can take solace in knowing that people like George Santos defend our freedom every day. All of us owe a great debt of gratitude to the brave members of our armed forces who purchase our peace of mind with their sacrifice.

LEGENDARY DRUG FIGHTING GENERAL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. GILMAN. Mr. Speaker, the Los Angeles Times in a front page story of Wednesday May 3, 2000 profiled the legendary drug fighting General, and our good friend General Rosso Jose Serrano of the Colombian National Police (CNP), America's long, courageous ally in our war on drugs.

The LA Times informative article outlines General Serrano's fight a against the drug cartels in Colombia and how he brought down both the powerful and violent Cali and Medillin drug cartels in his nation and fought successfully to rid the CNP of corruption, and develop a record of respect for human right at the same time. General Serrano is a worldwide legend in the fight against illicit drugs in Colombia, a leading drug producing nation in the world today.

Most recently through two successful Operation Millenniums with our own DEA, General Serrano has continued the struggle of bringing the drug kingpins to justice and helping stem the flow of illicit drugs into our nation. On the eradication front with 6 new high performance Black Hawk utility helicopters to help eradicate opium poppy in the high Andes of Colombia the CNP under General Serrano's courageous leadership is making great strides in eliminating the source of the heroin flooding our nation. Since the first of the year the CNP with this new capacity have eradicated more than 3000 hectares of opium, source for more than 2½ tons of heroin that could have entered our nation.

Mr. Speaker, I ask that the Los Angeles Times article be printed here in its entirety so that my colleagues and our fellow Americans could learn more about the accomplishments of a cop's cop and America's good friend and ally.

[From the Los Angeles Times, May 3, 2000]

TO COLOMBIANS, HE IS THE WAR ON DRUGS

(By Juanita Darling)

GUAYMARAL AIR BASE, Colombia—Dressed in a pale blue sport coat instead of his usual olive green uniform, Gen. Rosso Jose Serrano, Colombia's top police officer, stepped out of his helicopter a few yards from the hangar where three U.S.—donated Black Hawks were undergoing the manufacturer's final inspection.

They were the last of six helicopters promised in 1998, when the Colombian National Police became the first law enforcement agency in the world to fly the military helicopters. Serrano was here to thank the U.S. congressional aides who had delivered them.

He was especially grateful because, as the helicopters were flying here, two more Black Hawks were pledged to police as part of a $1.3-billion aid package before Congress to help fight drugs in Colombia.

For the general's congressional supporters, as for many people in the United States and Colombia, Serrano and the police are this nation's fight against drugs.

Here, polls consistently rank the gray-haired general as the nation's most popular public figure. Serrano kept U.S. anti-drug money flowing in ever greater quantities even after Colombia's previous president had his U.S. visa revoked because of suspected ties to narcotics traffickers, and even while a horrendous human rights record prevented the army from receiving aid.

At a time when U.S. officials trusted no one else in Colombia, Serrano collaborated with the Drug Enforcement Administration to break up the Cali cartel, then the world's most powerful cocaine syndicate.

But now, thanks in part to the effectiveness of the police, the nature of the drug war in Colombia is changing. The fight has spread from the cities to the countryside. The big cartels have atomized into smaller, more flexible networks that are believed to be run largely from Mexico and Miami.

The success of eradication programs in Bolivia and Peru has forced traffickers to move production of coca—the plant used to make cocaine—into the Colombian jungles. That brings the traffickers into partnerships with the brutal, heavily armed leftist rebels and right-wing counterinsurgents who have been fighting the Colombian government and each other for 36 years.

Police, even with Black Hawks, do not have the equipment or training to fight a drug war that is blurring into a guerrilla war. The proposed U.S. aid package, which emphasizes military hardware for the armed forces, reflects those changes, as well as U.S. confidence in Colombia's current president, Andres Pastrana.

Serrano and the police are no longer the only representatives of their country's fight against drugs. At age 57, the general must guide the police into a new role of cooperation with the armed forces and explain that role to his supporters on Capitol Hill, who fear that he is being discarded.

''Now we have to operate more on an international level, to share more information and teach others from our experience,'' Serrano said during an interview on his way to the airport and an anti-narcotics seminar in Argentina. In the same week, he had already met with the congressional aides, visited a remote village where guerrillas had killed 21 police officers, attended their funerals and cut the chains of a young kidnapping victim after police rescued her.

Serrano's ability to anticipate change and respond has allowed him to survive four defense ministers and two presidents during his more than five years as police director. That's impressive for a kid from the little town of Velez who admits that he joined the police at age 17 because he liked the uniform.

''Serrano is more than a great policeman,'' said Myles Frechette, former U.S. ambassador to Colombia. ''He also has a natural political instinct and he is patriotic.''

Serrano has demonstrated those qualities by walking a tightrope held on one end by his friends in the U.S. government and on the other by sometimes jealous Colombian politicians. The only safety net is his tremendous popularity.

In his 1999 autobiography, ''Checkmate,'' Serrano writes that he has no idea why former President Ernesto Samper chose him for director in 1994, skipping over half a dozen more senior officers. He was not Samper's first choice, or even his second, according to sources close to the decision-making.

However, those sources said, U.S. officials made it clear that anti-narcotics aid hinged on Serrano's heading the police. Convinced that Samper's 1994 presidential campaign had accepted $6 million from drug traffickers, the Americans dealt directly with Serrano, ignoring the president and even revoking his U.S. visa.

Their anger with Samper overshadowed what Serrano said is the police chief's greatest triumph: a two-year effort, ended in 1996, to capture leaders of the Cali cartel. Even then, the United States refused to certify Colombia as a fully cooperative partner in the war against drugs.

Nevertheless, anti-narcotics aid to Colombia—mainly for the police—kept growing, from $85.6 million in 1997 to $289 million last year. And Serrano's popularity grew with it.

When he visited an army base in Tolemaida last year with the military high command, soldiers politely stepped past the defense minister and armed forces commander to shake hands with the top cop. After lunch, the kitchen staff shyly emerged to ask Serrano to pose for a picture with them.

''It is difficult to provide him with security because people rush toward him to touch him, to take a picture of him,'' said Capt. Herman Bustamante, his chief of security and the son of his close friend Herman Bustamante.

Serrano's approval ratings come in close to 94% in most recent surveys—which paradoxically, also show that Colombians' biggest worry is safety in a country that averages eight kidnappings a day.

''Everybody loves Gen. Serrano, but nobody loves the police,'' said Maria Victoria Llorente, a crime researcher at the prestigious Los Andes University. ''It's something I cannot understand.''

Her only explanation is that Colombians do not blame Serrano for the lack of public safety because common crime cannot be separated from the violence of this country's long-standing guerrilla war and drug trafficking.

Serrano said he worries about public safety: ''I wish that there were no narcotics and that we could concentrate on crime.''

Colombians appear to accept that reasoning and to respect Serrano's reputation in a nation crippled by corruption. ''The police are riding on the coattails of his prestige,'' Llorente said. ''It is a cult of personality.''

And Serrano undeniably has a magnetic personality.

''Everyone sees him as their father,'' said Jorge Serrano, 23, the youngest of his three children. ''He looks like a teddy bear.''

He is open about his humble origins as the son of a seamstress and a meat salesman. Frechette recalled that Serrano asked him to arrange for a used firetruck to be delivered to Velez, about 100 miles north of the capital, Bogota, through a U.S. program that allows the U.S. military to transport the trucks when there is space on ships or planes.

Serrano is an avid tennis player, known for his ability to put a spin on a ball so that it drops just past the net. A well-publicized tennis game was used to hush rumors of a rift between Serrano and Pastrana last year. ''The president chooses him as his doubles partner,'' said the younger Bustamante. ''It's better to have him on your side.''

The general is never more human than at the all-too-frequent funerals for officers who have died in the line of duty. Serrano visits the murder scene, often a remote village that taken with the officers to raise their spirits. He always serves as a pallbearer.

''He takes the loss of his boys seriously,'' said a European diplomat. Because the government provides pensions only for the windows and orphans of officers who have more than 15 years of service, Serrano's wife, Hilde, runs a private charity to benefit other families.

''He never abandons a subordinate in trouble, neither those who have been attacked in battle or those who have faced accusations,'' said Gen. Luis Enrique Montengro, his second in command. ''People are confident that if they are loyal to him, he will be loyal to them.''

The most public example of that loyalty has been Serrano's staunch defense of Maj.

Oscar Pimienta, a hero of the Cali cartel capture who was accused last May of skimming U.S. aid. American officials are still trying to work out how to conduct an audit that will not compromise police security.

When Judge Diego Coley ruled that there was enough evidence to hold Pimienta for trial, he said, he was called to Serrano's office. He surreptitiously recorded the upbraiding that Serrano gave him, accusing the judge of trying to destroy a brilliant police career and besmirch Serrano's reputation.

Coley filed a complaint with the attorney general over Serrano's conduct. When newspapers published the story, radio talk show hosts immediately sprang to Serrano's defense. Callers to the shows disparaged Coley.

''Instead of hurting Serrano, this incident has increased his popularity,'' Coley said. ''People think, ''Yes, the general should put that judge in his place.'''

Coley, who was transferred a few days after the ruling, has become disillusioned. ''I met him when he was a colonel and he was friendly. Now he is arrogant—all he cares about is his image.''

Serrano does not discuss the incident, but his supporters say he has good reason to suspect attempts to undermine his reputation. In the midst of their operations against the Cali cartel, Montenegro recalled, intelligence agents discovered that drug traffickers had set up bank accounts in the Cayman Islands in the names of Serrano and Montenegro in an attempt to make it appear that the police officials had taken bribes.

Further, corruption is a sensitive issue for Serrano, who has dismissed more than 6,500 officers suspected of ineffectiveness or dishonesty. The campaign began five years ago, when half the Cali force was on the drug traffickers' payroll.

''Dishonesty makes him angry,'' Herman Bustamante said. ''He takes drastic measures when corruption is involved.''

Serrano's anti-corruption campaign has made him enemies among the dismissed officers, who Bustamante said are as much a threat to the general and his family as the criminals he has captured. As a result, the Serranos must travel with escorts at all times.

All have apartments in the same building—the general's is the penthouse—with police security in the lobby and a roadblock at the end of the street. They have lived this way for a more than a decade.

''Our life changed,'' Jorge Serrano said. ''I had few friends—only those who dared to be my friends. I had to go everywhere in an armored car. With five bodyguards around all the time, a person feels inhibited.''

Even so, they do not feel safe. Jorge Serrano and his family recently joined his brother and sister in exile.

''We understood that we had to make sacrifices,'' said the younger Serrano during an interview on his last day in Colombia. ''All that he had done for the country is reflected in us. He is a dedicated person who believes that the more he sacrifices, the harder he works, the better things will turn out.''

THE DANGERS IN THE CAUCASUS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. McCOLLUM. Mr. Speaker, rarely has the situation in a strategically crucial area been so tenuous and fraught with dangers as the situation in the Caucasus presently is. These dynamics are of immense importance for the United States because the Caucasus is the gateway to ''the Persian Gulf of the 21st Century''—the energy resources of the Caspian Sea Basin and Central Asia. As well, the Caucasus constitutes the natural barrier between Asia Minor and Russia—an area increasingly contested by a close ally, Turkey, and a global power, Russia. Both Turkey and Russia are reclaiming traditional spheres of influence and, in the process, reviving their historic conflict.

At the core of the brewing crisis in the Caucasus are two increasingly conflicting dynamics that are on a collision course. On the one hand, there is an intensified effort, spearheaded by the Clinton Administration, to find a negotiated political solution to the Nagorno-Karabakh issue in order to clear the way to an oil pipeline across the Caucasus. While no negotiated solution is in sight, the U.S. involvement has already created expectations for panaceas and economic boom among all local powers. Now that these expectations are not materializing, there is a rebounding spread of radicalism and militancy—from Armenia (where political violence is on the increase) to Azerbaijan and Georgia, where military activities reinforce the hardening of political positions. On the other hand, there looms an escalation in and beyond Chechnya. Spearheaded by Islamist forces, including terrorists from several Middle Eastern countries, Pakistan and Afghanistan, the new cycle of fighting is expected to spread into the entire region for geo-strategic reasons. The surge of Islamist terrorism is likely to serve as a catalyst for the eruption of the tension and acrimony building throughout the entire Caucasus.

Having just returned from a trip to Russia, including Chechnya, German BND Chief August Hanning reported to the Bundestag that the situation in the Caucasus has ''escalated dangerously''. Once the weather improves in the early Summer, the fighting in Chechnya will not only escalate, but also spread to the fringes of the Russian Federation and to the rest of the Caucasus. Hanning is most alarmed by these prospects because the Islamist forces in Chechnya are supported and guided by ''the Afghan Taliban and globally operating terrorist bin Laden as well as by groups of Islamist mercenaries.'' Through these channels, Hanning found out, the Chechen forces have been provided with large quantities of modern weapons including ''Stinger-type'' anti-aircraft missiles. Hanning warned the Bundestag of the dire strategic and economic ramifications for the West if the Chechnya war spread to Georgia, Dagestan, Ingushetia, and the rest of the Caucasus.

Russian experts also warn that the Mujahedin and other Islamist forces in Chechnya are preparing for a major escalation and expansion in the fighting. Oleg Odnokolenko of the Moscow newspaper Segodnya is right in calling the forthcoming escalation ''the start of a fundamentally new war—a fullscale third Chechen war.'' As was the case with the previous Chechen wars, the Islamist leadership and the local senior commanders—particularly Shamil Basayev and Khattab—consider terrorist strikes at the heart of Russia and, should the need arise, also the West their winning weapon. Their most recent preparations suggest an intent to this time go way beyond another round of Moscow bombing.

However, the declared major objective of the Chechen Islamists is the incitement of a regional flare-up. Ali Ulukhayev, Chechnya's ambassador to Baku, recently stressed the regional context of the unfolding was against Russia. Ulukhayev stated that ''Chechens will not be satisfied with the liberation of their own territory.'' Only a regional solution is a viable solution for the Chechen Islamist leadership. Ulukhayev explained that ''the freedom of Chechens is impossible until all the Caucasian people are liberated. We will drive the occupation army up to the Don. We should liberate the territory from the Don to the Volga, from sea to sea [from the Black Sea to the Caspian Sea] and up to Iran and Turkey from Russia and set up a confederative Caucasian state. If we are liberated from the empire, the Abakhazian, Ossetian and Nagornyy-Nagornyy-Karabakh conflicts will be resolved by themselves peacefully.'' Ulukhayev highlighted the urgent imperative to resolve the latter conflict because ''Nagornyy-Karabakh always was an inalienable part of Azerbaijan.'' According to Ulukhayev, the Chechen Islamist leadership and its allies have already earned the right to determine the fate of all other nations and peoples in the Caucasus. ''Today, Chechens carry the burden of the Caucaus Russian war on their shoulders,'' he noted. However, the war must be expanded to other fronts as well in order to be able to defeat Russia. ''If the Caucasian peoples divide this burden equally, then it will be easy to deal with Moscow. The matter is that if, God forbid, Chechens are defeated, Georgia and Azerbaijan will be the Kremlin's next target,'' Ulukhayev explained. ''The Caucasian peoples have no possibility of resolving their problems independently,'' and therefore must unite behind the Chechen Islamist leaders in order to take on Russia.

Among these crisis points, Nagorno-Karabakh is uniquely volatile because of internal pressures in Baku. The growing militancy in Azerbaijan not only closely fit Ulukhayev's message and logic, but is also driven by indigenous strategic and economic interests. To be economically viable, the anticipated oil and gas pipelines will have to cross areas currently held by he Nagorno-Karabakh Armenians. Since late March, there have been strong indications that Baku is contemplating the resumption of hostilities against both Armenia and Nagorno-Karabakh. For example, the military elite of Azerbaijan (both on active service and recenlty retired) led by General Zaur Rzayev, and former Defense Minister Tacaddin Mehdiyev just met and briefed President Haidar Aliyev about the urgent imperative to resolve Nagorno-Karabakh issue by force. The delegation argued that everyday that passes increases the world's acceptance of the ''Nagorno-Karabakh entity'', thus reducing the likelihood that Azerbaijan will be able to recover this important region. The delegation stated that ''the military are confident that it is possible to resolve the conflict and liberate the land only in a military way.'' Indeed, since late March, there has been a worrisome escalation in the military clashes along the Azeri-Karabakh cease-fire line. These clashes should be considered probing of the Armenian defense lines and readiness by the Azerbaijani Armed Forces.

This threat is most dangerous because interested third parties can flare-up the southern Caucasus on their own. Given the growing

tension, militancy and hostility, and localized eruption is bound to escalate into a wider conflagration. For example, an anti-Armenian clash instigated by any one of the numerous Chechen and foreign Mujahedin detachments currently in Azerbaijan can serve as a spark for this regional eruption. The Azerbaijani forces will be drawn into the conflagration once the Karabakhi forces attempt retaliation or active defense. The Armed Forces of Armenia and the Russian forces deployed in Armenia, will intervene to prevent the collapse of Nagorno-Karabakh. Ultimately, and herein the danger lies, such a war will serve the interests of the Chechen leadership because this war will divert Russian resources from Chechnya and Georgia, where the local Russian forces attempt to block the Chechens' supply lines, to saving the Armenians. Consequently, the Chechen forces will be able to resume their offensive operations against smaller and weaker Russian forces.

Many experts share the apprehension about the Chechen war spreading to the Armenia-Azerbaijan region. In her recent ''Open Letter to the Armenian People,'' Baroness Cox, the Deputy Speaker of the House of Lords, elucidated the mounting threat to Armenia. ''A decade after regaining its independence, Armenia might be in such great danger that its independence and very existence may be threatened. The hope created by negotiations with Azerbaijan currently being pursued by the Armenian government is deceptive. The Islamist forces in the Caucasus are determined decisively to 'resolve' the 'problems' of Armenia and Karabakh by force. Nobody, least of all Azerbaijan and Turkey, will stand in their way.'' Baroness Cox rightly stressed that the situation in the Caucasus is far from having been already decided. ''My aim is not to sow despair,'' she wrote. ''On the contrary, I firmly believe that an independent Armenia and Artsakh are destined to flourish and to emerge as bulwarks of stability and prosperity in the Caucasus. However, this destiny will not be achieved, and the worst will happen, if the current political dynamics are allowed to continue.'' I share both the apprehension and hope expressed by Baroness Cox.

Indeed, the main challenge facing us is to prevent this scenario from materializing. Widespread hostilities have not yet begun. However, with intentions and preferences clearly declared, all sides are now posturing—trying to read the situation in order to make their fateful decisions about escalating and expanding the fighting. Therefore, it is high time to take preventive steps in order to contain and stifle the brewing crisis. The American policy toward Nagorno-Karabakh, because of the important Armenian community in the US, is looked upon by all the regional powers as a test case and a measure of the West's resolve to save what is both a cradle of Judeo-Christian civilization and a contemporary strategic asset in a crucial though most volatile region.

Ultimately, the fate of the Caucasus will be determined by the resistance, defiance, resolve and bravery of the local people. The proud ancient peoples who have retained their heritage and religion through centuries of Islamic onslaught and pressure will not surrender now. The Armenians' defense of their homes and heritage against overwhelming odds—as they have done for centuries—is indeed a cornerstone of the retention of Western presence and interests in the Caucasus. However, the Armenians may succumb to an Islamist onslaught. Such a development will be detrimental to the US national interest in the Caucasus.

Therefore, the United States should live up to the challenge and make a concentrated effort to prevent the war in Chechnya from spreading and escalating to the point of endangering the regional stability, let alone the very existence of the Armenians. Our own vital interests are served by these undertakings. Hence, striving to retain access to the energy resources of the Caspian Sea Basin and Central Asia—the Persian Gulf of the 21st Century—the United States must both buttress the Armenians' ability to withstand the building pressure, prevail in the trials ahead, and ultimately project stability into this strategically and economically crucial region; as well as support the Russian endeavor to contain the Islamist upsurge in the Caucasus before terrorism gets out of control.

TAIWANESE AMERICAN HERITAGE WEEK 2000

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. SCHAFFER. Mr. Speaker, this month I join people throughout Colorado and across the nation in celebrating Pacific American Heritage Month. The Pacific American community represents an important foundation of America's future and I commend their proud celebration of heritage and community.

Taiwanese American Heritage Week—held from May 7 to May 14—celebrates the unique and diverse contributions of the more than 500,000 Taiwanese Americans in the United States. This portion of the population has made countless significant achievements in this country and their accomplishments can be found in every facet of American life. For instance, Taiwanese Americans have succeeded as successful and notable artists, Nobel Laureate scientists, researchers, human rights activists, and business leaders.

In addition to recognizing these contributions, this is an excellent opportunity to celebrate the success of democracy on the island of Taiwan. Sine 1987, the Taiwanese people have possessed the rights to select their own leaders, practice the religion of their choice, and express their thoughts openly and freely. Taiwan is a vibrant and democratic participant in the family of nations. The election last March of opposition leader Mr. Chen Shui-bian as the new president, and my friend Ms. Annette Lu as the new vice-president of Taiwan, should be considered the crowning achievement of this drive by the people of Taiwan toward full-fledged democracy and freedom.

While Taiwan has established a model democracy, there remain political challenges. Gaining worldwide recognition of the legitimacy of Taiwan's government is paramount. With all that Taiwanese and Taiwanese-Americans have accomplished, there can be no complete satisfaction until Taiwan's status and global contributions are respected and appreciated.

Mr. Speaker, Taiwanese American Heritage Week recognizes the long-standing friendship between the United States and Taiwan. I commend the great accomplishments and contributions of the Taiwanese American community.

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. YOUNG of Alaska. Mr. Speaker, on May 6–8, 2000, more than 1,200 students from across the United States will be in Washington, DC, to compete in this national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from West Anchorage High School from Anchorage will represent the state of Alaska in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are Brandi Backus, Jennifer Chen, Kaithyn Clark, Karen Elano, Meghan Holtan, Marlssa Johannes, Alyson Merrill, Colin Moran, Stephanie Painter, Brandon Reiley, Neeraj Satyal, Isaac Schapira, Nathan Senner, Stephanie Shanklin, Eric Sjoden, David Street, Ryan Tans, Carisa Verdola, Robby Wayerski

I would also like to recognize their teacher, Richard Goldstein, who deserves much of the credit for the success of the class.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national finals as ''the place to have your faith in the younger generation restored.''

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles a of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with the students and teachers and by participating in other educational activities.

The class from West Anchorage High School is currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish these young ''constitutional experts'' the best of luck at the We the People . . . national finals and my staff

and I look forward to greeting them when they visit Capitol Hill.

KERMIT EDNEY: BROADCASTER AND CIVIC LEADER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, today I mourn the passing of a good friend and a great citizen of western North Carolina. Kermit Edney of Hendersonville, NC, passed away on Sunday, April 30, at the age of 75.

Kermit was a marvelous broadcaster. His morning program on WHKP, ''The Old Good Morning Man,'' in Hendersonville was a perennial favorite. Four generations of Henderson County residents dressed, ate their breakfast, and drove to work listening to him. He began his career in radio broadcasting with WHKP in 1946 and through hard work he eventually purchased the station. Kermit also built and operated WWIT Radio in Canton and WKIT in Greenville, SC. He served on the board of the North Carolina Association of Broadcasters and the board of the Protestant Radio and Television Commission based in Atlanta. Kermit's diligence and dedication to broadcasting was recognized in 1996 as he was named to North Carolina Broadcasters Hall of Fame.

Broadcasting was Kermit's career, but his passion was community service. The list of community and nonprofit organizations that he served is almost endless. He served as chairman of the Western North Carolina Planning Commission and the Upper French Broad Economic Development Commission as well as the board of the Governor's Western Residence in Asheville. Kermit also was a member of the board of the YMCA and the president of the board of the Pardee Hospital for 12 years. As the president of the Hendersonville Chamber of Commerce and Merchants Association, he was instrumental in leading the effort to revitalize downtown Hendersonville. North Carolina Governor Jim Martin had the wisdom to appoint Kermit to serve on the North Carolina Board of Transportation.

Kermit's devotion to charity in Hendersonville is an example for all; he founded the local chapter of the United Way and the Community Foundation. His dedication to excellence in education is unparalleled. He served on the boards of Brevard College and UNCA and pushed for UNCA to be included in the North Carolina System.

I know that my colleagues in the House will join me in remembering this great man and the dedication that he had in making Hendersonville and western North Carolina a much better place.

RECOGNIZING LEO J. KIMMEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. TOWNS. Mr. Speaker, today I congratulate Leo J. Kimmel on the occasion of his being the honoree at the 22nd Anniversary Dinner of the Young Israel of Avenue J, in Brooklyn, New York.

Mr. Kimmel has been a distinguished member of our community for many years, and has served us in a variety of capacities. Mr. Kimmel is the founder of the Court Street Synagogue which has provided an opportunity for the Jewish community in downtown Brooklyn a place to both pray and fulfill their religious duties with a convenience never before possible. This synagogue has provided unity for downtown Jewish professionals, from which Mr. Kimmel has proven time and time again his ability as an unparalleled civic leader for this community.

Mr. Kimmel is a practicing attorney in downtown Brooklyn, who has dedicated his pro bono legal expertise for such worthy organizations as the Council of Jewish Organizations and the American Arbitration Committee. Mr. Kimmel has contributed endless hours of community service through his membership on the boards of both the United Lubavich Yeshivah, and the Young Israel of Avenue J. Mr. Kimmel is also an active member of Community Board 14.

I wish to recognize the lifelong efforts of Mr. Leo J. Kimmel, and wish him continued success in his future endeavors.

INTRODUCTION OF THE MEDIKIDS HEALTH INSURANCE ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. STARK. Mr. Speaker, I join today with my colleagues Representatives CHARLIE RANGEL, GEORGE MILLER, JIM MCDERMOTT, STEPHANIE TUBBS JONES, BARNEY FRANK, JOHN CONYERS, and CARRIE MEEK to introduce the MediKids Health Insurance Act of 2000. Senator ROCKEFELLER is introducing a companion bill in the Senate. Our legislation has been endorsed by the American Academy of Pediatrics; the National Association of Community Health Centers; and NETWORK: a Catholic Social Justice Lobby.

Children are the least expensive segment of our population to insure, they are the least able to have any control over whether or not they have health insurance, and maintaining their health is integral to their educational success and their futures in our society. Even though we all recognize those facts, we still have over 11 million uninsured children in this country.

Despite our success in reaching out to low-income children through Medicaid expansions and the passage of the State Children's Health Insurance Program, a study released last week showed that the percent of children in low-income families without health insurance has not changed in recent years. The most recent available census figures confirm that the number of children without health insurance continues to creep slightly upward.

In addition, increasing health insurance costs are causing many small businesses to drop coverage altogether or are increasing the employee contribution to the point of being unaffordable for many working parents.

Our society continues to become increasingly mobile, with parents frequently changing jobs and moving between states. Families working their way out of welfare fluctuate between eligibility and ineligibility for means-tested assistance programs. Even with perfect enrollment in S–CHIP and Medicaid, our children are not going to have the consistent and regular access to health care which they need to grow up healthy.

That is why we are introducing the MediKids Health Insurance Act of 2000. This bill would automatically enroll every child at birth into a new, comprehensive federal safety net health insurance program beginning in 2002. The benefits would be tailored to the needs of children and would be similar to those currently available to children under Medicaid. A small monthly premium would be collected from parents at tax filing, with discounts to low-income families phasing out at 300 percent of poverty. The children would remain enrolled in MediKids throughout childhood. When they are covered by another health insurance program, their parents would be exempt from the premium. The key to our program is that whenever other sources of health insurance fail, MediKids would stand ready to cover the health needs of our next generation. By the year 2000, every child in America would be able to grow up with consistent, continuous health insurance coverage.

Like Medicare, MediKids would be independently financed, would cover benefits tailored to the needs of its target population, and would have the goal of achieving nearly 100 percent health insurance coverage for the children of this country—just as Medicare has done for our nation's seniors and disabled population. It's time we make this investment in the future of America by guaranteeing to all children the health coverage they need to make a healthy start in life.

The MediKids Health Insurance Act would offer guaranteed, automatic health coverage for every child with the simplest of enrollment procedures and no challenging outreach, paperwork, or re-determination hoops to jump through. It would be able to follow children across state lines, or tide them over in a new location until their parents can enroll them in a new insurance program. Between jobs or during family crises such as divorce or the death of a parent, it would offer extra security and ensure continuous health coverage to the nation's children. During that critical period when a family is just climbing out of poverty and out of the eligibility range for means-tested assistance programs, it would provide an extra boost with health insurance for the children until the parents can move into jobs that provide reliable health insurance coverage. And every child would automatically be enrolled upon birth, along with the issuance of the birth certificate or immigration card.

As we all know, an ounce of prevention is worth a pound of cure. Providing health care coverage to children impacts much more than their health—it impacts their ability to learn, their ability to thrive, and their ability to become productive members of society. I look forward to working with my colleagues and supporting organizations for the passage of the MediKids Health Insurance Act of 2000 to guarantee every child in America the health coverage they need to grow up healthy.

A summary of the legislation follows.

DETAILS OF THE MEDIKIDS HEALTH INSURANCE ACT OF 2000

ENROLLMENT

Automatic enrollment into MediKids at birth for every child born after 12/31/2001.

At the time of enrollment, materials describing the coverage and a MediKids health insurance card be issued to the parent(s) or legal guardian(s).

Once enrolled, children will remain enrolled in MediKids until they reach the age of 23.

During periods of equivalent coverage by other sources, whether private insurance, or government programs such as medicaid of S–CHIP, there will be no premium charged for MediKids.

During any lapse in other insurance coverage, MediKids will automatically cover the children's health insurance needs (and premium will be owed for those months).

BENEFITS

Based on Medicare and the Medicaid Early and Periodic Screening, Diagnosis and Treatment (EPSDT) benefits for children.

Prescription drug benefit.

The Secretary of HHS shall further develop age-appropriate benefits as needed as the program matures, and as funding support allows.

The Secretary shall include provisions for annual reviews and updates to the benefits, with input from the pediatric community.

PREMIUMS

Parents will be responsible for a small premium, one-fourth of the annual average cost per child, to be collected at income tax filing.

Parents will be exempt from the premium if their children are covered by comparable alternate health insurance. That coverage can be either private insurance or enrollment in other federal programs.

Families up to 150% of poverty will owe no premium. Families between 150% and 300% of poverty will receive a graduated discount in the premium. Each family's obligation will be capped at 5% of total income.

COST—SHARING (CO–PAYS, DEDUCTIBLES)

No cost-sharing for preventive and well child care.

No obligations up to 150% of poverty.

From 150% to 300% of poverty, a graduated refundable credit for cost-sharing expenses.

FINANCING

During the first few years, costs can be fully covered by tobacco settlement monies, budget surplus, or other funds as agreed upon.

During this time, the Secretary of Treasury has time to develop a package of progressive, gradual tax changes to fund the program, as the number of enrollees grows in the out-years.

MISCELLANEOUS

To the extent that the states save money from the enrollment of children into MediKids, they will be required to maintain those funding levels in other programs and services directed at the Medicaid population, which can include expanding eligibility for such services.

At the issuance of legal immigration papers for a child born after 12/31/01, that child will be automatically enrolled in the MediKids health insurance program.

CONGRATULATING THE UNIVERSITY OF ILLINOIS AND THE CENTURY COUNCIL FOR THEIR WORK ON ALCOHOL 101

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. EWING. Mr. Speaker, today I congratulate the Century Council for their dedication to the fight against drunk driving and underage drinking. The Century Council, in conjunction with the University of Illinois at Champaign-Urbana, created Alcohol 101, an interactive CD-ROM program, which debuted on more than 1000 college campuses during the 1998–1999 school year.

This virtual reality program is geared towards college age students and hopes to prevent and reduce the harm caused by abusive drinking habits. Students at the University of Illinois at Champaign-Urbana, under the guidance of Professor Janet Reis, assisted in the development of this program by participating in focus groups and extensive surveys.

Thanks to the input of these students, thousands of college students across the country will be able to witness the negative consequences of abusive drinking. As a result, the students will be better prepared when confronting these situations in their daily lives.

Alcohol 101 has received high recognition from many health, education and communications competitions. Most recently, the program received the prestigious FREDDIE award in the area of Health and Medical Film Competition.

Mr. Speaker, this program is a great asset to universities across the country and I offer my sincerest congratulations to the Century Council and the University of Illinois.

HONORING BERNARD HARRIS, JR., M.D., M.B.A.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2000

Mr. BENTSEN. Mr. Speaker, today I honor Dr. Bernard Harris, Jr., who on May 5, 2000 will receive the 2000 Horatio Alger Award.

Throughout his life Dr. Harris has shown that the simple principles of hard work, integrity, and perseverance can transform a young person's dreams into reality. When he was a child growing up on the Navajo nation reservation near Temple, Texas, Dr. Harris dreamed of becoming an astronaut. As Dr. Harris himself once said, ''Dreams are simply the reality of the future.''

That can-do spirit propelled Dr. Harris to become the first African-American to walk in space when *Discovery* hooked up with Russia's space station Mir. During the mission in 1995, as a NASA Payload Commander, he used his expertise to evaluate spacesuit improvements and space station assembly techniques.

In the years following his historic spacewalks, Dr. Harris has made it a point to encourage and inspire young people to reach for the stars. The foundation for his success, Dr. Harris always maintains, is education. I have had the opportunity to visit a school in my District with Dr. Harris as he explained flying the Shuttle, walking in space, and his determination to succeed. He is truly an inspiration to us all, but particularly to the children he addresses.

Dr. Harris worked hard in high school, then attended the University of Houston, earning his tuition by working as a research assistant. With a degree in biology, Harris went on to earn a doctorate in medicine from Texas Tech University's School of Medicine. He completed his residency in internal medicine at the Mayo Clinic and then a fellowship at the NASA Ames Research Center. He joined NASA as a clinical scientist and flight surgeon.

Dr. Harris was accepted to train as an astronaut for the space program. His first space mission was in 1993 aboard space shuttle *Columbia*. On that flight Dr. Harris carried into space the first Navajo item, a flag blessed by a Navajo medicine man. Dr. Harris left the space program in 1996, and continued his passion for higher learning and achievement. He earned two master's degrees in biomedical science and business administration, and now is vice president for Science and Health Services, SPACEHAB Inc. of Houston.

A true role model, Dr. Harris continues to take part in activities in Houston that positively impact children's lives. He has spoken to several school groups through Urban League and Black History Month activities. His message of inspiration is that ''you can do and be anything.'' Dr. Harris is certainly living proof of that.

Mr. Speaker, it is a fitting that Dr. Harris has been chosen as a Horatio Alger Award winner. As an excellent role model for young people, he embodies the criteria of a modern-day hero who has shown that the American Dream is alive and achievable for those willing to work for it.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3453–S3568

Measures Introduced: Thirteen bills and three resolutions were introduced, as follows: S. 2503–2515, S. Res. 303, and S. Con. Res. 108–109. **Pages S3513–14**

Measures Reported: Reports were made as follows:

S. 2507, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. (S. Rept. No. 106–279) **Page S3513**

Measures Passed:

Daniel Patrick Moynihan U.S. Courthouse: Senate passed S. 2370, to designate the Federal building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse''. **Pages S3555–57**

E. Ross Adair Federal Building/U.S. Courthouse: Senate passed H.R. 2412, to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the ''E. Ross Adair Federal Building and United States Courthouse'', clearing the measure for the President. **Page S3557**

National Correctional Officers and Employees Week: Committee on the Judiciary was discharged from further consideration of S. Res. 248, to designate the week of May 7, 2000, as ''National Correctional Officers and Employees Week'', and the resolution was then agreed to. **Page S3557**

Honoring Members of the Armed Forces/Federal Civilian Employees: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 103, honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests, and the resolution was then agreed to. **Page S3557**

National Charter Schools Week: Senate agreed to S. Con. Res. 108, designating the week beginning on April 30, 2000 and ending on May 6, 2000, as ''National Charter Schools Week''. **Pages S3557–58**

Persecution of Iran's Jewish Community: Senate agreed to S. Con. Res. 109, expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community. **Pages S3558–59**

Manufactured Housing Improvement Act: Senate passed S. 1452, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S3559–67**

Gorton (for Gramm/Sarbanes) Amendment No. 3124, to make certain revisions to the bill. **Page S3563**

Elementary and Secondary Reauthorization: Senate continued consideration of S. 2, to extend programs and activities under the Elementary and Secondary Education Act of 1965, taking action on the following amendments proposed thereto: **Pages S3453–96**

Adopted:

By 54 yeas to 42 nays (Vote No. 92), Abraham Amendment No. 3117, to reform certain State requirements relating to the use of funds to improve student academic achievement and student performance and to coordinate professional development activities. **Pages S3453–81, S3495**

Rejected:

By 43 yeas to 54 nays (Vote No. 91), Kennedy/Murray Amendment No. 3118 (to Amendment No. 3117), to provide for merit school programs for rewarding all teachers in schools that improve student achievement for all students. **Pages S3460–81, S3495**

By 44 yeas to 53 nays (Vote No. 93), Murray Amendment No. 3122, to provide for class size reduction programs. **Pages S3481–95**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, on Monday, May 8, 2000. Page S3496

Messages From the House: Pages S3509–10

Measures Referred: Page S3510

Communications: Pages S3510–13

Petitions: Page S3513

Statements on Introduced Bills: Pages S3514–43

Additional Cosponsors: Pages S3543–45

Amendments Submitted: Pages S3547–52

Notices of Hearings: Pages S3552–53

Authority for Committees: Page S3553

Additional Statements: Pages S3507–09

Enrolled Bills Presented: Page S3510

Record Votes: Three record votes were taken today. (Total—93) Page S3495

Adjournment: Senate convened at 9:45 a.m., and adjourned at 6:43 p.m., until 1 p.m., on Monday, May 8, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3567.)

Committee Meetings

(Committees not listed did not meet)

CARBON CYCLE RESEARCH AND CLIMATE CHANGE

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Production and Price Competitiveness concluded hearings to examine carbon cycle research and agriculture's role in mitigating greenhouse gases and reducing climate changes, after receiving testimony from David J. Hofmann, Director, Climate Monitoring and Diagnostics Laboratory, National Oceanic and Atmospheric Administration, Department of Commerce; Keith Collins, Chief Economist, and John M. Kimble, Research Soil Scientist, Natural Resources Conservation Service, both of the Department of Agriculture; Richard E. Stuckey, Council for Agricultural Science and Technology, Ames, Iowa; Charles W. Rice, Kansas State University Department of Agronomy, Lincoln, Nebraska, on behalf of the Soil Science Society of America and American Society of Agronomy; William Richards, Circleville, Ohio, former Chief of the Soil Conservation Service; and John C. Haas, Larned, Kansas, on behalf of the Kansas and the National Grain Sorghum Producers Association and Council for Agricultural Research, Extension and Teaching.

APPROPRIATIONS—SUBCOMMITTEE ALLOCATIONS

Committee on Appropriations: Committee completed its review of subcommittee allocations of budget outlays and new budget authority allocated to the committee in H. Con. Res. 290, establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

BUSINESS MEETING

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies approved for full committee consideration an original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2001.

APPROPRIATIONS—NATIONAL SCIENCE FOUNDATION

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on proposed budget estimates for fiscal year 2001, after receiving testimony in behalf of funds for their respective activities from Eamon M. Kelly, Chairman, and Rita Colwell, Director, both of the National Science Foundation; and Neil Lane, Director, Office of Science and Technology Policy.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee met in closed session to continue markup of proposed legislation authorizing funds for fiscal year 2001 for military activities of the Department of Defense, but did not complete action thereon, and will meet again on Tuesday, May 9.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded hearing on the nominations of J. Randolph Babbitt, of Virginia, Robert W. Baker, of Texas, Edward M. Bolen, of Maryland, Phil Boyer, of Maryland, Debbie D. Branson, of Texas, Geoffrey T. Crowley, of Wisconsin, Robert A. Davis, of Washington, and Kendall W. Wilson, of the District of Columbia, each to be a Member of the Federal Aviation Management Advisory Council, Department of Transportation, after the nominees testified and answered questions in their own behalf. Mr. Baker was introduced by Senator Hutchison, and Ms. Branson was introduced by Senators Hutchison and Hollings.

FOREST SERVICE STEWARDSHIP CONTRACTING PROGRAM

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded oversight hearings on the United States Forest Service's use of current and proposed stewardship contracting procedures, including authorities under section 347 of the FY 1999 Omnibus Appropriations Act, and whether these procedures assist or could be improved to assist forest management activities to meet goals of ecosystem management, restoration, and employment opportunities on public lands, after receiving testimony from Ann Bartuska, Director of Forest Management, Forest Service, Department of Agriculture; Jim Hubbard, Colorado State Forest Service, Fort Collins, on behalf of the National Association of State Foresters; Lynn Jungwirth, Watershed Research and Training Center, Hayfork, California; Carol Daly, Flathead Economic Policy Center, Columbia Falls, Montana, on behalf of the Flathead Forestry Project; Richard Willhite, Shearer Lumber Products, Elk City, Idaho; Diane Snyder, Wallowa Resources, Enterprise, Oregon; George Ramirez, Las Humanas Cooperative, Tajique, New Mexico; Charles Spencer, University of Oregon Labor Education and Research Center, Eugene, on behalf of the Ecosystem Workforce Program; Phil Dahl-Bredine, Cooperative Ownership Development Corporation, Silver City, New Mexico, on behalf of the Tierra Alta Wood Products Industry and Jobs and Biodiversity Coalition; Paul M. Harlan, Collins Companies, Lakeview, Oregon; and Gerald J. Gray, American Forests, Steve Holmer, American Lands Alliance, and Michael T. Leahy, National Audubon Society, all of Washington, D.C.

MEDICARE REFORM

Committee on Finance: Committee held hearings to examine the Health Care Financing Administration's role and readiness in Medicare reform, receiving testimony from Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration, Department of Health and Human Services; William E. Flynn, III, Associate Director for Retirement and Insurance, Office of Personnel Management; William J. Scanlon, Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; Rogelio Garcia, Specialist in American National Government, Government and Finance Division, Congressional Research Service, Library of Congress; Gail R. Wilensky, Project HOPE, Bethesda, Maryland; and Judith Feder, Georgetown University Public Policy Institute, Washington, D.C.

Hearings recessed subject to call.

U.S. LIBYA POLICY

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine U.S. foreign policy toward Libya, focusing on economic issues, politics, foreign relations, the Great Man-Made River project, and the indictments following Pan Am 103 and UTA 772 terrorist explosion, after receiving testimony from Ronald Neumann, Deputy Assistant Secretary of State for Near Eastern Affairs; John R. Bolton, American Enterprise Institute, Washington, D.C.; and Stephanie Bernstein, Justice for Pan Am 103, Bethesda, Maryland.

NATIONAL PARTNERSHIP FOR REINVENTING GOVERNMENT

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings to examine the management reform efforts of the National Partnership for Reinventing Government for the last seven years, including changes to government management and programs that were proposed and implemented, and S. 2306, to increase the efficiency and effectiveness of the Federal Government, after receiving testimony from J. Christopher Mihm, Associate Director, Federal Management and Workforce Issues, General Government Division, General Accounting Office; Ronald C. Moe, Project Coordinator, Government and Finance Division, Congressional Research Service, Library of Congress; Paul C. Light, Brookings Institution, and Scott A. Hodge, Citizens for a Sound Economy Foundation, both of Washington, D.C.; and Donald F. Kettl, University of Wisconsin LaFollette Institute of Public Affairs, Madison, on behalf of the Brookings Institution.

AGRICULTURAL JOBS, OPPORTUNITIES, AND BENEFITS

Committee on the Judiciary: Subcommittee on Immigration concluded hearings on S. 1814, to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, after receiving testimony from Senators Graham, Craig, and Gordon Smith; Representative Berman and Bishop; Josh Wunsch, Wunsch Farms, Traverse City, Michigan, on behalf of the Michigan Farm Bureau and the American Farm Bureau; Polo Garcia, House of Zion Ministries, Inc., Woodburn, Oregon; Cecilia Munoz, National Council of La Raza, and James S. Holt, McGuiness, Norris and Williams and the Employment Policy Foundation, on behalf of the

National Council of Agricultural Employers, both of Washington, D.C.; and Marcos Camacho, United Farm Workers of America, AFL–CIO, Keene, California.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 4376–4390; and 9 resolutions, H. Con. Res. 317–319 and H. Res. 490–495, were introduced. **Pages H2605–06**

Reports Filed: Reports were filed today as follows:

Conference report on H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa (H. Rept. 106–606); and

H. Res. 489, waiving points of order against the conference report to accompany H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa (H. Rept. 106–607). **Pages H2514–52, H2605**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Thomas A. Kuhn of Centerville, Ohio. **Page H2513**

Profound Sorrow on the Death of His Eminence John Cardinal O'Connor: The House agreed to H. Con. Res. 317, expressing the sense of the Congress on the death of John Cardinal O'Connor, Archbishop of New York. **Pages H2590–96**

Florida Keys Water Quality Improvements: The House passed H.R. 673, to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys by a yea and nay vote of 411 yeas to 7 nays, Roll No. 143.

Pages H2558–61, H2566–67

Agreed to the Committee amendment in the nature of a substitute made in order by the rule.

Page H2561

Agreed to:

Deutsch amendment that clarifies that EPA may make grants to agencies of municipalities of Monroe County, Florida and other appropriate public agencies of the State of Florida or Monroe County to improve water quality in the Florida Keys National Marine Sanctuary; and **Page H2561**

Traficant amendment that expresses the sense of Congress that grantees should purchase only American-made equipment and products and shall report any expenditures on foreign made items within 180 days of the expenditure. **Page H2561**

H. Res. 483, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H2555–57

Alternative Water Sources Act: The House passed H.R. 1106, to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development for the purpose of maximizing available water supply and protecting the environment through the development of alternative water sources by a yea and nay vote of 416 yeas to 5 nays, Roll No. 142. **Pages H2562–66**

Agreed to the Committee amendment in the nature of a substitute made in order by the rule.

Page H2566

Agreed to the Traficant amendment that expresses the sense of Congress that grantees should purchase only American-made equipment and products and shall report any expenditures on foreign made items within 180 days of the expenditure. **Pages H2565–66**

H. Res. 485, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H2557–58

Trade and Development Act: The House agreed to the conference report on H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa by a yea and nay vote of 309 yeas to 110 nays, Roll No. 145. **Pages H2577–89**

Agreed to H. Res. 489, the rule that waived points of order against the conference report by a voice vote. **Pages H2572–77**

Earlier, agreed to H. Res. 488, the rule that allowed the House to consider a rule for consideration of the conference report on the same day it was reported from the Committee on Rules, by a yea and nay vote of 301 yeas to 114 nays, Roll No. 144.

Pages H2567–72

Mexico-United States InterParliamentary Group: The Chair announced the Speaker's appointment of the following members of the House to the Mexico-United States InterParliamentary Group: Representative Ballenger, Vice Chairman, and Representatives Dreier, Barton of Texas, Ewing, Manzullo, Bilbray, Stenholm, Pastor, Filner, Roybal-Allard, and Faleomavaega, in addition to Representative Kolbe, appointed earlier as Chairman. **Page H2596**

Legislative Program: The Majority Leader announced the legislative program for the week of May 8. Page H2589

Meeting Hour—Monday, May 8: Agreed that when the House adjourns today, it adjourn to meet at 12:30 on Monday, May 8 for morning-hour debates. Page H2590

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, May 10. Page H2590

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H2566, H2566–67, H2571–72, and H2589. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 5:59 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Food and Drug Administration, and Related Agencies approved for full Committee action the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations for fiscal year 2001.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Military Personnel approved for full Committee action H.R. 4205, National Defense Authorization Act for Fiscal Year 2001.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Military Readiness approved for full Committee action, as amended, H.R. 4205, National Defense Authorization Act for Fiscal Year 2001.

FAIR CREDIT REPORTING AMENDMENTS ACT

Committee on Banking and Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on the Fair Credit Reporting Act and its application to employers investigating alleged employee misconduct and on H.R. 3408, Fair Credit Reporting Amendments Act of 1999. Testimony was heard from Ida Castro, Chairman, EEOC; Debra Valentine, General Counsel, FTC; and public witnesses.

"ACCOUNTING FOR BUSINESS COMBINATIONS: SHOULD POOLING BE ELIMINATED?"

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing on "Accounting for Business Combinations: Should Pooling Be Eliminated?" Testimony was heard from Representatives Goodlatte and Dooley of California; and public witnesses.

OERI—OPTIONS FOR THE FUTURE

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth, and Families held a hearing on Options for the Future of OERI. Testimony was heard from C. Kent McGuire, Assistant Secretary, Office of Educational Research and Improvement, Department of Education; Reid Lyon, Chief, Child Development and Behavior Branch, National Institute of Child Health and Human Development, NIH, Department of Health and Human Services; and public witnesses.

"MISSING WHITE HOUSE E-MAILS: MISMANAGEMENT OF SUBPOENAED RECORDS"

Committee on Government Reform: Continued hearings on "White House E-Mails: Mismanagement of Subpoenaed Records, Day Four". Testimony was heard from Mark Lindsay, Assistant to the President, Management and Administration; Beth Nolan, Counsel to the President; Dimitri Nionakis, Associate Counsel to the President; Charles F.C. Ruff, former White House Counsel; and Cheryl Mills, former Deputy White House Counsel.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported, as amended, H.R. 4118, Russian-American Trust and Cooperation Act of 2000.

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H. Con. Res. 251, commending the Republic of Croatia for the conduct of its parliamentary and presidential elections; and H.R. 4249, Cross-Border Cooperation and Environmental Safety in Northern Europe Act of 2000.

INTERNET NONDISCRIMINATION ACT

Committee on the Judiciary: Ordered favorably reported, as amended, H.R. 3709, Internet Nondiscrimination Act.

WIRELESS TELECOMMUNICATIONS SOURCING AND PRIVACY ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on

H.R. 3489, Wireless Telecommunications Sourcing and Privacy Act. Testimony was heard from Representative Pickering; and public witnesses.

OVERSIGHT—MINERAL RIGHTS AND FEDERAL EMPLOYEE PAYMENTS

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing to examine the laws, policies, practices, and operations of the Department of the Interior, Department of Energy, and other agencies pertaining to payments to their employees, including payments relative to mineral royalty programs and policies from public lands and Indian lands. Testimony was heard from Bernard Kritzer, oil valuation expert, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 2875, to amend the Klamath River Basin Fishery Resources Restoration Act to provide for tribal representation on the Klamath Fishery Management Council, to clarify allocation of the annual tribal catch. Testimony was heard from Representative Herger; Michael Anderson, Deputy Assistant Secretary, Indian Affairs, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 1751, Carrizo Plain National Conservation Act of 1999; and H.R. 4115, to authorize appropriations for the United States Holocaust Memorial Museum. Testimony was heard from Representatives Capps and Thomas; Molly McUsic, Counselor to the Secretary, Department of the Interior; Sara J. Bloomfield, Director, U.S. Holocaust Memorial Museum; and a public witness.

CONFERENCE REPORT—TRADE AND DEVELOPMENT ACT OF 2000

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 434, Trade and Development Act of 2000, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Crane and Royce.

WORK OPPORTUNITY TAX CREDIT REFORM AND IMPROVEMENT ACT

Committee on Small Business: Subcommittee on Tax, Finance, and Exports held a hearing on ''Making the Work Opportunity Tax Credit a Success for Small Business'', focusing on H.R. 2101, Work Opportunity Tax Credit Reform and Improvement Act of 1999. Testimony was heard from Representatives Rangel and Weller; Roger Littlejohn, Coordinator, Work Opportunity Tax Credit Program, Department of Labor and Workforce Development, State of Tennessee; and public witnesses.

PREPAREDNESS AGAINST TERRORISM ACT

Committee on Transportation and Infrastructure: Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on H.R. 4210, Preparedness Against Terrorism Act of 2000. Testimony was heard from James Lee Witt, Director, Federal Emergency Management Agency; Charles Cragin, Acting Under Secretary, Personnel and Readiness, Department of Defense; Dale Watson, Assistant Director, Counterterrorism Activities Division, FBI, Department of Justice; and public witnesses.

SOCIAL SECURITY REPRESENTATIVE PAYEES

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Social Security representative payees. Testimony was heard from the following officials of the SSA: Susan M. Daniels, Deputy Commissioner, Disability and Income Security Programs; and James G. Huse, Jr., Inspector General; and public witnesses.

STATE DEPARTMENT SECURITY AND COUNTERINTELLIGENCE PRACTICES

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on State Department Security and Counterintelligence Practices. Testimony was heard from departmental witnesses.

Joint Meetings

SUB-SAHARA AFRICA TRADE

Conferees on Wednesday, May 3, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D412)*

H.R. 1615, to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment. Signed May 2, 2000. (P.L. 106–192)

H.R. 1753, an act to provide the research, identification, assessment, exploration, and development of methane hydrate resources. Signed May 2, 2000. (P.L. 106–193)

H.R. 3090, to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation. Signed May 2, 2000. (P.L. 106–194)

H.J. Res. 86, recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war. Signed May 2, 2000. (P.L. 106–195)

S. 1567, to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the "C.B. King United States Courthouse". Signed May 2, 2000. (P.L. 106–196)

S. 1769, to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995. Signed May 2, 2000. (P.L. 106–197)

COMMITTEE MEETINGS FOR FRIDAY, MAY 5, 2000

Senate

No meetings/hearings scheduled.

House

Committee on Government Reform, Subcommittee on the Census, oversight hearing of the 2000 Census: Status of Non-Response Follow-up, 10 a.m., 2247 Rayburn.

Subcommittee on the District of Columbia, hearing on "For Better or Worse? An Examination of the State of the District of Columbia's Child and Family Services Receivership;" followed by markup of H.R. 3995, District of Columbia Receivership and Accountability Act of 2000, 2 p.m., 2154 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of May 8 through May 13, 2000

Senate Chamber

On *Monday,* Senate will resume consideration of S. 2, Elementary and Secondary Reauthorization. At 3 p.m., Senator Lott will be recognized to offer the Lott/Gregg amendment.

During the remainder of the week, Senate expects to continue consideration of S. 2, Elementary and Secondary Reauthorization, any other cleared legislative and executive business, including the Conference Report on H.R. 434, African Growth and Opportunity Act/Trade and Development Act.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: May 9, business meeting to mark up proposed legislation making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001; proposed legislation making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001; and proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2001, 10 a.m., SH–216.

Committee on Armed Services: May 9, closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense, 9:30 a.m., SR–222.

May 10, Full Committee, closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: May 9, to hold hearings on the China and World Trade Organization agreement and financial services, 9 a.m., SD–538.

May 11, Full Committee, to hold hearings on the nomination of 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; and the nomination of Nuria I. Fernandez, of Illinois, to be Federal Transit Administrator, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: May 11, to hold hearings to examine pipeline safety, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: May 10, Subcommittee on Forests and Public Land Management, to hold oversight hearings on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning, 2:30 p.m., SD–366.

May 11, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 1367, to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; S. 1617, to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; S. 1670, to revise the boundary of Fort Matanzas National Monument; S. 2020, to adjust the boundary of the Natchez Trace Parkway, Mississippi; S. 2478, to require the Secretary of the Interior to conduct a theme study on the peopling of America; and S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, 2:30 p.m., SD–366.

Committee on Environment and Public Works: May 11, to hold hearings on the Administration's legislative proposal on the Comprehensive Everglades Restoration Plan, 9:30 a.m., SD–406.

May 11, Full Committee, to continue hearings on the Administration's legislative proposal on the Comprehensive Everglades Restoration Plan, 2 p.m., SD–406.

Committee on Foreign Relations: May 10, Subcommittee on International Operations, to hold hearings to examine the United Nations state of efficacy and reform, 10:30 a.m., SD–419.

May 10, Full Committee, to hold hearings on pending nominations, 2 p.m., SD–419.

May 11, Full Committee, to hold hearings on the nomination of John R. Dinger, of Florida, to be Ambassador to Mongolia; the nomination of Edward William Gnehm, Jr., of Georgia, to be Ambassador to Australia; the nomination of Douglas Alan Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic; the nomination of Susan S. Jacobs, of Virginia, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to Solomon Islands, and as Ambassador to the Republic of Vanuatu; and the nomination of Michael J. Senko, of the District of Columbia, to be Ambassador to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati, 10 a.m., SD–419.

Committee on Governmental Affairs: May 9, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the performance management in the District of Columbia, 9:30 a.m., SD–342.

May 10, Full Committee, to hold hearings on the nomination of Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; the nomination of Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, 9:30 a.m., SD–342.

May 12, Full Committee, to hold hearings on the nomination of Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics, 10 a.m., SD–342.

Committee on Indian Affairs: May 10, to hold hearings on proposed legislation authorizing funds for programs of the Indian Health Care Improvement Act, 9:30 a.m., SR–485.

Committee on the Judiciary: May 9, Subcommittee on Criminal Justice Oversight, to hold hearings to examine Caribbean drug trafficking, 10 a.m., SD–226.

May 9, Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

May 10, Subcommittee on Administrative Oversight and the Courts, to hold oversight hearings on 1996 campaign finance investigations, 11 a.m., SD–226.

United States Senate Caucus on International Narcotics Control: May 9, to hold hearings on the domestic consequences of heroin use, 10 a.m., SD–628.

House Chamber

To be announced.

House Committees

Committee on Appropriations, May 8, Subcommittee on Transportation, to mark up appropriations for fiscal year 2001, 5 p.m., 2358 Rayburn.

May 9, full Committee, to mark up the following: a report on the Suballocation of Budget Allocations for fiscal year 2001; and the Military Construction and Legislative Branch appropriations for fiscal year 2001, 10 a.m., 2359 Rayburn.

Committee on Armed Services, May 9, Subcommittee on Military Procurement, to mark up H.R. 4205, National Defense Authorization Act for Fiscal Year 2001, 1 p.m., 2118 Rayburn.

May 9, Subcommittee on Research and Development, to mark up H.R. 4205, National Defense Authorization Act for Fiscal Year 2001, 4 p.m., 2118 Rayburn.

May 10, full Committee, to mark up H.R. 4205, National Defense Authorization Act for Fiscal Year 2001, 10 a.m., 2118 Rayburn.

Committee on Banking and Financial Services, May 11, hearing on Permanent Normal Relations for China: Impact on U.S. Financial Community, 10 a.m., 2128 Rayburn.

Committee on Commerce, May 9, Subcommittee on Health and Environment, hearing on Saving Lives: The Cardiac Arrest Survival Act; and to mark up H.R. 2498, Cardiac Arrest Survival Act of 1999, 10 a.m., 222 Rayburn.

May 10, Subcommittee on Energy and Power, hearing on National Energy Policy: Ensuring Adequate Supply of Natural Gas and Crude Oil, 10 a.m., 2322 Rayburn.

May 11, Subcommittee on Finance and Hazardous Materials, to continue hearings on Competition in the New Electronic Market: Part II, 10 a.m., 2123 Rayburn.

May 11, Subcommittee on Health and Environment, hearing on H.R. 3250, Health Care Fairness Act of 1999, 11:30 a.m., 2322 Rayburn.

Committee on Education and the Workforce, May 9, Subcommittee on Employer Employee Relations, hearing on H.R. 1093, Public Safety Employer-Employee Cooperation Act of 1999, 10:30 a.m., 2175 Rayburn.

May 10, full Committee, to mark up H1–B User Fees for Job Training Programs, 10:30 a.m., 2175 Rayburn.

May 11, Subcommittee on Early Childhood, Youth, and Families, hearing on Authorization of the National Center for Education Statistics, National Assessment of Educational Progress, and National Assessment Governing Board, 10 a.m., 2175 Rayburn.

Committee on Government Reform, May 10, Subcommittee on National Security, Veterans Affairs and International Relations, hearing on Joint Strike Fighter (JSF) Acquisition Reform: Will it Fly? 10 a.m., 2247 Rayburn.

May 11, Subcommittee on the Census, oversight hearing of the 2000 Census: Non-Response Follow-up and Other Key Operations, 10 a.m., 2247 Rayburn.

Committee on International Relations, May 9, Subcommittee on Africa, hearing on Africa's Diamonds: Precious, Perilous Too? 10 a.m., 2172 Rayburn.

May 10, full Committee, hearing on Granting Permanent Normal Relations (PNTR) Status to China: Is It in the U.S. National Interest? 10 a.m., 2172 Rayburn.

Committee on the Judiciary, May 9, to mark up the following bills: H.R. 4034, Patent and Trademark Office Reauthorization Act; H.R. 4227, Technology Worker Temporary Relief Act; and H.R. 2987, Methamphetamine Anti-Proliferation Act of 1999, 10 a.m., 2141 Rayburn.

May 11, Subcommittee on Crime, hearing on the following bills: H.R. 894, No Second Chances for Murderers, Rapists, or Child Molesters Act of 1999; H.R. 4045, Matthew's Law; H.R. 4047, Two Strikes and You're Out Child Protection Act; and H.R. 4147, Stop Material Unsuitable for Teens Act, 1:30 p.m., 2226 Rayburn.

Committee on Resources, May 9, Subcommittee on National Parks and Public Lands, hearing on the following bills: H.R. 2267, Willing Seller Amendments of 1999 to the National Trails System Act; H.R. 2409, El Camino Real de los Tejas National Historic Trail Act of 1999; and H.R. 4086, to amend the National Trails System Act to require that property owners be compensated when certain railbanked trails are developed for purposes of public use, 10 a.m., 1324 Longworth.

May 11, full committee, hearing on H.R. 3288, Valles Caldera Preservation Act, 2 p.m., 1324 Longworth.

May 11, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 3118, to direct the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act that authorize States to establish hunting seasons for double-crested cormorants; H.R. 4070, to direct the Secretary of the Interior to correct a map relating to the Coastal Barrier Resources System Unit P31, located near the city of Mexico Beach, Florida; and H.R. 4318, Red River National Wildlife Refuge Act, 10 a.m., 1334 Longworth.

May 11, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 3388, Lake Tahoe Restoration Act; and S. 1288, Community Forest Restoration Act, 10 a.m., 1324 Longworth.

May 11, Subcommittee on Water and Power, hearing on H.R. 3112, Colorado Ute Settlement Act Amendments of 1999, 2 p.m., 1334 Longworth.

Committee on Science, May 9, Subcommittee on Basic Research, hearing on the Internet, Distance Learning and the Future of the Research University, 2 p.m., 2318 Rayburn.

May 10, Subcommittee on Space and Aeronautics, hearing on Fiscal Year 2001 Budget Request: NASA's Earth Science Program, 2 p.m., 2318 Rayburn.

May 11, full Committee, to continue hearings on NASA's Mars Program after the Young Report, Part II, 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, May 11, to mark up H.R. 4268, Veterans and Dependents Millennium Education Act, 10 a.m., 334 Cannon.

May 11, Subcommittee on Oversight and Investigations, hearing on the Department of Veterans Affairs Information Technology (IT) program, 11 a.m., 334 Cannon.

Committee on Ways and Means, May 9 and 11, Subcommittee on Social Security, hearings to examine the increasing use and misuse of Social Security numbers, 10 a.m., on May 9 and 2 p.m., on May 11, 1100 Longworth.

May 11, Subcommittee on Health, hearing on the Administration's prescription drug proposal, 9:30 a.m., 1100 Longworth.

Next Meeting of the **SENATE**

1 p.m., Monday, May 8

Senate Chamber

Program for Monday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 3 p.m.), Senate will continue consideration of S. 2, Elementary and Secondary Education Reauthorization, with Senator Lott being recognized to offer the Lott/Gregg amendment.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Monday, May 8

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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